

2002 APEC HANDBOOK

ON

NOTIFICATION AUTHORITIES

AND

NATIONAL ENQUIRY POINTS

UNDER THE

TECHNICAL BARRIERS TO TRADE

AND

SANITARY AND PHYTOSANITARY

AGREEMENTS

OF THE

WORLD TRADE ORGANIZATION

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Author's Notes

Throughout this document references are made to resources and web sites that are subject to change. In particular many of the WTO documents referenced are subject to review and the author accepts no responsibility for changes of meaning or content in such documents. As at 8 February 2002 all links and references were checked and found to be valid.

When reading this document in electronic format, footnotes and endnotes may be viewed in full on-screen if the cursor is rested over the endnote number. Endnotes are designated with roman numerals and in many cases contain the full unformatted text of Agreement articles.

If when resting the cursor over an endnote the phrase "Current Document" appears, it indicates an identical endnote that has been used earlier in the document. Clicking the endnote will jump you to the first instance of the endnote where the endnote may be viewed as indicated above.

When this Handbook uses the terms "country" or "countries", "Member" or "national" it is in a WTO context. The terms "economy" and "economies" are used whenever the context is APEC related or not specific to any particular organization.

PART I – What it is all about

1.1 Introduction and Scope

- 1.1.1 This Handbook is intended to facilitate the establishment and effective operation of Enquiry Points and Notification Authorities required by the WTO Agreements on Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary Measures (SPS).
- 1.1.2 It is a practical guide for Asia-Pacific Economic Cooperation (APEC) economies with suggestions on the establishment, functionality and processes for Enquiry Points and Notification Authorities. It is neither a legal interpretation of the Agreements, nor a framework for an ideal Enquiry Point or Notification Authority: the structure and procedures for each of these is a matter for each economy to make their own decisions on.
- 1.1.3 The information provided is drawn from WTO resources, and the experience and expertise of existing Enquiry Points and Notification Authorities. Links are provided to facilitate easy access to resources available on the internet and copies of relevant forms.
- 1.1.4 The requirements of the TBT and SPS Agreements in relation to Enquiry Points and Notification Authorities are not complex and do not need large resources and bureaucracies. For many WTO Members, the essential legal functions could be accomplished by one person with a fax machine. However, for a Member to benefit from its rights as well as its obligations under the Agreements, it is important that the Enquiry Point and/or Notification Authority develop a close co-operative relationship with the export and import sectors. The extent to which this basic service is enhanced is dependant on available resources.
- 1.1.5 This Handbook should be read in conjunction with a copy of each agreement at hand, although extracts are provided of relevant clauses in the Endnotes.

1.2 Definitions used in this Handbook

- 1.2.1 Definitions for terms in this Handbook are the same as those in the WTO TBT and SPS Agreements. See [Annex 1](#)¹ in the TBT Agreement and [Annex A](#)² in the SPS Agreement.

1.3 Provisions for Enquiry Points and Notification Authorities in the SPS and TBT Agreements

1.3.1 Summary of the purpose of the SPS and TBT Agreements

- 1.3.1.1 A summary of the background to and purpose of the [TBT](#)ⁱ and [SPS](#)ⁱⁱ Agreements is available on the WTO web site.

¹ http://www.wto.org/english/tratop_e/tbt_e/Annex_1

² http://www.wto.org/english/tratop_e/sps_e/Annexa

1.3.2 The difference between Enquiry Points and Notification Authorities

- 1.3.2.1 In both the TBT and SPS Agreements provision is made for the establishment of both Enquiry Points and Notification Authorities. Enquiry Points respond to questions and Notification Authorities notify proposed measures. Under the TBT and SPS Agreements specific mention is made that the Notification Authority must be a single central government authority. In practice, on the SPS side there has been a tendency for the Notification Authority to also retain the role of Enquiry Point. This tendency is not as strong in the TBT area, with many governments choosing to delegate their Enquiry Point functions to one or more specialist agencies, such as the national standards body.
- 1.3.2.2 The structure within any one economy for delivering the Enquiry Point function is a matter for the economy to decide for itself.

1.3.3 Establishment and responsibilities of a TBT Notification Authority

- 1.3.3.1 In the TBT Agreement [Article 10.10](#)ⁱⁱⁱ requires a single central government authority to be responsible for notification procedures.
- 1.3.3.2 More than one Notification Authority is permitted for legal or administrative reasons, under [Article 10.11](#)^{iv}.
- 1.3.3.3 The TBT Agreement does not preclude the TBT Enquiry Point and the TBT Notification Authority from being the same body, and there are advantages to be gained if one body undertakes both functions. These include reduced staffing, faster processing from a reduced need to hand work from one body to another, the benefits of a wider view of the TBT world, and central government only needs to fund one body.
- 1.3.3.4 The notification requirements for technical regulations and conformity assessment procedures under the TBT Agreement are contained in Articles [2.9](#)^v, [2.10](#)^{vi}, [3.2](#)^{vii}, [5.6](#)^{viii} and [5.7](#)^{ix}.
- 1.3.3.5 [Article 10.8](#)^x states that nothing in the Agreement shall be construed as requiring the publication of texts, the provision of particulars or copies of drafts, other than in the language of the notifying WTO Member. The exception to this is in [Article 10.5](#)^{xi}.
- 1.3.3.6 [Article 10.9](#)^{xii} requires notifications to the TBT Secretariat to be in one of three languages: English, French or Spanish.

1.3.4 Establishment and responsibilities of an SPS Notification Authority

- 1.3.4.1 [Article 7](#)^{xiii} of the SPS Agreement requires that *“Members shall notify changes in their sanitary or phytosanitary measures ... in accordance with the provisions of Annex B”*.
- 1.3.4.2 [Paragraph 10](#)^{xiv} of Annex B of the SPS Agreement sets out the requirements for SPS Notification Authorities. Like the TBT Agreement, it is a requirement that the Notification Authority be a central government authority, but unlike

the TBT Agreement, there can only be one Notification Authority under the SPS.

1.3.4.3 The notification procedures for SPS measures are set out in paragraphs 5^{xv}, 6^{xvi}, 7^{xvii} and 8^{xviii} of [Annex B](#).

1.3.4.4 The SPS Agreement does not preclude the SPS Enquiry Point and the SPS Notification Authority from being the same body.

1.3.5 Establishment and responsibilities of a TBT Enquiry Point

1.3.5.1 [Article 10.1](#)^{xix} of the TBT Agreement states that Members shall ensure the existence of an Enquiry Point.

1.3.5.2 Articles [10.1](#)^{xix} and [10.3](#)^{xx} focus on the provision of information (and in some cases documents) regarding:

- Technical Regulations³
- Mandatory and voluntary Standards⁴
- Mandatory and voluntary Conformance Assessment procedures⁵
- Membership in international and regional standardizing bodies and conformance assessment systems, as well as bilateral and multilateral arrangements⁶
- Location of notices⁷, and
- Location of Enquiry Points⁸

1.3.5.3 More than one Enquiry Point is permitted for legal or administrative reasons, under [Article 10.2](#)^{xxi}. An important requirement of this article is communication. When providing the addresses of multiple Enquiry Points to the WTO, it is important to include complete and unambiguous information on the scope and responsibility of each Enquiry Point. It is also important that Enquiry Points coordinate to ensure that all enquiries are answered, even if they are initially received by an Enquiry Point not responsible for the topic in question.

1.3.5.4 Other requirements that are not specifically linked to the operation of Enquiry Points, but which Enquiry Points need to abide by when providing documents are:

³ Article 10.1.1
⁴ Articles 10.1.2 and 10.3.1
⁵ Articles 10.1.3 and 10.3.2
⁶ Articles 10.1.4 and 10.3.3
⁷ Article 10.1.5
⁸ Article 10.1.6

¹⁵ In this context “nationals” are deemed, in the case of a separate customs territory Member of the WTO, to mean persons, natural or legal, who are domiciled or who have a real and effective industrial or commercial establishment in that customs territory – Footnote One to the TBT Agreement.

- [Article 10.4](#)^{xxii} ensures that other WTO Members are not charged more for documents, apart from the cost of delivery, than are nationals¹⁵ within the territory of the Member notifying.
- [Article 10.5](#)^{xi} deals with the provision of translations, in English, French or Spanish, of notified documents¹⁶.

1.3.6 Establishment and responsibilities of an SPS Enquiry Point

1.3.6.1 Paragraph 3^{xxiii} in [Annex B](#) requires one Enquiry Point to answer all reasonable questions from Members and provide relevant documents regarding a very specific set of subjects.

1.3.6.2 Paragraph 4^{xxiv} of Annex B gives an additional requirement that is not specifically linked to the operation of an SPS Enquiry Point, but which an SPS Enquiry Point needs to comply with when providing documents. The effect of this paragraph is to ensure that other WTO Members are not charged more for documents, apart from the cost of delivery, than are nationals of the Member notifying.

1.3.7 Other Notification Requirements under the TBT Agreement.

1.3.7.1 During the preparation of this document it became apparent that two further classes of notification under the Agreement required some form of clarification. They are:

- [Article 10.7](#)^{xxv}, which requires agreements¹⁷ between a WTO Member and one or more countries to be notified to the WTO by at least one party to the agreement, to give other Members the opportunity to negotiate similar agreements. A major objective of this requirement is transparency, with the view to providing opportunity to negotiate similar agreements if desired.
- Advising the TBT Committee on the measures in place, implemented or altered, to ensure compliance with the TBT Agreement ([Article 15.2](#)^{xxvi})¹⁸.

¹⁶ Section III, Subsection 4 of WTO Document [G/TBT/1/Rev.7](#) expands on Article 10.5. When a translation of a relevant document exists or is planned, this fact shall be indicated on the WTO TBT notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available shall be similarly indicated. Upon receipt of a request for documents, any translated summaries that exist in the language of the requester or, as the case may be, in a WTO working language, shall be automatically sent with the original of the documents requested.

¹⁷ Agreements on issues related to technical regulations, standards or conformity assessment procedures that may have a significant effect on trade of the products to be covered by the agreement and include a brief description of the agreement. Members concerned are encouraged to enter, upon request, into consultations with other Members for the purposes of concluding similar agreements or of arranging for their participation in such agreements.

¹⁸ The TBT Committee has given advice on the information recommended as appropriate for this Article in Section II of [G/TBT/1/Rev.7](#). The Czech Republic provide an example of an Article 15.2 notification (see [G/TBT/2/Suppl.1](#)).

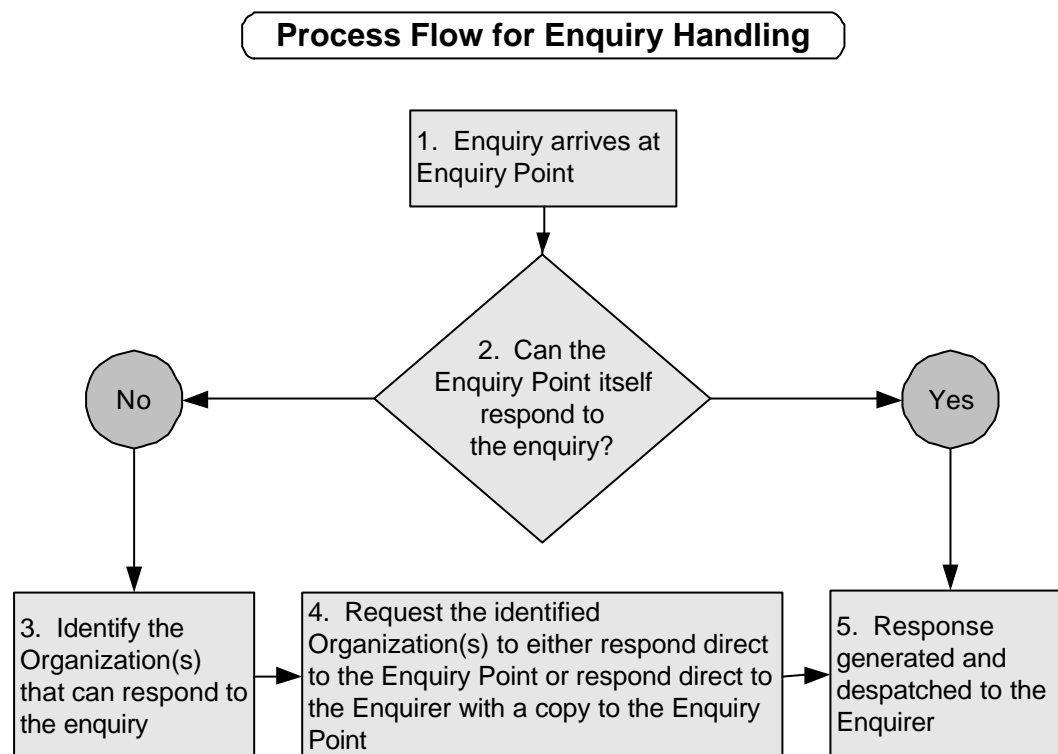
PART II – Operational matters - How it is done

2.1 Establishing procedures

- 2.1.1 Once an Enquiry Point or Notification Authority has been established it is important to undertake the appropriate responsibilities in an orderly and consistent manner. A set of operational procedures will greatly assist with this. Operational procedures should always be up to date and should be revised as necessary. To ensure confidence in the document, it is good practice to show the latest revision date on each page of each procedure, so that it becomes a “controlled document”¹⁹.
- 2.1.2 Established and tested procedures make it easier to train new staff and ensure that organizational knowledge is not lost if a staff member leaves.

