



**Asia-Pacific
Economic Cooperation**

Advancing Free Trade
for Asia-Pacific **Prosperity**

CTI Public – Private Dialogue (PPD) on Promoting Transparency through the Improvement of Information Submitted in the Sanitary and Phytosanitary (SPS) Notifications

Puerto Varas, Chile | 22-23 August 2019

APEC Committee on Trade and Investment

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APEC Committee on Trade and Investment (CTI)

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CTI Public – Private Dialogue (PPD) on Promoting Transparency through the Improvement of information submitted in the Sanitary and Phytosanitary (SPS) Notifications

Summary Report

1. Introduction

On 22 and 23 August 2019, the APEC CTI Public – Private Dialogue (PPD) on Promoting Transparency through the Improvement of information submitted in the Sanitary and Phytosanitary (SPS) Notifications was held in Puerto Varas, Chile. This event was organized by Peru and co-sponsored by Chile; Hong Kong, China; Indonesia; New Zealand; Philippines; and United States

The PPD is a component of APEC project CTI 03 2019T – “Promoting Transparency through the Improvement of Information submitted in the Sanitary and Phytosanitary (SPS) Notifications”. The PPD’s objectives are: (1) to exchange views among private, public and academic sectors regarding the current situation of quality and completeness of WTO’s SPS notifications; (2) to discuss the results of the *Study on SPS Notifications and their Information Quality and Completeness in the APEC region*; and (3) to discuss possible recommendations to improve the quality of the information submitted in the notifications.

The expected outcome of this PPD, together with the study, is the development of a set of voluntary recommendations on SPS notifications to be endorsed by CTI before the end of 2019.

This report presents the summary of each session of the PPD.

2. Transparency provisions related to SPS Agreement and sources of information on SPS measures

The representative from the WTO Secretariat, Ms. Serra Ayrál highlighted that considering the results of UNCTAD’s and World Bank’s recent report “*The Unseen Impact of Non-Tariff Measures: Insights from a new database*”, SPS measures are the most frequent form of non-tariff measures affecting agri-food products with a global average ad valorem impact of 14.3 per cent. In this context, it is possible to reduce trade costs without compromising policy objectives.

In this regard, one of the key objectives of WTO SPS Agreement is to improve transparency related to SPS measures. Considering this issue, the challenge for the private sector should be to stay accurately informed in order to avoid any trade disruption. For this purpose, communication among different governments and different stakeholders is a key topic to avoid any significant impact to trade. Enquiry points could not be experts on each SPS issues, but one of its strengths could be to build and maintain strong networks and channels of communication.

WTO Secretariat also emphasized that enhancing transparency not only reduces trade disruptions but also it is a signal for a well-functioning system and a way to build trust among Members.

Regarding transparency obligations and recommendations, WTO Secretariat highlighted the obligations that Members have, such as the notification of draft regulations, the publication of regulations, the establishment of an enquiry point and the designation of the notification authority.

It was also mentioned the existing relationship between SPS and TBT standards, as some measures might present components of both. For this purpose, in the document G/SPS/7/Rev.4, it is stated: *“When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement (e.g., a food safety measure) and which parts fall under the TBT Agreement (e.g., quality or compositional requirements)”*

Regarding the level of implementation, since 1995, there are more than 23 thousand SPS notifications, being the 72% of them from developing and least developing economies. Pertaining regular notifications, 8 APEC are among the 10 most active notifiers, as well as in emergency notifications, 5 APEC economies are in this group.

During this session, it was also mentioned that WTO Central Registry of Notifications tries to assign HS codes when these are not provided, but this work does not imply to modify any SPS notification from any Member. This assignation is just to manage WTO internal database in a more efficient way and with the growing number of notifications, it is not always possible.

In addition, the recent developments in WTO SPS/TBT Committees was explained. In relation to the former, there is still an ongoing work on the Fifth Review of the SPS Agreement, having a proposal related to the notification of measures with both SPS and TBT components. Besides, some workshops have been taken place and the next one related to transparency would take place on July 2020.

On the other hand, WTO TBT Committee has already adopted its 8th Triennial Review report in 2018, which includes many recommendations related to transparency. Among these recommendations is worth mentioning improving information in notification (e.g. product codes, dates of entry into force, RIA), notifying to both SPS/TBT Committees when applicable, discussing use of ePing by Enquiry Points and the private sector and disseminating comments via ePing.