¹⁹ The [Dirección General de Normas](#), Mexico, provides an example of a national standards body that fulfils the function of the Enquiry Point, and whose procedures are certified to the ISO 9002 quality standard.

2.2 Dealing with requests for information



2.2.1 These steps are generic to both the TBT and SPS notification process. In the case of TBT, [Section IV of WTO Document G/TBT/1/Rev.7](#) contains information and recommendations about handling enquiries. For SPS enquiries, detailed comment and instruction is provided in Chapter IV of the WTO Handbook titled [“How to Apply the Transparency Provisions of the SPS Agreement”](#).

2.2.2 Step 1: Enquiry arrives at the Enquiry Point

2.2.2.1 It is important to realize that an Enquiry Point will not be the only organization to which requests are directed. Enquirers will often direct their needs to other organizations, and those organizations are within their rights to respond.

2.2.2.2 The Enquiry Point should manage enquiries that arrive at the Enquiry Point and that fall within the TBT and SPS Agreements. Enquiry Points with many requests current at one time should also consider logging and tracking incoming requests.

2.2.3 Step 2: Can the Enquiry Point itself respond to the enquiry?

2.2.3.1 Enquiry Point itself need not provide the response if it is not available within its resources. If the information required is not available internally the Enquiry Point should ensure that a relevant organization does respond.

2.2.4 Step 3: Identification of who should respond

2.2.4.1 The Enquiry Point should keep information on government departments, local government offices, standards bodies and conformity assessment bodies to assist in identifying appropriate organizations capable of responding to a particular enquiry.

2.2.5 Step 4: Initiation of the response by a third party

2.2.5.1 The enquiry should be sent to the appropriate person or division within the selected organization with a request that it be answered *either* directly to the enquirer with a copy sent to the Enquiry Point, *or* for the response to be sent to the Enquiry Point for forwarding to the enquirer. [Annex H](#) contains a generic cover letter that could accompany the request for a response.

2.2.6 Step 5: Despatch of response

2.2.6.1 If the Enquiry Point can provide the answer from its own knowledge and resources, the response should be generated promptly. The enquiry should be closed off once a response has been despatched to the enquirer.

2.2.6.2 To facilitate the responsiveness of Enquiry Points it is recommended that a copy of the response be also sent to the Enquiry Point in the enquirer's economy.

2.2.6.3 Although the Agreements do not require it, ideally the response should be delivered by a means at least as fast as the means by which the request was received. When bulky documents are despatched, consideration should be given to the use of mail (surface or air), diplomatic mission bags, or courier, with the degree of urgency being a major factor in the decision.

2.2.7 Points to consider

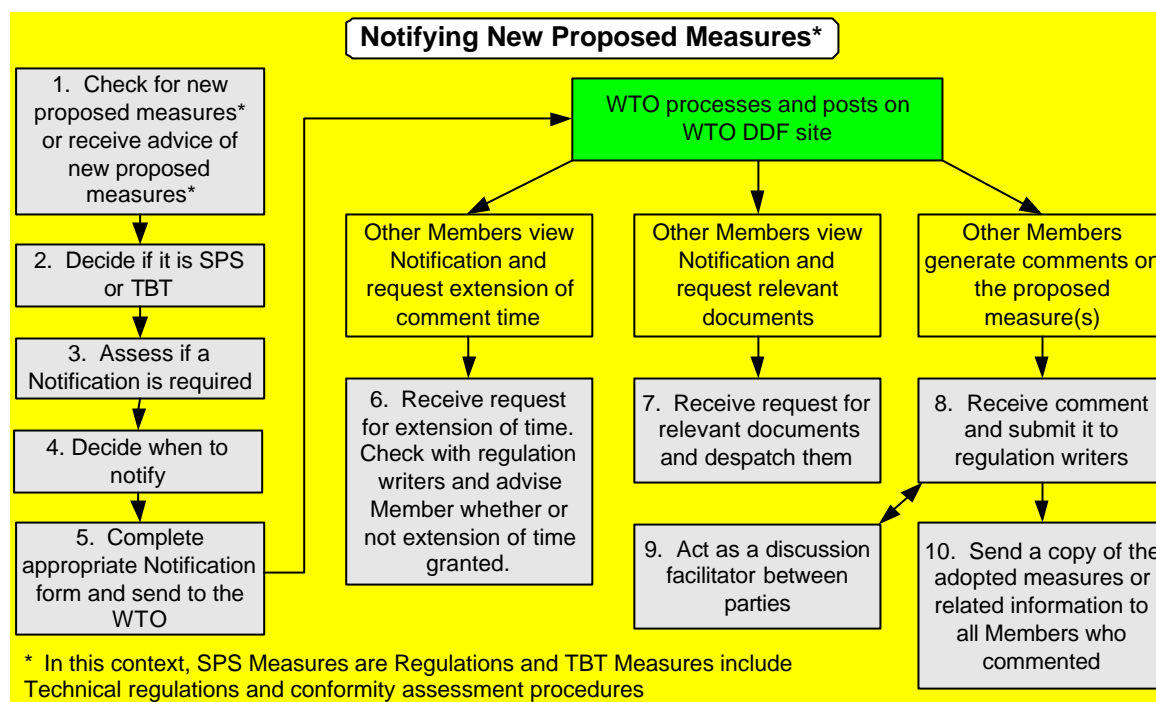
2.2.7.1 Timeliness: A reasonable time²⁰ should be allocated in which to obtain a response when a third party is requested to generate it. As the time allocated to obtain a response nears expiry, the status of the request should be checked (a progress report obtained). The enquirer should be kept informed if there has been an undue time lapse²¹ between the enquiry being generated and the response delivered.

2.2.7.2 Charging: If there is an unavoidable charge, WTO Members may not charge more to respond to another Member's requests than to domestic requests^{xxii}. Members are encouraged not to charge the enquirer for delivery (it is often not economic to process charges).

²⁰ What is "reasonable" is not defined but should be consistent, and take into account factors such as urgency issues and complexity of the question(s). There should not be any difference between the response time allocated to a foreign request and a national request.

²¹ "Undue time lapse" is different from "Reasonable" as discussed above, and takes into account the enquirer's expectations. Factors such as delays between the enquirer sending the request and it being received (or action on it starting), communication channel (letter vs. email), and complexity of the enquiry should be included in deciding if there has been undue delay between the enquirer's despatch of the enquiry and the enquirer's receipt of the answer.

2.3 Dealing with Notifications



2.3.1 These steps are generic to both the SPS and TBT notification process. In the case of SPS notifications, detailed comment and instruction is provided in the WTO Handbook titled [“How to Apply the Transparency Provisions of the SPS Agreement”](#). For TBT, [Section III of WTO Document G/TBT/1/Rev.7](#) contains detailed instruction on the notification process.

2.3.2 Step 1: Find out about newly proposed measures

2.3.2.1 In order to maximize the time available for WTO Members to comment, it is important to be aware of upcoming measures and make any necessary notifications as soon as the comment period is open. It is beneficial if the Notification Authority is a subscriber to the central government register of proposed legislation and governance records. With easy access to this information, the Notification Authority can regularly monitor for indications of proposed new measures, changes to existing measures, and information about when it is appropriate to notify these measures. Without access to this information, the Notification Authority will be dependant on authorities advising it of newly proposed measures, with the consequent risk of measures not being notified or notified late.

Example: - USA Enquiry Point: In order to identify proposed regulations that might potentially affect trade, the Enquiry Point regularly reviews the Federal Register, the publication which includes all proposed U.S. Government regulations and revisions of regulations. Any such proposals are notified to the WTO Secretariat by email using the required procedure.

2.3.2.2 The Second Triennial Review of the TBT Agreement noted a low level of notifications of technical regulations and conformity assessment procedures

of local governments at the level immediately below that of the central government. It is important that the Notification Authority/Enquiry Point explain the obligations of the Agreement to their central and local government bodies to ensure that all appropriate measures are notified.

2.3.3 Step 2: Decide if the measure comes under the TBT or SPS Agreement

2.3.3.1 The decision to notify a measure can be considered in two stages. The first is to determine which Agreement the measure is subject to. Refer to [Annex B](#) for guidance on this determination.

2.3.3.2 Note, in some cases the measure may contain both TBT and SPS type regulations and so be broad enough to be subject to both the TBT and SPS Agreements.

2.3.4 Step 3: Is a notification to the WTO required?

2.3.4.1 Refer to [Annex C](#) for a process flow for deciding if it is necessary to notify a proposed new measure.

2.3.5 Step 4: When to notify

2.3.5.1 It is important to make the notification when a draft with the complete text of the proposed measure is available and amendments can still be introduced and comments taken into account.²² Allow reasonable time for comments to be written, submitted and considered. A target period of at least 60 days for comments to be prepared and submitted is recommended²³.

2.3.5.2 Note that there is provision in the Agreements for measures brought into force in urgent circumstances to be notified immediately upon adoption.

2.3.6 Step 5: Writing the notification

2.3.6.1 Complete the official notification forms. There are three, which are revised from time to time. Always use the most recently revised form by checking the WTO [Documents online](#) site on a regular basis:

- [TBT Notification form](#) for all TBT notifications whether routine or urgent. Detailed instruction on how to complete the TBT notification form is contained in [Section III: Notification Procedures, G/TBT/1/Rev.7](#).
- [SPS Routine Notification form](#) for the notification of routine measures when implementing the provisions of Paragraph 5^{xv} of Annex B. Detailed

²² Section III, Subsection 2 of G/TBT/1/Rev.7 (See [Annex A](#)) and Section B of G/SPS/7/Rev.1

²³ An alternative which is acceptable to the SPS Committee is for a country, if necessary, to indicate in its notification that it will proceed to implement the proposed measure after 45 days if no comments or requests for extensions of time have been received within that time. For proposed measures which facilitate trade, members may reduce or eliminate the comment period. – G/SPS/7/Rev.1

instruction on how to complete the routine notification form is contained in Section F of [G/SPS/7/Rev.1](#)²⁴.

- [SPS Emergency Measures Notification form](#) for use when urgent problems of health protection arise or threaten to arise for the WTO Member concerned (Paragraph 6^{xxix} of Annex B). Detailed instruction on how to complete the emergency measures notification form is contained in Section G of [G/SPS/7/Rev.1](#)²⁴.

2.3.6.2 The information supplied in Notification forms should be as complete as possible and no section of the designated Notification form should be left blank. In particular, WTO Members are reminded that under item 4 of the TBT notification form, tariff item (HS or CCCN) numbers are required, and ICS numbers may be included²⁵. Similarly under item 3 of the SPS notification forms tariff item numbers are required and ICS numbers may be included.

2.3.6.3 The Customs Co-operation Council Nomenclature (CCCN) was a numeric description of goods. However the Customs Co-operation Council is now part of the World Customs Organization(WCO), which uses the Harmonized Commodity Description and Coding System (HS). The use of the HS number system in each notification assists with identification of the products that are affected by the measure. When the notification is from another member, the HS numbers enable the Enquiry Point or Notification Authority to advise interested parties about the notification. Details of the HS and ICS numbering systems are found at the following links:

- [Tariff item \(HS\) numbering system](#)
- [International Classification for Standards \(ICS\) numbering system](#)

2.3.6.4 When a translation of a relevant document or a summary of it exists or is planned, this fact should be indicated on the WTO notification form. If a translation of a document or summary exists in the language of the requesting Member, or in the WTO working language²⁶ used by the requesting Member, it should be automatically sent with the original of the document requested. Where documents are not available in a WTO working language, developed country Members shall, upon request, supply a translation of the document, or in case of voluminous documents, a translation of a summary of the documents, in a WTO working language.²⁷

2.3.6.5 It is preferable that completed notifications are sent through the Member's official WTO delegation to the WTO Central Registry of Notifications (CRN) by e-mail: crn@wto.org. It is also possible to send notifications by fax or letter:

Central Registry of Notifications
WTO - Centre W. Rappard

²⁴ Use the WTO Document search facility at http://docsonline.wto.org/gen_search.asp to search for and download the latest version of this document.

²⁵ See WTO Document [G/TBT/W/153](#)

²⁶ English, French or Spanish.

²⁷ Section III, Subsection 4 of G/TBT/1/Rev.7 (See [Annex A](#)) and Section D of G/SPS/7/Rev. 1

154 rue de Lausanne
1211 Geneva 21
office 31 31
Fax: +41 22 739 56 38

Notification of Agreements with other countries:

A different form of Notification is required under [Article 10.7^{xxx}](#) of the TBT Agreement. This notification is made when agreement has been reached between a WTO Member and another country or countries on issues related to technical regulations, standards or conformity assessment procedures that may have a significant effect on trade. The form to be used is found in G/TBT/1/Rev.7, in [Section VII: Notification Format under Article 10.7](#).

2.3.7 Step 6: Responding to requests for extensions of comment period

2.3.7.1 All requests for extensions of time that are received before the closing date should be conveyed to the regulatory authority who should give it favorable consideration. [Annex I](#) contains a generic cover letter that could accompany the request from the Enquiry Point or Notification Authority to the regulatory authority. Section E of [G/SPS/7/Rev.1](#) states that an extension of at least 30 days should be provided upon request, whenever possible, and although not required this should also be applied to TBT notifications if possible. The decision should be promptly conveyed to the WTO Member requesting the extension. If the request has been declined, reasons for the decision should be provided. Members are encouraged to advise in a notification any extension of time²⁸ which has been granted to the WTO CRN.

2.3.8 Step 7: Responding to requests for notified documents

2.3.8.1 In order to facilitate the transparency of the Notification procedure, documents requested in relation to a WTO Member's notification should normally be provided within five working days. When this is not possible the request should be acknowledged with five working days and an estimate given of when the documents will be provided. To avoid any ambiguity or confusion, all documents supplied in relation to a notification should be identified with the Notification number. It is desirable to provide the full regulation or technical regulation in the interests of transparency.

2.3.8.2 WTO Members are encouraged where possible to use electronic means for making documents available. Documents attached to emails or made available for download from a web site are effective ways of increasing the time available for Members to prepare and submit comments. Canada has substantially reduced the number of requests requiring physical document transfer by providing a weblink direct to the documents referenced in the notification. This is facilitated through electronic links in emails and substantially saves time.

2.3.9 Step 8: Dealing with comments received from other WTO Members in response to Notifications

²⁸ Section III of G/TBT/1/Rev.7 ([See Annex A](#)).

- 2.3.9.1 Comments received by a notifying Member should without delay be delivered to the appropriate regulatory authority or conformity assessment procedure developers so that, if warranted, they can be the source of modifications to the notified regulation (SPS), technical regulation (TBT) or conformity assessment procedure (TBT). [Annex J](#) contains a generic cover letter that could accompany the comments when forwarded from the Notification Authority to the regulatory authority. The WTO Member submitting comments should also receive an acknowledgment that they have been received at the Notification Authority. The notification form specifies where the comments are to be sent. If this is not the Notification Authority, but the comments are received by the Notification Authority (or the Enquiry Point), they should be promptly forwarded to the correct authority.
- 2.3.9.2 It is recommended that a WTO Member receiving comments should explain to the Member sending the comments how it will proceed in order to take these comments into account and where appropriate provide additional relevant information on the proposed measures²⁹. Members should also make available to other interested Members comments received and the answers provided in relation to SPS Notifications³⁰.

2.3.10 Step 9: Act as discussion facilitator as required

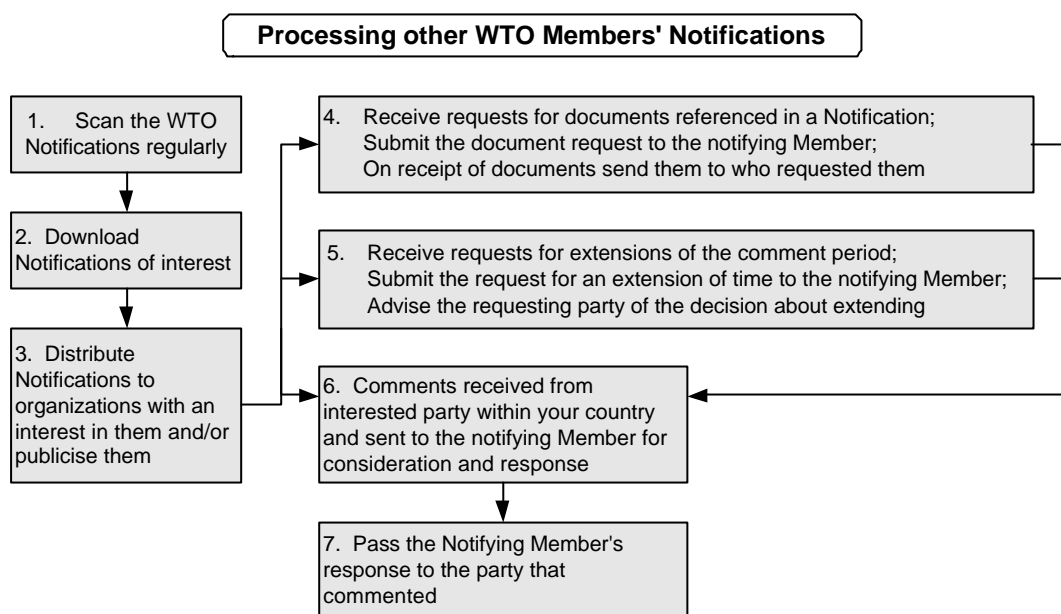
- 2.3.10.1 If requested by the WTO Member commenting, discussion about the proposed regulation or conformity assessment procedure should be entered into. This may require acting as a conduit for correspondence between the commenting Member and the organization or people developing the proposal. Extra information on the proposal might need to be provided to the commenting Member.

2.3.11 Step 10: Follow-up

- 2.3.11.1 Upon request a copy of the adopted measures could be sent to the commenting Member, or if the proposed measure does not proceed that fact should be communicated³⁰.

²⁹ Section III, Subsection 7 of G/TBT/1/Rev.7 (See [Annex A](#)) and Section E of [G/SPS/7/Rev.1](#)
³⁰ Section E of G/SPS/7/Rev.1

2.4 Dealing with other WTO Members' notifications



2.4.1 Take advantage of the information provided in other WTO Members' notifications. They give your economy the opportunity to research the impact that proposed measures might have on your trade with those Members and to submit comment.

2.4.2 Step 1: Scan for WTO Notifications

2.4.2.1 On a regular basis, review the new notifications posted by the WTO at http://docsonline.wto.org/gen_search.asp. To assist with the identification of new notifications, monthly summary lists of both TBT and SPS notifications are presented on the site above. Enter either of the following in the Document Symbol line of the search screen:

G/TBT/GEN*

G/SPS/GEN*

2.4.2.2 The SPS Secretariat offers a service to automatically deliver SPS Notifications³¹.

2.4.3 Step 2: Obtain copies

2.4.3.1 Select and download those notifications that may have an impact on trade with your economy. Many Members download all recent notifications as a service to their exporters. They can be grouped and downloaded as a compressed self-extracting .exe file to speed the download process. An ordered system for storing the notifications on your computer will greatly assist with keeping track of the notifications you download.

³¹ To subscribe to this service send an email to listproc@list.unicc.org with the following in the body of the message (leave the Subject line blank): SUBSCRIBE SPS <your full name>. This will automatically register your email address. To unsubscribe put the following in the body of the message: UNSUBSCRIBE SPS <your full name>.

2.4.4 Step 3: Distribute

- 2.4.4.1 Send the notifications to the relevant organizations in your economy. Some Members list all recent notifications on their Enquiry Point or Notification Authority web sites, and offer a subscription service³² whereby subscribers can receive automatic advice of notifications pre-selected by WTO Member or subject.
- 2.4.4.2 Interested organizations can be regulators, other government agencies, standards and conformance bodies, chambers of commerce, trade associations or guilds, non-government organizations and private sector companies.

2.4.5 Step 4: Process requests for the documents referred to in notifications

- 2.4.5.1 Organizations that are interested in a particular notification will require copies of the notified documents referenced in the notification. They may either ask their own Enquiry Point or Notification Authority to obtain them or contact the notifying WTO Member's Notification Authority direct. Note that under the SPS Agreement there is no obligation on Enquiry Points or Notification Authorities to respond to requests for documents from private sector individuals or organizations, although some do so and send a copy to the requestor's Enquiry Point or Notification Authority.
- 2.4.5.2 WTO Members requesting documents should ensure they address the request to the organization and address shown in Box 11 of the TBT notification form or SPS emergency notification form or Box 12 of the SPS routine notification form. They should ensure they provide all the elements that identify the documents and in particular the WTO Notification number to which the request refers.

2.4.6 Step 5: Process requests for extensions of comment period

- 2.4.6.1 Any requests for extensions of the comment period should be addressed to the organization and address shown in Box 11 of the TBT notification form or Box 12 of the SPS routine notification form and include the WTO Notification number to which the request refers. A date should be specified by which a response is required, but allow at least five days.

2.4.7 Step 6: Dealing with comments related to other WTO Members' Notifications

- 2.4.7.1 These are generated within your own economy and are sent to the WTO Member that made the relevant notification. They should be provided without unnecessary delay to the authority designated on the notification form to receive comments, or to the Member's Notification Authority or Enquiry Point if no other authority is designated.

³²

For an example, see the [Canadian](#) SPS and TBT Export Alert Service.

2.4.7.2 The Agreements do not specify who should be responsible for despatch of comments to the notifying Member, but the Notification Authority should be capable of doing this³³. In some circumstances comments may be despatched by the Enquiry Point or the organization that prepared the comments.

2.4.8 Step 7: Pass back the notifying Member's response.

2.4.8.1 On receipt of any comments about how the notifying WTO Member will proceed to take submitted comments into account and receipt of additional relevant information on the proposed measures, such information should be passed to the organizations that submitted comments.

³³ Article 3.3 of the TBT Agreement does say that "Members may require contact with other Members, including the ... comments and discussions referred to in paragraphs 9 and 10 of Article 2, to take place through the central government."

2.5 Reporting

2.5.1 To the WTO

- 2.5.1.1 The WTO should be kept informed about the role and responsibilities of the Enquiry Point and Notification Authority. Contact details should be kept up to date, including the addition as appropriate of new technology to the resources available to an Enquiry Point or Notification Authority.
- 2.5.1.2 Also, SPS Notification Authorities and Enquiry Points should be cognizant of Article 12.4 of the SPS Agreement. It states the SPS Committee should, in conjunction with the relevant international organizations, establish a list of international standards, guidelines or recommendations relating to sanitary or phytosanitary measures which the Committee determines to have a major trade impact³⁴. Members need to assist the SPS Committee in this task as G/SPS/11 states: *“The list should include **an indication by Members** of those international standards, guidelines or recommendations which they apply as conditions for import or on the basis of which imported products conforming to these standards can enjoy access to their markets. For those cases in which a Member does not apply an international standard, guideline or recommendation as a condition for import, **the Member should provide an indication** of the reason therefor, and, in particular, whether it considers that the standard is not stringent enough to provide the appropriate level of sanitary or phytosanitary protection. If a Member revises its position, following its indication of the use of a standard, guideline or recommendation as a condition for import, **it should provide an explanation** for its change **and so inform the Secretariat** as well as the relevant international organizations, unless such notification and explanation is given according to the procedures of Annex B”*.

2.5.2 To the funding organization

- 2.5.2.1 Reports should be provided on a regular basis (quarterly or annually) that give details about the activities undertaken by the Enquiry Point and Notification Authority. Such reports may cover:
- notifications made to the WTO
 - enquiries received and answered
 - documents supplied as a result of notifications made
 - other WTO Members' notifications downloaded
 - other WTO Members' notifications distributed to interested parties within your economy

2.5.3 To other Enquiry Points and Notification Authorities

- 2.5.3.1 Copies of correspondence to enquirers within another WTO Member should be copied to the Enquiry Point or Notification Authority in that Member's country, both as a courtesy and in the interests of transparency. Copies of the reports generated for the funder of an Enquiry Point or Notification Authority could also be sent to other Enquiry Points or Notification

³⁴

This procedure has been developed by the SPS Committee (G/SPS/11)

Authorities, as they can act as a source of ideas for improving levels of service and efficiency.

2.5.4 To regions within economy

- 2.5.4.1 Some economies are structured so that they contain administrative or geographic divisions that require more complex TBT or SPS structures than usual. In such circumstances it is important that reporting, and dialogue, be regular within the TBT or SPS structure to ensure that there is no overlap or duplication of function and that each part of the structure is aware of its role in relation to the whole. This is particularly important in instances where provincial or state governments have TBT and SPS responsibilities.

2.6 Operational Resources

- 2.6.1 Before the role of an Enquiry Point or Notification Authority can be allocated to an existing agency, or a new agency created, certain decisions need to be made regarding resources for the agency.
- 2.6.2 Adequate financial and human resources, and access to modern telecommunication networks and equipment can greatly assist the establishment and functioning of National Enquiry points and Notification Authorities. In Annex 4 to the Second Triennial Review of the operation and implementation of the TBT Agreement (G/TBT/9) the TBT Committee notes “that the publication and communication of notices, notifications, draft standards, comments, adopted standards or work programmes electronically, via the internet, where feasible, can provide a useful means of ensuring the timely provision of information. At the same time, it is also recognized that the requisite technical means may not be available in some cases, particularly with regard to developing countries. Accordingly, it is important that procedures are in place to enable hard copies of such documents to be made available upon request.”
- 2.6.3 The resources to be considered for the operation of an Enquiry Point or Notification Authority are:
- 2.6.4 Funding:** Funding must be adequate to cover costs. Funding can be in the form of annual funding from central government if the Enquiry Point is a central government function (a Notification Authority must be a central government function). Many Enquiry Points operate through contracts for service with a central government body, whereby an agreed set of objectives are delivered in return for the contract fee. The contract would be renewed annually and the fee renegotiated. Standards and conformance bodies are often used in this way.
- 2.6.5 How many staff?** The number of staff required is a function of the expected workload and the desired response time. The minimum is one staff member, who may only devote a percentage of time to Enquiry Point/Notification Authority work. With more than one staff member there is opportunity to specialize in various aspects of the operation of the Enquiry Point/Notification Authority and overlap to accommodate absences of staff.
- 2.6.6 Knowledge and experience of staff:** Enquiry Points do not require staff to have the technical knowledge to answer enquiries themselves. But staff must be experienced with office technology and able to coordinate the process of:
- Identifying the most appropriate source for a response
 - Communicating the enquiry to that source
 - Ensuring a response is supplied without undue delay and
 - Passing that response to the enquirer.

2.6.6.1 Staff undertaking the functions of the Notification Authority need some analytical ability to consider whether a notification is required in any particular instance.

2.6.6.2 Knowledge and understanding of the TBT or SPS Agreements can be quickly learned. For an Enquiry Point with one staff member, experience generating activity reports and other administrative duties such as invoicing and budget management may need to be learned. For offices with more than one staff member at least one of them should be capable of these functions. Alternatively, office support could be supplied from a parent organization.

2.6.7 Enquiry Point position descriptions

2.6.7.1 The following sample position descriptions can be modified to match the position being created in your Enquiry Point. They are generic and not specific to either TBT or SPS Enquiry Points:

[Junior position \(Annex K\)](#)

[Senior position \(Annex L\)](#)

[Sole charge position \(Annex M\)](#)

2.6.8 Notification Authority Job descriptions

2.6.8.1 The following sample Position descriptions can be modified to match the position being created in your Notification Authority. They are generic and not specific to either TBT or SPS Notification Authorities:

[Junior position \(Annex N\)](#)

[Senior position \(Annex O\)](#)

[Sole charge position \(Annex P\)](#)

2.6.8.2 Where Enquiry Point and Notification Authority functions are both carried out by the same office, merge the Duties and responsibilities, Performance Objectives, Education and experience and Skills requirements into one Position Description.

2.6.9 Office space

2.6.9.1 Office space must be adequate for the number of staff, plus space for office equipment, filing etc.

2.6.10 Office Equipment and IT (in order of priority)

2.6.10.1 Telephone: An absolute requirement for communication with government departments, technical regulatory authorities, and for fax, internet and email access.

2.6.10.2 Mail: Used for distribution of documents where delivery of an original is required, such as in signed contracts (for service).

2.6.10.3 Photocopiers: A basic office tool. Used to reproduce documents for dissemination in response to notifications. Often however the authority

that generates a notification will provide sufficient copies of the required document.

- 2.6.10.4 Fax:** A fax is used to communicate with other locations that do not have email, or where a paper document needs to be sent electronically and it cannot be scanned. If there are no PCs in the office then a fax is the main communication tool.
- 2.6.10.5 PCs:** A computer for each staff member is desirable for document and correspondence production. If this is not possible, one computer for transmittal of documents to and from the WTO by email is a priority.
- 2.6.10.6 Internet:** Required for access to (downloading of) WTO documents and other WTO Members' Enquiry Points / Notification Authorities.
- 2.6.10.7 Email:** The communication and document delivery tool of preference. Quick transfer of electronic documents to and from the WTO. Requires an internet connection. Cheaper than mail.
- 2.6.10.8 Guidance on minimum specifications for PCs, software and networking is provided in [Annex Q](#).

2.7 Choosing an Agency or agencies – Who should have this responsibility?

- 2.7.1 Once the resources have been quantified, it is possible to decide who should have the responsibility for operating the Enquiry Point or Notification Authority. The choice is between establishing a new Enquiry Point/Notification Authority and utilizing an existing organization. The roles of Enquiry Point and Notification Authority can be combined into one authority, but an Enquiry Point need not be a central government organization, while a Notification Authority must be a central government organization.
- 2.7.2 An existing organization is a logical choice. Most economies already have organizations with the required resources that can host an Enquiry Point and so do not need to create another organization for the role. The provision of an Enquiry Point in a standards body, government department responsible for trade policy or an organization under a contract for service to central government is possible. The provision of a Notification Authority in a central government authority such as a standards body or government department responsible for trade policy is also possible.
- 2.7.3 The chosen agency should be able to access the technical experts responsible for notified measures and in the case of a Notification Authority at the very least a flow of information about proposed regulations, technical regulations and conformity assessment procedures should be available to enable notifications to be made correctly, with adequate time for comment to be submitted by WTO Members.
- 2.7.4 The qualities required in an organization chosen or specifically established to be the Enquiry Point and / or Notification Authority for a WTO Member are simple. The designated authority must:
- Have the mandate from central government to operate as the Enquiry Point or Notification Authority
 - Be capable of inspiring confidence in those who rely on it
 - Be suitably resourced
 - Have the infrastructure to support the required number of staff
 - Be able to communicate with other central government organizations and the organizations that produce technical regulations and conformity assessment procedures.
- 2.7.5 Consideration can be given to combining the TBT and SPS functions into one organization, and for combining the roles of Enquiry Point and Notification Authority into the one organization. Savings to financial and physical resources can be made in this way and coordination should be more straightforward.
- 2.7.6 Note that unlike the SPS Agreement, under Article 10.3^{xx} the TBT Agreement permits more than one TBT Enquiry Point and/or Notification Authority where this is beneficial from an administrative perspective.

2.8 Roles of central government organizations

- 2.8.1 The bodies which develop regulations, technical regulations, standards and conformance assessment issues need to be aware of the responsibilities of WTO Members under the TBT and SPS Agreements, principally in the area of the need to notify measures which could affect trade with other Members and take comments from Members into account. The Enquiry Point and/or Notification Authority has a responsibility to ensure that central government organizations are aware of their obligations.
- 2.8.2 Central government organizations also play an important participatory role in the development and implementation of the relevant WTO Agreements.

2.9 Assistance for developing countries

- 2.9.1 The [WTO Technical Assistance programme](#) provides Reference Centres³⁵ to least developed and developing countries. Since October 1997, the WTO has provided computer equipment, internet connections and training for the establishment of 104 computerised Reference Centres. Of these, 41 are in Least Developed Countries³⁶, 42 are in developing countries, and 21 are in regional and sub-regional organizations. Trade and Commerce Ministries in these countries are using the Reference Centres to access WTO information and training materials through the Internet and on CD-ROM. The WTO also provides technical support and advice to help the Reference Centres through a centralized Help Desk in Geneva. The Help Desk provides hardware and software support and coordinates responses with various WTO Divisions to ensure that the Reference Centres are on-line and up-to-date.
- 2.9.2 The Reference Centre programme includes training of officials on accessing the WTO Internet site and on the use of digital technologies. It can include the supply of computer equipment, including UPSs and surge arrestors. The supply of free Internet access for WTO Reference Centres is under investigation.
- 2.9.3 Detailed information on Technical Cooperation is available on http://www.wto.org/spanish/thewto_s/teccop_s/ctd14_s.htm.

³⁵ Draft WTO Report [WT/COMTD/LDC/W/22](#), page 4

³⁶ The WTO recognizes as least-developed countries those countries which have been designated as such by the United Nations.

PART III – Examples and Links

3.1 Examples of the roles of established Enquiry Points and Notification Authorities

3.1.1 United States TBT Enquiry Point

3.1.1.1 The [National Center for Standards and Certification Information](#) (NCSCI), National Institute of Standards and Technology (NIST) serves as the United States Enquiry Point under the TBT Agreement. Responsibilities include:

- notifying the WTO Secretariat of proposed U.S. Federal Government standards-based rules that might significantly affect trade
- assisting U.S. industry with standards-related trade issues and concerns
- preparing comments in response to proposed foreign regulations and transmitting them to the foreign government concerned
- receiving and monitoring U.S. responses to foreign generated comments
- responding to enquiries about foreign and federal, state and private regulations, standards and conformity assessment procedures.

3.1.1.2 In order to identify proposed regulations that might potentially affect trade, the Enquiry Point regularly reviews the Federal Register, the publication which includes all proposed U.S. Government regulations and revisions of regulations. Any such proposals are notified to the WTO Secretariat by email using the required procedure.

3.1.1.3 The Enquiry Point maintains a reference collection of standards, specifications, test methods, codes and recommended practices. This reference material includes United States' government agencies regulations, and standards of United States private standards-developing organizations and foreign national and international standardizing bodies.

3.1.1.4 NCSCI receives copies of the notifications, in English, which identify the WTO Member notifying, the product(s) covered, a brief description of the regulation and final date for comments. Each notification is disseminated by NCSCI staff to U.S. industry, federal agencies and interested persons to serve their information needs and allow them to disseminate this information to others. They are also published in a variety of publications including the American National Standards Institute's Standards Action. NCSCI maintains a computerised database on all TBT notifications and prepares specialised reports including listing of notifications by member, product or notification number. NCSCI provides an Export Alert! Service web based service to United States industry enabling them to register to receive TBT notifications of interest. This service is provided under contract by the Standards Council of Canada, and demonstrates the opportunity for members to share expertise and resources for greater efficiencies.

3.1.1.6 NCSCI obtains, upon request, the full text of the proposed foreign technical regulations and makes them available for review and comment at no charge. Copies of fee-supported translations of foreign standards can be arranged.

3.1.2 New Zealand SPS Enquiry Point and Notification Authority

3.1.2.1 New Zealand operates a joint National Enquiry Point and National Notification Authority under the title of [SPS New Zealand](#). The role encompasses all the transparency obligations in the SPS Agreement.

3.1.2.2 The Ministry of Agriculture and Forestry (MAF) Biosecurity Authority has been designated as the National Notification Authority for New Zealand and is run by an official in MAF Biosecurity's International Agreements group. It channels information between New Zealand and its trading partners on SPS measures.


- It passes on information about New Zealand SPS measures to other WTO Members through the WTO secretariat in Geneva.
- MAF Biosecurity Authority receives from its counterparts in other WTO Members notifications of their new SPS measures, via the WTO notification system.
- Information about New Zealand's trading partners' SPS measures, which may affect New Zealand producers, is passed on to government agencies and producer groups or exporters in New Zealand.

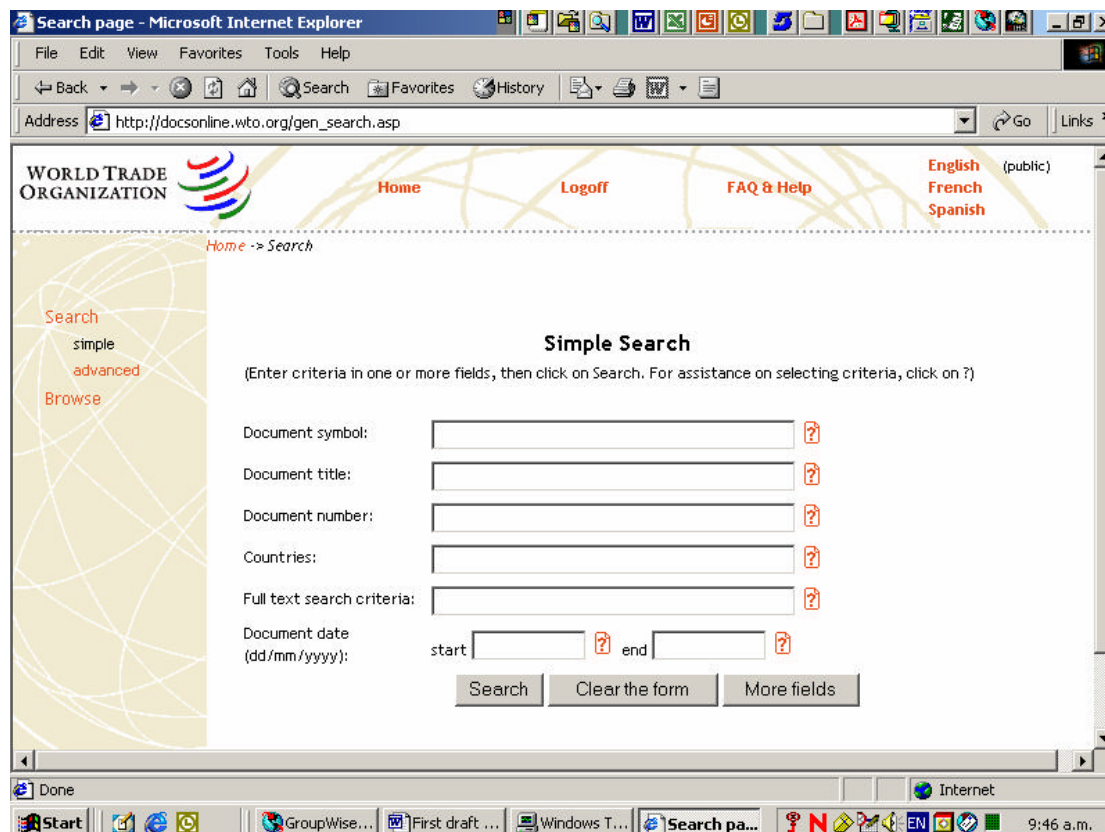
3.1.2.3 MAF Biosecurity Authority has also been designated as New Zealand's National Enquiry Point. The National Enquiry Point:

- Requests information about SPS measures in other WTO Members for New Zealand government agencies; and
- Manages overseas government requests for information.

3.1.2.4 SPS New Zealand's web site gives full details about the SPS Agreement, lists notifications New Zealand has made to the WTO, lists submissions New Zealand has made in response to other WTO Members' notifications, discusses transparency, gives links to other relevant New Zealand and International web sites, gives a brief guide to New Zealand SPS measures and provides information on additional resources including policies, procedures and publications.

3.2 Access to WTO Publications

3.2.1 The WTO operates a [document search and download](#) function where many regularly used documents can be obtained. If you know the document number (symbol) enter it into the appropriate box of the [search screen](#). If the document symbol is not known, click on  to access pop-up help screens to fine tune your search.



3.2.2 A list of commonly used operational documents and their symbols are shown below. Note that these symbols will change from time to time:

Document	Symbol	Notes
List of TBT Enquiry Points	G/TBT/ENQ/	Select the most recent document from the results screen
List of SPS Enquiry Points	G/SPS/ENQ/	Select the most recent document from the results screen
List of SPS Notification Authorities	G/SPS/NNA/	Select the most recent document from the results screen
SPS Recommended Notification procedures	G/SPS/7/Rev.1	

3.3 Links to Agreements

- [TBT Agreement](#) (PDF Format)
- [TBT Agreement](#) (HTML Format)
- [SPS Agreement](#) (PDF Format)

3.4 Links to Notification forms

- [TBT Notification Form](#) (MS Word Format)
- [TBT Notification Forms](#) (PDF Format) in English, French and Spanish as contained in G/TBT/W/153
- [SPS Notification Form](#) (MS Word Format)
- [SPS Notification Form for Emergency Measures](#) (MS Word Format)

3.5 Links to how to implement the transparency provisions of the Agreements

- [TBT Transparency](#)
- [SPS Transparency](#)

3.6 Links to Other WTO Resources of Interest

- [WTO web site](#): The WTO web site contains a vast amount of information concerning WTO organization, processes and agreements. It is worth spending time exploring this site and investigating the resources that are available through it.
- [Guide to WTO and Developing Countries](#): This is a comprehensive interactive electronic guide that you can download as an executable **.exe** file (File size:1.37 MB.). It gives detailed information on the WTO and developing countries, the Uruguay Round, participation in the trading system and specific WTO provisions relating to developing countries.

3.7 Examples of SPS and TBT web sites

- The [National Center for Standards and Certification Information](#)
- [SPS New Zealand](#)

3.8 Links to International Organizations

- [Asia-Pacific Economic Cooperation \(APEC\)](#)
- [Asia Pacific Laboratory Accreditation Cooperation \(APLAC\)](#)
- [Asia-Pacific Legal Metrology Forum \(APLMF\)](#)
- [Asia Pacific Metrology Programme \(APMP\)](#)
- [Codex Alimentarius Commission](#)
- [Food and Agriculture Organization \(FAO\)](#)
- [International Organization for Standardization \(ISO\)](#)
- [International Electrotechnical Commission \(IEC\)](#)
- [Pacific Accreditation Cooperation \(PAC\)](#)
- [World Health Organization \(WHO\)](#)
- [World Organization for Animal Health \(OIE\)](#)
- [Intergovernmental Committee for the Cartagena Protocol on Biosafety \(ICCP\)](#)

3.9 Links to third party service providers

- [Adobe Acrobat Reader](#) (download a free copy)

PART IV - ANNEXES

ANNEX A

[\[Back\]](#)

TBT NOTIFICATION PROCEDURES

An extract from Section III of WTO Document G/TBT/1/Rev.7

1. Format and Guidelines

Background and purpose

The procedures for notification under the Agreement have been kept under constant review by the Committee. In order to ensure a uniform and efficient operation of these procedures the Committee agreed on the following format and guidelines.³⁷

Recommendation

- (a) Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.
- (b) Notifications may be transmitted by electronic mail to the WTO Central Registry of Notifications (CRN): crn@wto.org

Decisions

Item	Description
1. Member to Agreement notifying	Government, including the competent authorities of the European Communities, which has acceded to the Agreement and which is making the notification; if applicable, name of local government involved Articles 3.2 and 7.2).
2. Agency responsible	Body elaborating a proposal for or promulgating a technical regulation or procedures for assessment of conformity. The authority or agency designated to handle comments regarding the specific notification shall be indicated if different from above.

³⁷Where boxes appear under items 3 and 11 of the format, notifiers are requested to check the relevant box or to indicate relevant information under "other".

Item	Description
3. Notified under	<p>Relevant provision of the Agreement: Article 2.9.2: proposed technical regulation by central government body, Article 2.10.1: technical regulation adopted for urgent problems by central government body, Article 3.2: proposed technical regulation or technical regulation adopted for urgent problems by local government (on the level directly below that of the central government), Article 5.6.2: proposed procedures for assessment of conformity by central government body, Article 5.7.1: conformity assessment procedure adopted for urgent problems by central government body,</p>
3. Notified under (cont'd)	<p>Article 7.2: proposed procedure for assessment of conformity or conformity assessment procedure adopted for urgent problems by local government (on the level directly below that of the central government). Other Articles under which notification can arise in cases of urgency set out in those Articles are: Article 8.1: adopted procedures for assessment of conformity by non-governmental body, Article 9.2: adopted procedures for assessment of conformity by international or regional organization.</p>
4. Products covered	<p>HS or CCCN (chapter or heading and number) where applicable. National tariff heading if different from HS or CCCN. ICS numbers may be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.</p>
5. Title and number of pages	<p>Title of the proposed or adopted technical regulation or procedure for the assessment of conformity that is notified. Number of pages in the notified document. The language(s) in which notified documents are available. If a translation of the document is planned, this should be indicated. If a translated summary is available, this too should be indicated.</p>
6. Description of content	<p>An abstract of the proposed or adopted technical regulation or procedures for assessment of conformity clearly indicating its content. A clear comprehensible description stating the main features of the proposed or adopted technical regulation or procedures for assessment of conformity is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.</p>
7. Objective and rationale, including the nature of urgent problems where applicable	<p>For instance: health, safety, national security, ... etc.</p>

Item	Description
8. Relevant documents	(1) Publication where notice appears, including date and reference number; (2) Proposal and basic document (with specific reference number or other identification) to which proposal refers; (3) Publication in which proposal will appear when adopted; (4) Whenever practicable, give reference to relevant international standard. If it is necessary to charge for documents supplied, this fact should be indicated.
9. Proposed dates of adoption and entry into force	The date when the technical regulation or procedures for assessment of conformity is expected to be adopted, and the date from which the requirements in the technical regulation or procedures for assessment of conformity are proposed or decided to enter into force, taking into consideration the provisions of Article 2.12.
10. Final date for comments	The date by which Members may submit comments in accordance with Articles 2.9.4, 2.10.3, 3.1 (in relation to 2.9.4 and 2.10.3), 5.6.4, 5.7.3 and 7.1 (in relation to 5.6.4 and 5.7.3) of the Agreement. A specific date should be indicated. The Committee has recommended a normal time limit for comments on notifications of 60 days. Any Member which is able to provide a time limit beyond 60 days is encouraged to do so. Members are encouraged to advise of any extension to the final date for comments.
11. Texts available from	If available from national enquiry point, put a cross in the box provided. If available from another body, give its address, e-mail, telex and telefax number. If available in a web-site, provide the web-site address. Such indications should not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Article 10 of the Agreement.

WORLD TRADE ORGANIZATION

G/TBT/Notif.

(00-0)

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	Member to Agreement to notify If applicable, name of local government body (Articles 3.2 and 7.2):
2.	Agency responsible for: Name and address (including telephone and fax numbers, e-mail and website addresses, if available) of agency or authority designated to handle comments relating to the notification shall be indicated if different from above:
3.	Notified under Article 2.9.2 [] 2.1 [], 5.6.2 [], 5.7. [], other:
4.	Products covered (HS or CCN where applicable), otherwise national tariff heading numbers must be provided in addition, where applicable:
5.	Title, number of pages and language(s) of the notified document:
6.	Description of content:
7.	Objective and rationale, including the nature of urgent problems where applicable:
8.	Relevant documents:
9.	Proposed date of adoption: Proposed date of entry into force:
10.	Final date for comments:
11.	Texts available from: National enquiry point [] or address, telephone and fax numbers, e-mail and website addresses, if available of the other body:

ANNEX A Contd.,

2. Timing of notifications

Background

The Committee dealt with this aspect of notification procedures in the following way:

Recommendation

When implementing the provisions of Articles 2.9.2, 3.2 (in relation to Article 2.9.2), 5.6.2 and 7.2 (in relation to Article 5.6.2), a notification should be made when a draft with the complete text of a proposed technical regulation or procedures for assessment of conformity is available and when amendments can still be introduced and taken into account.

3. Application of articles 2.9 And 5.6 (Preambular part)

Background and purpose

With a view to ensuring a consistent approach to the selection of proposed technical regulations and procedures for assessment of conformity to be notified, the Committee established the following criteria.

Recommendation

For the purposes of Articles 2.9 and 5.6, the concept of "significant effect on trade of other Members" may refer to the effect on trade:

- (a) Of one technical regulation or procedure for assessment of conformity only, or of various technical regulations or procedures for assessment of conformity in combination;
- (b) in a specific product, group of products or products in general; and
- (c) between two or more Members.

When assessing the significance of the effect on trade of technical regulations, the Member concerned should take into consideration such elements as the value or other importance of imports in respect of the importing and/or exporting Members concerned, whether from other Members individually or collectively, the potential growth of such imports, and difficulties for producers in other Members to comply with the proposed technical regulations. The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant.

4. Translation of documents relating to notifications and address of body supplying the documents

Background and purpose

In order to avoid difficulties that can arise from the fact that the documentation relevant to technical regulations, standards and procedures for assessment of conformity is not available in one of the WTO working languages and that a body other than the enquiry point may be responsible for such documentation, the Committee agreed on the following procedures:

Recommendation

When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, it will be advised, on request, by the notifying Member of other Members that have requested, as of that date, a copy of the document. The Member seeking a copy of a document relating to a notification may then contact such other Members in order to determine whether the latter are prepared to share, on mutually agreed terms, any translation that they have or will be making into relevant WTO working language(s).

Decisions:

- (a) When a translation of a relevant document exists or is planned, this fact shall be indicated on the WTO TBT notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available shall be similarly indicated;
- (b) upon receipt of a request for documents, any translated summaries that exist in the language of the requester or, as the case may be, in a WTO working language, shall be automatically sent with the original of the documents requested; and
- (c) Members shall indicate under point 11 of the WTO TBT notification form the exact address, where available, e-mail address, telephone and fax numbers of the body responsible for supplying the relevant documents if that body is not the enquiry point.

5. Processing of requests for documentation

Background

The Committee addressed the problems of supplying and obtaining requested documentation on notified technical regulations and procedures for assessment of conformity as follows:

Recommendations:

- (a) Requests for documentation should contain all the elements permitting the identification of the documents and in particular, the WTO TBT notification number (G/TBT/Notif. ...) to which the requests refer. The same information should appear on the documents supplied in response to such requests; and

- (b) any request for documentation should be processed if possible within five working days. If a delay in supplying the documentation requested is foreseen, this should be acknowledged to the requester, along with an estimate of when the documents can be provided; and
- (c) E-mail requests for documentation should include name, organization, address, telephone and fax numbers, and e-mail address in the request; and
- (d) Electronic delivery of documentation is encouraged and requests should indicate whether an electronic version or hard copy is desired.

6. Length of time allowed for comments

Background

The Committee set the following time limits for presentation of comments on notified technical regulations and procedures for assessment of conformity.

Recommendation

The normal time limit for comments on notifications should be 60 days. Any Member which is able to provide a time limit beyond 60 days, such as 90 days, is encouraged to do so and should indicate this in the notification.

7. Handling of comments on notifications

Background and Purpose

In order to improve the handling of comments on proposed technical regulations and procedures for assessment of conformity submitted under Articles 2.9.4, 2.10.3, 3.1 (in relation to 2.9.4 and 2.10.3), 5.6.4, 5.7.3 and 7.1 (in relation to 5.6.4 and 5.7.3) of the Agreement, the Committee agreed on the following procedures.

Recommendations:

- (a) Each Member should notify the WTO secretariat of the authority or agency (e.g. its enquiry point) which it has designated to be in charge for handling of comments received; and
- (b) a Member receiving comments through the designated body should without further request
 - (i) acknowledge the receipt of such comments,
 - (ii) explain within a reasonable time to any Member from which it has received comments, how it will proceed in order to take these comments into account and, where appropriate, provide

additional relevant information on the proposed technical regulations or procedures for assessment of conformity concerned, and

- (iii) provide to any Member from which it has received comments, a copy of the corresponding technical regulations or procedures for assessment of conformity as adopted or information that no corresponding technical regulations or procedures for assessment of conformity will be adopted for the time being.

8. Monthly Listing of Notifications Issued

Background and purpose

With a view to provide a brief indication of the notifications issued, the Committee agreed on the following procedure.

Decision

The Secretariat is requested to prepare a monthly table of notifications issued, indicating the notification numbers, notifying Members, Articles notified under, products covered, objectives and final dates for comments.

9. Enhancement of Electronic Transmission of Information

Background and purpose

Enhancement of Internet usage can facilitate access to and exchange of information by Members. This would also facilitate and provide the maximum time possible for receiving notifications, obtaining and translating of relevant documents, and the presentation of comments. With a view to facilitate the access to information by Members, as well as to strengthen the notification process, including the time needed for the publication and circulation of notification by the Secretariat, the Committee agreed on the following action.

Decision

Whenever possible Members should file notifications by downloading, filling out and returning the complete form by e-mail to the Secretariat. The Committee will continue to explore ways to shorten the time for the submission, publication and circulation of notifications, as well as to examine the steps that would be needed to facilitate the electronic transmission of information among Members to complement the hard copy information exchange.

10. Decision Relating to Notifications

Labelling Requirements

Background and purpose

With the purpose of clarifying the coverage of the Agreement with respect to labelling requirements, the Committee on Technical Barriers to Trade took the following decision.

Decision

In conformity with Article 2.9 of the Agreement, Members are obliged to notify all mandatory labelling requirements that are not based substantially on a relevant international standard and that may have a significant effect on the trade of other Members. That obligation is not dependent upon the kind of information which is provided on the label, whether it is in the nature of a technical specification or not.

ANNEX A Contd.,**TBT procedures for information exchange**
An extract of Section IV from WTO Document G/TBT/1/Rev.71. Regular MeetingsBackground and purpose

In order to give Members the opportunity to discuss the activities and problems relating to information exchange and to review periodically how well notification procedures work, the Committee took the following action.

Decision

Regular meetings of persons responsible for information exchange, including persons responsible for enquiry points and notifications, will be held on a biennial basis. Representatives of interested observers will be invited to participate in such meetings. The meetings will deal only with technical issues, leaving any policy matters for consideration by the Committee itself.

2. Booklets on Enquiry PointsBackground and purpose

In order to improve publicity concerning the role of enquiry points in answering queries from Members as provided in Articles 10.1 and 10.3 of the Agreement the Committee took the following action.

Recommendations:

- (a) The issuing of brochures on enquiry points would be of value.
- (b) All booklets issued by Members should contain the elements and, as far as possible, follow the layout below:
 - (i) Objective, name, address, telephone number, fax number, and e-mail and Internet addresses, if available, of WTO TBT enquiry point(s).

Objective:

Refer to the provisions of Articles 10.1, 10.2 and 10.3 of the Agreement on Technical Barriers to Trade.

Date established, and name of responsible officer.

Who can use the enquiry point(s):

Refer to the provisions of Articles 2.9.3 and 2.10.2; 3.1 (in relation to 2.9.3 and 2.10.2); 5.6.3 and 5.7.2; 7.1, 8.1

and 9.2 (in relation to 5.6.3 and 5.7.2); 10.1 and 10.3; paragraphs M and P of Annex 3 of the Agreement.

(ii) Information available from enquiry point(s).

Documentation:

Refer to the provisions of Articles 2.9.3 and 2.10.2; 3.1 (in relation to 2.9.3 and 2.10.2); 5.6.3 and 5.7.2; 7.1, 8.1 and 9.2 (in relation to 5.6.3 and 5.7.2); 10.4, 10.8.1 and 10.8.2; paragraphs M and P of Annex 3 of the Agreement

Documentation that can be obtained from the enquiry point(s).

Procedures for handling documentation on proposed or adopted domestic regulations and standards and procedures for assessment of conformity

Notifications: content, format, comment period:

Refer to the provisions of Articles 2.9.2, 2.10.1, 3.2, 5.6.2, 5.7.1, 7.2, 8.1, 9.2 and paragraphs C and J of Annex 3 of the Agreement, and to the decisions of the Committee on Technical Barriers to Trade regarding format and comment period.

Procedures for handling notifications issued by other Members of the Agreement, for issuing notifications from domestic sources, and for handling comments on notifications received or issued.

Publication:

Refer to the provisions of Articles 2.9.1 and 2.11; 3.1 (in relation to 2.9.1 and 2.11); 5.6.1 and 5.8; 7.1, 8.1 and 9.2 (in relation to 5.6.1 and 5.8); 10.1.5; and paragraphs J, L and O of Annex 3 of the Agreement

Procedures for ensuring compliance with these provisions of the Agreement, including any publications by the enquiry point(s).

(iii) Facilities offered (including charges, if any).

Data bank (content and form of documents, e.g. paper, microfilm, computer, etc.).

Access to data (retrieval system: manual, tape, on-line; software used).

Languages used.

Translation, if any.

Brief description of the Agreement: objectives, date of entry into force, date joined, status in domestic law.

List of Members of the Agreement.

List of enquiry points of other Members.

3. Enquiries which the Enquiry Points should be Prepared to Answer

Background and purpose

With a view to encouraging a uniform application of Articles 10.1 and 10.3 of the Agreement the Committee took the following action.

Recommendation:

- (a) (i) An enquiry should be considered "reasonable" when it is limited to a specific product, or group of products, but not when it goes beyond that and refers to an entire business branch or field of regulations, or procedures for assessment of conformity; and
- (ii) when an enquiry refers to a composite product, it is desirable that the parts or components, for which information is sought, are defined to the extent possible. When a request is made concerning the use of a product it is desirable that the use is related to a specific field.
- (b) The Enquiry Point(s) of a Member should be prepared to answer enquiries regarding the membership and participation of that Member, or of relevant bodies within its territory, in international and regional standardizing bodies and conformity assessment systems as well as in bilateral arrangements, with respect to a specific product or group of products. They should likewise be prepared to provide reasonable information on the provisions of such systems and arrangement.

4. Handling of Requests

Background and purpose

The purpose is to improve the handling of requests from other Members received under Article 10.1 and 10.3.

Recommendation

An enquiry point should, without further request, acknowledge the receipt of the enquiry.

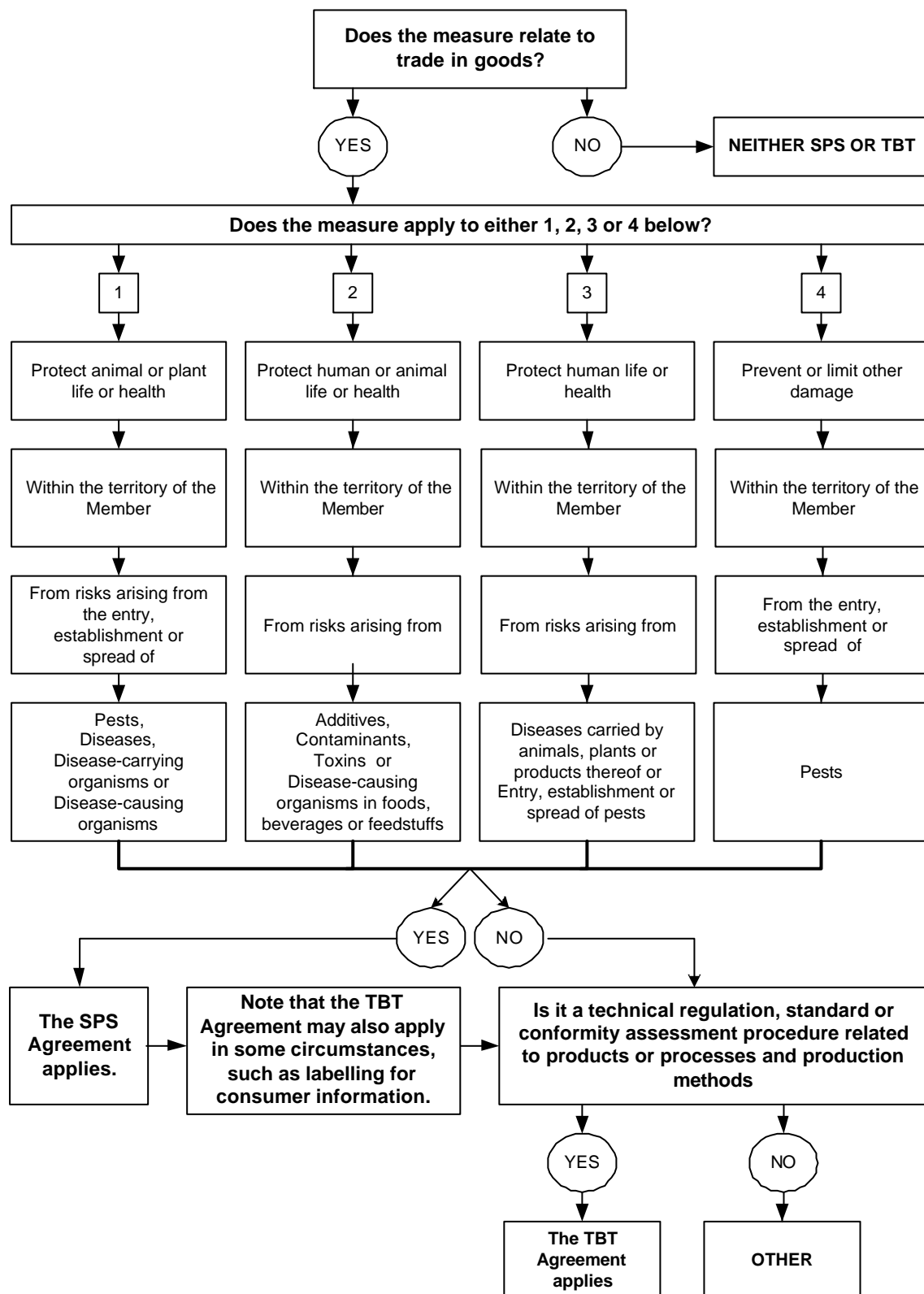
5. List of Enquiry Points Prepared by Secretariat

The e-mail addresses of enquiry points should be provided, where available, in order to be included in document G/TBT/ENQ/--.

ANNEX B

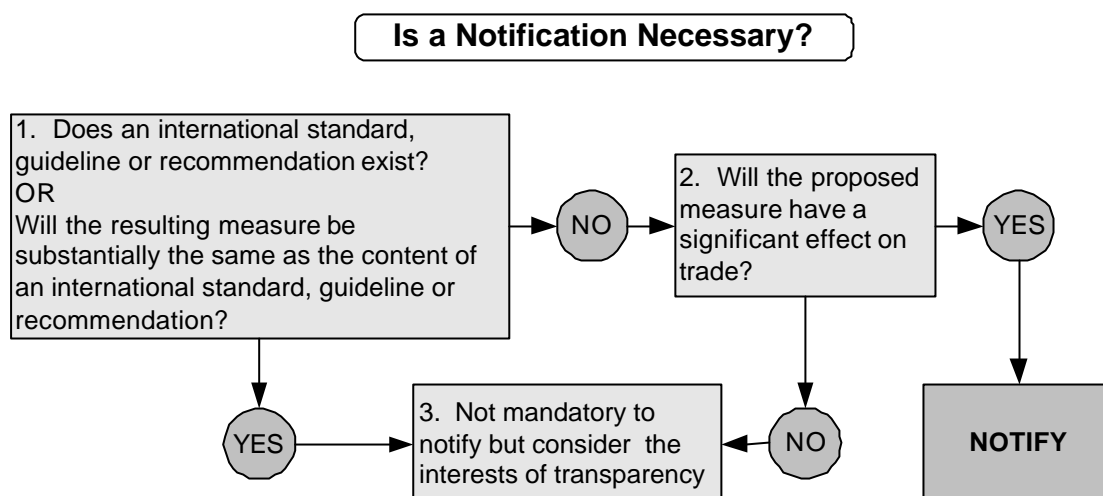
[\[BACK\]](#)

SPS or TBT? Which Agreement does a measure* come under?



* SPS Measure: Go to http://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm - Annexa for a definition or Endnote^{xxxii}
 TBT Measures: Go to http://www.wto.org/english/tratop_e/tbt_e/tbtagr_e.htm - Annex 1 for a definition or Endnote^{xxxii}

ANNEX C

[\[BACK\]](#)

These requirements are detailed in Articles [2.9^v](#) and [5.6^{viii}](#) of the TBT Agreement, and Paragraph [5^{xv}](#) of Annex B of the SPS Agreement.

Step 1: Check international standards, guidelines and recommendations

The first thing to consider is whether:

either

an (*equivalent*) international standard, guideline or recommendation exists

or

the content of the proposed measure is substantially the same as the content of an international standard, guideline or recommendation.

Step 2: Consider the effect on trade

If the answer to Step 1 is NO, **and** the regulation may have a significant effect on the trade³⁸ of other WTO Members, then the proposed measure must be notified. ■ If not sure whether it will have a significant effect on trade, it is recommended that you notify the measure in the interests of increased transparency

Step 3: Consider the benefits of transparency

The underlying philosophy of the TBT and SPS Agreements is transparency of process. For the sake of improved transparency, some Members also notify measures, which conform to international standards, guidelines or recommendations. This has the effect of informing Members of measures that might affect their trade interests and providing them with the opportunity to comment.

³⁸

When assessing whether the sanitary or phytosanitary regulation may have a significant effect on trade, the Member concerned should take into consideration, using relevant information which is available, such elements as the value or other importance of imports in respect of the importing and/or exporting Members concerned, whether from other Members individually or collectively, the potential development of such imports, and difficulties for producers in other Members to comply with the proposed sanitary or phytosanitary regulations. The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant. - G/SPS/7/Rev.1.

ANNEX D

[\[BACK\]](#)

WORLD TRADE

G/SPS/N/COUNTRY

date of distribution

ORGANIZATION

(99-0000)

Committee on Sanitary and Phytosanitary Measures

NOTIFICATION

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable:
4.	Title and number of pages of the notified document:
5.	Description of content:
6.	Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
7.	An international standard, guideline or recommendation does not exist <input type="checkbox"/>. If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
8.	Relevant documents and language(s) in which these are available:
9.	Proposed date of adoption:
10.	Proposed date of entry into force:
11.	Final date for comments: Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:
12.	Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:

ANNEX E

[\[BACK\]](#)**WORLD TRADE**

G/SPS/N/COUNTRY

date of distribution

ORGANIZATION

(99-000)

Committee on Sanitary and Phytosanitary Measures

NOTIFICATION OF EMERGENCY MEASURES

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable:
4.	Title and number of pages of the notified document:
5.	Description of content:
6.	Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
7.	Nature of the urgent problem(s):
8.	An international standard, guideline or recommendation does not exist []. If an international standard, guideline or recommendation exists, give its appropriate reference and briefly identify deviations:
9.	Relevant documents and language(s) in which these are available:
10.	Date of entry into force/period of application (as applicable):
11.	Texts available from/and agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, [] National enquiry point, or address, fax number and E-mail address (if available) of other body:

ANNEX F[\[BACK\]](#)**WORLD TRADE
ORGANIZATION****G/TBT/N/Country Code/No.**

(01-0000)

Committee on Technical Barriers to Trade

Original:

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: _____ If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Name and address (including telephone and fax numbers, e-mail and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3.	Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):
5.	Title, number of pages and language(s) of the notified document:
6.	Description of content:
7.	Objective and rationale, including the nature of urgent problems where applicable:
8.	Relevant documents:
9.	Proposed date of adoption: _____ } Proposed date of entry into force:
10.	Final date for comments:
11.	Texts available from: National enquiry point [] or address, telephone and fax numbers, e-mail and website addresses, if available of the other body:

ANNEX G[\[Back\]](#)

**NOTIFICATION FORMAT UNDER ARTICLE 10.7
AGREEMENT REACHED BY A MEMBER WITH ANOTHER COUNTRY OR
COUNTRIES
ON ISSUES RELATED TO TECHNICAL REGULATIONS, STANDARDS
OR CONFORMITY ASSESSMENT PROCEDURES**

Notification

Under Article 10.7 of the Agreement "Whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement." The following notification under Article 10.7 has been received.

1.	Member notifying:
2.	Title of the bilateral or plurilateral Agreement:
3.	Parties to the Agreement:
4.	Date of entry into force of the Agreement:
5.	Products covered (HS or CCCN where applicable, otherwise national tariff heading):
6.	Subject matter covered by the Agreement (technical regulations, standards or conformity assessment procedures):
7.	Brief description of the Agreement:
8.	Further information available from:

ANNEX H[\[BACK\]](#)**Cover letter to accompany a request for information
answered by other than the Enquiry Point**

<Date and Formal greeting>

Attached is a request for information from <requesting WTO Member>. The request concerns <brief synopsis>.

Under the WTO <Agreement on the Application of Sanitary and Phytosanitary Measures **or** Agreement on Technical Barriers to Trade>, to which <your economy> is a signatory, we are required to provide information on measures that can significantly effect trade. The request from <requesting WTO Member> falls into this category.

<Either>

To meet <your economy>'s obligations, please provide a considered response to the attached enquiry direct to the enquirer with a copy to myself, by <date>.

<or>

To meet <your economy>'s obligations, please provide me with a considered response to the attached enquiry, so that I can reply to the enquirer by <date>.

Thank you for your action of this request. Please do not hesitate to contact the undersigned for more information on the WTO <Agreement on the Application of Sanitary and Phytosanitary Measures **or** Agreement on Technical Barriers to Trade> if needed.

<Formal Enquiry Point sign off>

ANNEX I[\[BACK\]](#)**Cover letter to accompany a request for
an extension of the comment period
associated with a Notification.**

<Date and Formal greeting>

<SPS or TBT> Notification Number: _____

Attached is a request for an extension of the comment period from <requesting WTO Member>. The request concerns <Notification number and title of the proposed measure>.

This draft <type of measure> was notified to all World Trade Organization (WTO) Members as part of <your economy>'s obligations under the WTO <Agreement on the Application of Sanitary and Phytosanitary Measures **or** Agreement on Technical Barriers to Trade>.

The Agreement requires such notification of draft <type of measure> and in response to requests from WTO Members, the WTO recommends <your economy> considers favourably the extension of the close of comment date by at least 30 days where possible.

Please provide a considered response to the attached request by <date>. If an extension is not possible please also document the reasons why. The <Notification Authority> will advise <requesting WTO Member> accordingly.

<Formal Notification Authority sign off>

ANNEX J[\[BACK\]](#)**Cover letter to the Regulatory authority to accompany comments received from a WTO Member regarding a Notification**

<Date and Formal greeting>

<SPS or TBT> Notification Number: _____

Attached are comments received today from <commenting WTO Member> on <Notification number and title of the proposed measure>.

This draft <type of measure> was notified to all World Trade Organization (WTO) Members as part of <your economy>'s obligations under the WTO <Agreement on the Application of Sanitary and Phytosanitary Measures **or** Agreement on Technical Barriers to Trade>.

The Agreement requires such notification of draft <type of measure> and in response to comments from WTO Members, the Agreement requires <your economy> to discuss the comments upon request and take the comments and results of the discussion into account.

The <Notification Authority> will shortly be sending confirmation that these comments have been received by <your economy>. The WTO recommends <your economy> also advise <the commenting WTO Member> how we will proceed to take the attached comments into account. Please provide a suitable response that <the Notification Authority> can send to <the commenting WTO Member> by <date>.

<Formal Notification Authority sign off>

ANNEX K[\[back\]](#)**POSITION DESCRIPTION (Junior Position)
ENQUIRY POINT**

Title:	<i>Enquiry Point Officer / Administrator / Operator / Coordinator</i>
Location:	<i>Name and location of the Enquiry Point (include parent organization if relevant)</i>
Salary Grade:	<i>As appropriate</i>

Reporting requirements:

Title and location of the position that this position reports to

Duties and responsibilities:

- *Receive enquiries, source appropriate responses and communicate responses to enquirers*
- *Source and supply documentation in response to requests*
- *Where applicable, invoice enquirers in accordance with the schedule of charges*
- *Publicize and distribute relevant Notifications from other WTO Members*
- *Maintain accuracy of the Enquiry Point's details as recorded by the WTO*
- *Maintain the content of the Enquiry Point's web pages in liaison with the Web master*

Performance Objectives:

- *Enquiries and document requests responded to within 5 working days*
- *Overseas Notifications disseminated within 10 working days*
- *Chargeable enquiries invoiced accurately*

Education and experience:

As appropriate in the economy concerned

Skills:

- *Recent experience with office technology*
- *Ability to learn and apply the requirements of the (TBT or SPS) Agreement*

ANNEX L[\[back\]](#)**POSITION DESCRIPTION (Senior Position)
ENQUIRY POINT**

Title:	<i>Senior Enquiry Point Officer / Administrator / Operator / Coordinator</i>
Location:	<i>Name and location of the Enquiry Point (include parent organization if relevant)</i>
Salary Grade:	<i>As appropriate</i>

Reporting requirements:

Title and location of the position that this position reports to

Duties and responsibilities:

- *Receive enquiries, source appropriate responses and communicate responses to enquirers*
- *Source and supply documentation in response to requests*
- *Where applicable, invoice enquirers in accordance with the schedule of charges*
- *Publicize and distribute relevant Notifications from other WTO Members*
- *Maintain accuracy of the Enquiry Point's details as recorded by the WTO*
- *Maintain the content of the Enquiry Point's web pages in liaison with the Web master*
- *Manage work loads and the staff in the Enquiry Point*

Performance Objectives:

- *Enquiries and document requests responded to within 5 working days*
- *Overseas Notifications disseminated within 10 working days*
- *Chargeable enquiries invoiced accurately*

Education and experience:

- *Staff management experience*
- *Other education and experience as appropriate in the economy concerned*

Skills:

- *Recent experience with office technology*
- *Ability to learn and apply the requirements of the (TBT or SPS) Agreement*

ANNEX M[\[back\]](#)**POSITION DESCRIPTION (Sole Charge Position)
ENQUIRY POINT**

Title:	<i>Enquiry Point Officer / Operator / Coordinator</i>
Location:	<i>Name and location of the Enquiry Point (include parent organization if relevant)</i>
Salary Grade:	<i>As appropriate</i>

Reporting requirements:

Title and location of the organization that this position is funded by

Duties and responsibilities:

- *Receive enquiries, source appropriate responses and communicate responses to enquirers*
- *Source and supply documentation in response to requests*
- *Where applicable, invoice enquirers in accordance with the schedule of charges*
- *Publicize and distribute relevant Notifications from other WTO Members*
- *Maintain accuracy of the Enquiry Point's details as recorded by the WTO*
- *Maintain the content of the Enquiry Point's web pages*
- *Undertake accounting and banking functions*
- *Produce quarterly (or annual) reports on enquiry and document delivery activity*
- *Invoice parent organization for quarterly (or annual) operational fee.*

Performance Objectives:

- *Enquiries and document requests responded to within 5 working days*
- *Overseas Notifications disseminated within 10 working days*
- *Chargeable enquiries invoiced accurately*
- *Annual audit completed satisfactorily*

Education and experience:

Other education and experience as appropriate in the economy concerned

Skills:

- *Recent experience with office technology*
- *Ability to learn and apply the requirements of the (TBT or SPS) Agreement*
- *Bookkeeping experience*

ANNEX N[\[back\]](#)**POSITION DESCRIPTION (Junior Position)
NOTIFICATION AUTHORITY**

Title:	<i>Notification Authority Officer / Administrator / Operator / Coordinator</i>
Location:	<i>Name and location of the Notification Authority (include parent organization if relevant)</i>
Salary Grade:	<i>As appropriate</i>

Reporting requirements:

Title and location of the position that this position reports to

Duties and responsibilities:

- *Operate a sound decision making process to assess when a notification is necessary*
- *Based on the details supplied to you, complete the (appropriate) notification form and send it to the WTO.*
- *Despatch copies of notified documents in response to requests.*
- *Deal with comments received in response to Notifications in accordance with procedures.*
- *Maintain accuracy of the Notification Authority's details as recorded by the WTO*
- *Maintain the content of the Notification Authority's web pages in liaison with the Web master*

Performance Objectives:

- *Document requests responded to within 5 working days*
- *Overseas comments received are acknowledged within 5 working days.*

Education and experience:

As appropriate in the economy concerned

Skills:

- *Recent experience with office technology*
- *Decision making ability*
- *Ability to learn and apply the requirements of the (TBT or SPS) Agreement*

ANNEX O[\[back\]](#)**POSITION DESCRIPTION (Senior Position)
NOTIFICATION AUTHORITY**

Title:	<i>Senior Notification Authority Officer / Administrator / Operator / Coordinator</i>
Location:	<i>Name and location of the Notification Authority (include parent organization if relevant)</i>
Salary Grade:	<i>As appropriate</i>

Reporting requirements:

Title and location of the position that this position reports to

Duties and responsibilities:

- *Operate a sound decision making process to assess when a notification is necessary*
- *Based on the details supplied to you, complete the (appropriate) notification form and send it to the WTO.*
- *Despatch copies of notified documents in response to requests.*
- *Deal with comments received in response to Notifications in accordance with procedures.*
- *Maintain accuracy of the Notification Authority's details as recorded by the WTO*
- *Maintain the content of the Notification Authority's web pages in liaison with the Web master*
- *Manage work loads and staff in the Notification Authority*

Performance Objectives:

- *Document requests responded to within 5 working days*
- *Overseas comments received are acknowledged within 5 working days.*

Education and experience:

As appropriate in the economy concerned

Skills:

- *Staff management experience*
- *Recent experience with office technology*
- *Decision making ability*
- *Ability to learn and apply the requirements of the (TBT or SPS) Agreement*

ANNEX P[\[back\]](#)**POSITION DESCRIPTION (Sole Charge Position)
NOTIFICATION AUTHORITY**

Title:	<i>Notification Authority Officer / Operator / Coordinator</i>
Location:	<i>Name and location of the Notification Authority (include parent organization if relevant)</i>
Salary Grade:	<i>As appropriate</i>

Reporting requirements:

Title and location of the organization that this position is funded by

Duties and responsibilities:

- *Operate a sound decision making process to assess when a notification is necessary*
- *Based on the details supplied to you, complete the (appropriate) notification form and send it to the WTO.*
- *Despatch copies of notified documents in response to requests.*
- *Deal with comments received in response to Notifications in accordance with procedures.*
- *Maintain accuracy of the Notification Authority's details as recorded by the WTO*
- *Maintain the content of the Notification Authority's web pages*
- *Undertake accounting and banking functions*
- *Produce quarterly (or annual) reports on notifications made and comments received*
- *Invoice parent organization for quarterly (or annual) operational fee.*

Performance Objectives:

- *Enquiries and document requests responded to within 5 working days*
- *Overseas Notifications disseminated within 10 working days*
- *Chargeable enquiries invoiced accurately*
- *Annual audit completed satisfactorily*

Education and experience:

Other education and experience as appropriate in the economy concerned

Skills:

- *Recent experience with office technology*
- *Ability to learn and apply the requirements of the (TBT or SPS) Agreement*
- *Bookkeeping experience*

ANNEX Q[\[BACK\]](#)**Specifications for PCs and software**

Suggested minimum specifications for software, computers and networking are set out below. However many of the software, hardware and network components specified below are no longer available to purchase as new, since they have been superseded by more recent hardware and software. Data that is generated using these systems may not be fully compatible with newer applications and software. Similarly, more recent software may not operate on this equipment.

Hardware:

- Processor: Mac G3 systems or PC 486DX
- Memory: 64MB
- Hard Disk Drive: 2.2GB
- Modem: 28K BPS

Software:

- Internet Browsers: IE 4.0 with the latest Service pack, or Netscape 4
- Word Processor: MS Word 6.0, WordPerfect 6.1 or Lotus WordPro 5
- Spreadsheet: Excel 4.0 or Lotus 1-2-3 Release 5
- Email application: Outlook 95, Eudora 4.3 or Outlook Express 4
- Operating System: Windows 95/98 or MAC OS 8.0

Network:

- Network Card: Ethernet 10MB (10base-2 or 10base-T)
- Cabling: Coax or CAT 4 (UTP)
- Hubs: 10MB Hubs
- Protocols: NetBEUI, TCP/IP or AppleTalk

While the above list identifies the suggested minimums, the list below provides a suggested configuration based on more modern technologies:

Hardware:

- Processor: Mac G4 systems, PC Pentium III or AMD Athlon
- Memory: 128 MB
- Hard Disk Drive: 10 GB
- Modem: 56K BPS

Software:

- Internet Browsers: IE 5.5 or Netscape 6
- Word Processor: MS Word 2000, Corel WordPerfect 2000 or Lotus WordPro 9.5
- Spreadsheet: Excel 2000 or Lotus 1-2-3 Release 9.7
- Email application: Outlook 2000, Eudora 5 or Outlook Express 6.0

- Operating System: Windows 2000 or MAC OS 10

Network:

- Network Card: Ethernet 100MB (100base-TX)
- Cabling: CAT 5 (UTP)
- Hubs: Manageable 100MB switches
- Protocols: TCP/IP or AppleTalk

Please note that the above-mentioned information is to be used only as a guideline for establishing a small office environment. Equivalent functionality may also be obtained from other software or hardware manufacturers.

Endnotes

ⁱ **Agreement on Technical Barriers to Trade**

This agreement will extend and clarify the Agreement on Technical Barriers to Trade reached in the Tokyo Round. It seeks to ensure that technical negotiations and standards, as well as testing and certification procedures, do not create unnecessary obstacles to trade. However, it recognizes that countries have the right to establish protection, at levels they consider appropriate, for example for human, animal or plant life or health or the environment, and should not be prevented from taking measures necessary to ensure those levels of protection are met. The agreement therefore encourages countries to use international standards where these are appropriate, but it does not require them to change their levels of protection as a result of standardization.

Innovative features of the revised agreement are that it covers processing and production methods related to the characteristics of the product itself. The coverage of conformity assessment procedures is enlarged and the disciplines made more precise. Notification provisions applying to local government and non-governmental bodies are elaborated in more detail than in the Tokyo Round agreement. A Code of Good Practice for the Preparation, Adoption and Application of Standards by standardizing bodies, which is open to acceptance by private sector bodies as well as the public sector, is included as an annex to the agreement.

ⁱⁱ **Agreement on Sanitary and Phytosanitary Measures**

This agreement concerns the application of sanitary and phytosanitary measures - in other words food safety and animal and plant health regulations. The agreement recognises that governments have the right to take sanitary and phytosanitary measures but that they should be applied only to the extent necessary to protect human, animal or plant life or health and should not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail.

In order to harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members are encouraged to base their measures on international standards, guidelines and recommendations where they exist. However, Members may maintain or introduce measures which result in higher standards if there is scientific justification or as a consequence of consistent risk decisions based on an appropriate risk assessment. The Agreement spells out procedures and criteria for the assessment of risk and the determination of appropriate levels of sanitary or phytosanitary protection.

It is expected that Members would accept the sanitary and phytosanitary measures of others as equivalent if the exporting country demonstrates to the importing country that its measures achieve the importing country's appropriate level of health protection. The agreement includes provisions on control, inspection and approval procedures.

ⁱⁱⁱ 10.10 Members shall designate a single central government authority that is responsible for the implementation on the national level of the provisions concerning notification procedures under this Agreement except those included in Annex 3.

^{iv} 10.11 If, however, for legal or administrative reasons the responsibility for notification procedures is divided among two or more central government authorities, the Member concerned shall provide to the other Members complete and unambiguous information on the scope of responsibility of each of these authorities.

^v 2.9 Whenever a relevant international standard does not exist or the technical content of a proposed technical regulation is not in accordance with the technical content of relevant international standards, and if the technical regulation may have a significant effect on trade of other Members, Members shall:

2.9.1 publish a notice in a publication at an early appropriate stage, in such a manner as to enable interested parties in other Members to become acquainted with it, that they propose to introduce a particular technical regulation;

2.9.2 *notify other Members through the Secretariat of the products to be covered by the proposed technical regulation, together with a brief indication of its objective and rationale. Such notifications shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account;*

2.9.3 *upon request, provide to other Members particulars or copies of the proposed technical regulation and, whenever possible, identify the parts which in substance deviate from relevant international standards;*

2.9.4 *without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.*

vi 2.10 *Subject to the provisions in the lead-in to paragraph 9, where urgent problems of safety, health, environmental protection or national security arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 9 as it finds necessary, provided that the Member, upon adoption of a technical regulation, shall:*

2.10.1 *notify immediately other Members through the Secretariat of the particular technical regulation and the products covered, with a brief indication of the objective and the rationale of the technical regulation, including the nature of the urgent problems;*

2.10.2 *upon request, provide other Members with copies of the technical regulation;*

2.10.3 *without discrimination, allow other Members to present their comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.*

vii 3.2 *Members shall ensure that the technical regulations of local governments on the level directly below that of the central government in Members are notified in accordance with the provisions of paragraphs 9.2 and 10.1 of Article 2, noting that notification shall not be required for technical regulations the technical content of which is substantially the same as that of previously notified technical regulations of central government bodies of the Member concerned.*

viii 5.6 *Whenever a relevant guide or recommendation issued by an international standardizing body does not exist or the technical content of a proposed conformity assessment procedure is not in accordance with relevant guides and recommendations issued by international standardizing bodies, and if the conformity assessment procedure may have a significant effect on trade of other Members, Members shall:*

5.6.1 *publish a notice in a publication at an early appropriate stage, in such a manner as to enable interested parties in other Members to become acquainted with it, that they propose to introduce a particular conformity assessment procedure;*

5.6.2 *notify other Members through the Secretariat of the products to be covered by the proposed conformity assessment procedure, together with a brief indication of its objective and rationale. Such notifications shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account;*

5.6.3 *upon request, provide to other Members particulars or copies of the proposed procedure and, whenever possible, identify the parts which in substance deviate from relevant guides or recommendations issued by international standardizing bodies;*

5.6.4 *without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.*

ix 5.7 *Subject to the provisions in the lead-in to paragraph 6, where urgent problems of safety, health, environmental protection or national security arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 6 as it finds necessary, provided that the Member, upon adoption of the procedure, shall:*

5.7.1 *notify immediately other Members through the Secretariat of the particular procedure and the products covered, with a brief indication of the objective and the rationale of the procedure, including the nature of the urgent problems;*

5.7.2 *upon request, provide other Members with copies of the rules of the procedure;*

5.7.3 *without discrimination, allow other Members to present their comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.*

^x 10.8 *Nothing in this Agreement shall be construed as requiring:*

10.8.1 *the publication of texts other than in the language of the Member;*

10.8.2 *the provision of particulars or copies of drafts other than in the language of the Member except as stated in paragraph 5; or*

10.8.3 *Members to furnish any information, the disclosure of which they consider contrary to their essential security interests.*

^{xi} 10.5 *Developed country Members shall, if requested by other Members, provide, in English, French or Spanish, translations of the documents covered by a specific notification or, in case of voluminous documents, of summaries of such documents.*

^{xii} 10.9 *Notifications to the Secretariat shall be in English, French or Spanish.*

^{xiii} 7. *Members shall notify changes in their sanitary or phytosanitary measures and shall provide information on their sanitary and phytosanitary measures in accordance with the provisions of Annex B*

^{xiv} 10. *Members shall designate a single central government authority as responsible for the implementation, on the national level, of the provisions concerning notification procedures according to paragraphs 5, 6, 7 and 8 of this Annex.*

^{xv} 5. *Whenever an international standard, guideline or recommendation does not exist or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the regulation may have a significant effect on trade of other Members, Members shall:*

(a) *publish a notice at an early stage in such a manner as to enable interested Members to become acquainted with the proposal to introduce a particular regulation;*

(b) *notify other Members, through the Secretariat, of the products to be covered by the regulation together with a brief indication of the objective and rationale of the proposed regulation. Such notifications shall take place at an early stage, when amendments can still be introduced and comments taken into account;*

(c) *provide upon request to other Members copies of the proposed regulation and, whenever possible, identify the parts which in substance deviate from international standards, guidelines or recommendations;*

(d) *without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account.*

^{xvi} 6. *However, where urgent problems of health protection arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 5 of this Annex as it finds necessary, provided that the Member:*

(a) *immediately notifies other Members, through the Secretariat, of the particular regulation and the products covered, with a brief indication of the objective and the rationale of the regulation, including the nature of the urgent problem(s);*

(b) *provides, upon request, copies of the regulation to other Members;*

(c) *allows other Members to make comments in writing, discusses these comments upon request, and takes the comments and the results of the discussions into account.*

^{xvii} 7. *Notifications to the Secretariat shall be in English, French or Spanish.*

^{xviii} 8. *Developed country Members shall, if requested by other Members, provide copies of the documents or, in case of voluminous documents, summaries of the documents covered by a specific notification in English, French or Spanish.*

^{xix} 10.1 Each Member shall ensure that an enquiry point exists which is able to answer all reasonable enquiries from other Members and interested parties in other Members as well as to provide the relevant documents regarding:

10.1.1 any technical regulations adopted or proposed within its territory by central or local government bodies, by non-governmental bodies which have legal power to enforce a technical regulation, or by regional standardizing bodies of which such bodies are members or participants;

10.1.2 any standards adopted or proposed within its territory by central or local government bodies, or by regional standardizing bodies of which such bodies are members or participants;

10.1.3 any conformity assessment procedures, or proposed conformity assessment procedures, which are operated within its territory by central or local government bodies, or by non-governmental bodies which have legal power to enforce a technical regulation, or by regional bodies of which such bodies are members or participants;

10.1.4 the membership and participation of the Member, or of relevant central or local government bodies within its territory, in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements within the scope of this Agreement; it shall also be able to provide reasonable information on the provisions of such systems and arrangements;

10.1.5 the location of notices published pursuant to this Agreement, or the provision of information as to where such information can be obtained; and

10.1.6 the location of the enquiry points mentioned in paragraph 3.

^{xx} 10.3 Each Member shall take such reasonable measures as may be available to it to ensure that one or more enquiry points exist which are able to answer all reasonable enquiries from other Members and interested parties in other Members as well as to provide the relevant documents or information as to where they can be obtained regarding:

10.3.1 any standards adopted or proposed within its territory by non-governmental standardizing bodies, or by regional standardizing bodies of which such bodies are members or participants; and

10.3.2 any conformity assessment procedures, or proposed conformity assessment procedures, which are operated within its territory by non-governmental bodies, or by regional bodies of which such bodies are members or participants;

10.3.3 the membership and participation of relevant non-governmental bodies within its territory in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements within the scope of this Agreement; they shall also be able to provide reasonable information on the provisions of such systems and arrangements.

^{xxi} 10.2 If, however, for legal or administrative reasons more than one enquiry point is established by a Member, that Member shall provide to the other Members complete and unambiguous information on the scope of responsibility of each of these enquiry points. In addition, that Member shall ensure that any enquiries addressed to an incorrect enquiry point shall promptly be conveyed to the correct enquiry point.

^{xxii} 10.4 Members shall take such reasonable measures as may be available to them to ensure that where copies of documents are requested by other Members or by interested parties in other Members, in accordance with the provisions of this Agreement, they are supplied at an equitable price (if any) which shall, apart from the real cost of delivery, be the same for the nationals of the Member concerned or of any other Member.

^{xxiii} 3. Each Member shall ensure that one enquiry point exists which is responsible for the provision of answers to all reasonable questions from interested Members as well as for the provision of relevant documents regarding:

(a) any sanitary or phytosanitary regulations adopted or proposed within its territory;

(b) any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory;

(c) risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;

(d) *the membership and participation of the Member, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems, as well as in bilateral and multilateral agreements and arrangements within the scope of this Agreement, and the texts of such agreements and arrangements.*

^{xxiv} 4. *Members shall ensure that where copies of documents are requested by interested Members, they are supplied at the same price (if any), apart from the cost of delivery, as to the nationals of the Member concerned.*

^{xxv} 10.7 *Whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement. Members concerned are encouraged to enter, upon request, into consultations with other Members for the purposes of concluding similar agreements or of arranging for their participation in such agreements.*

^{xxvi} 15.2 *Each Member shall, promptly after the date on which the WTO Agreement enters into force for it, inform the Committee of measures in existence or taken to ensure the implementation and administration of this Agreement. Any changes of such measures thereafter shall also be notified to the Committee.*

^{xxix} 6. *However, where urgent problems of health protection arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 5 of this Annex as it finds necessary, provided that the Member:*

- (a) *immediately notifies other Members, through the Secretariat, of the particular regulation and the products covered, with a brief indication of the objective and the rationale of the regulation, including the nature of the urgent problem(s);*
- (b) *provides, upon request, copies of the regulation to other Members;*
- (c) *allows other Members to make comments in writing, discusses these comments upon request, and takes the comments and the results of the discussions into account.*

^{xxx} 10.7 *Whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement. Members concerned are encouraged to enter, upon request, into consultations with other Members for the purposes of concluding similar agreements or of arranging for their participation in such agreements.*

^{xxxi} Sanitary or phytosanitary measures include all relevant laws, decrees, regulations, requirements and procedures including, *inter alia*, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety.

^{xxxii} 1. *Technical regulation:* Document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.

Explanatory note: The definition in ISO/IEC Guide 2 is not self-contained, but based on the so-called "building block" system.

2. *Standard:* Document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. It may also include or deal

exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.

Explanatory note: The terms as defined in ISO/IEC Guide 2 cover products, processes and services. This Agreement deals only with technical regulations, standards and conformity assessment procedures related to products or processes and production methods. Standards as defined by ISO/IEC Guide 2 may be mandatory or voluntary. For the purpose of this Agreement standards are defined as voluntary and technical regulations as mandatory documents. Standards prepared by the international standardization community are based on consensus. This Agreement covers also documents that are not based on consensus.

3. *Conformity assessment procedures:* Any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled.

Explanatory note: Conformity assessment procedures include, *inter alia*, procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; registration, accreditation and approval as well as their combinations.