As a conclusion of this session, it was mentioned that there is an overall positive track record in SPS transparency. However, there is still room for improvement and benefitting from transparency framework. In this regard the WTO Secretariat could also help members on different kinds of technical assistance activities.

3. Challenges regarding WTO SPS notifications by the public sector

3.1. USA

During the first part of the session, the representatives from USA, Ms. Betsy Flores and Lori Tortora, presented both the procedures and challenges faced by USA regarding WTO SPS notifications.

USA informed session attendees that its commitment with transparency started before WTO with the United States Administrative Procedures Act (APA) of 1946.

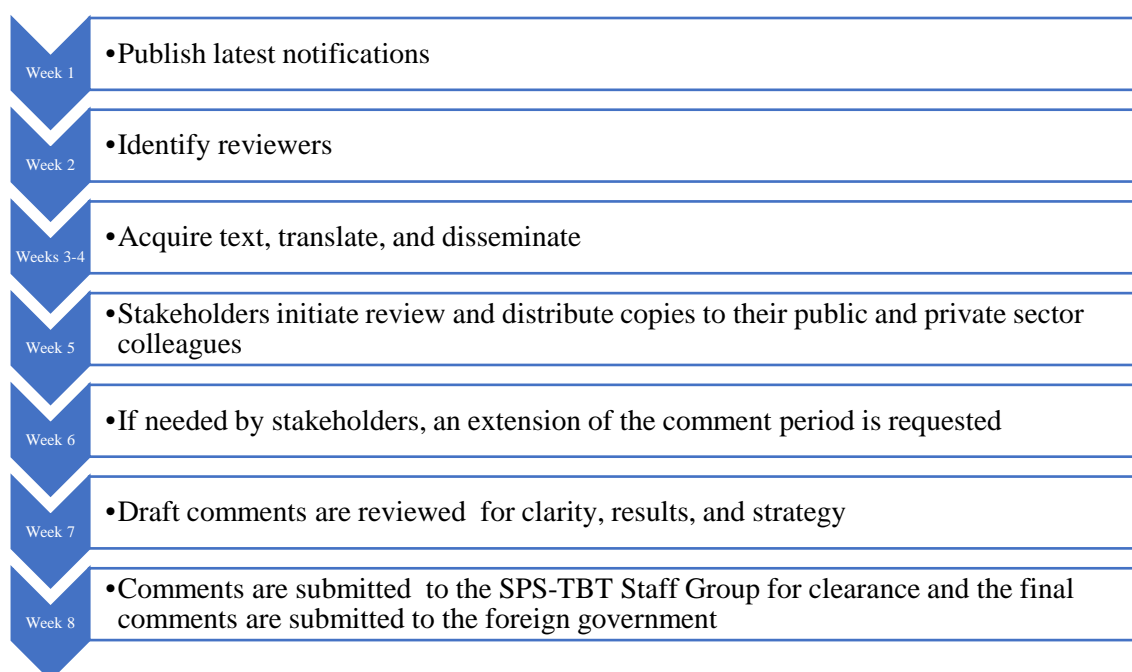
This legislation governs administrative procedures for all USA federal agencies. With APA, federal agencies should notice and solicit input from public. In this regard, APA is the legal framework that supports USA notifications to the WTO.

Consistent with APA, proposed rules are published in a public docket at *Regulations.gov* and also notified to the WTO. It was mentioned that when a comment is received through WTO Enquiry Point, it is also published at *Regulations.gov*, even if it is a comment from a foreign government agency.

As the public can comment through *Regulations.gov*, sometimes proposed rules received thousands of comments. As many comments could be on the same subject, USA does not answer every individual comment. Instead, responses are published as along with the rationale for the course of action taken.

USA also mentioned its specific review process of SPS notifications. The process is presented in Figure 1.

Figure 1. USA SPS Notification Review Process



Regarding the process, USA has identified many challenges in order to manage the information provided on SPS notifications.

First, the products covered by a notification are not always easy to classify or understand, as many APEC economies use general terms when completing this part of the notification.

Second, translations are also a big challenge, due to the complexity and time required to complete them. A new measure may have many pages. It should be highlighted that the aforementioned process can not start immediately if the proposed measure is not translated. Thus, the time to submit comments or to share the notification with stakeholders can be delayed.

Third, USA suggested that using commonly recognized terms is critical in order to understand the description of content in a SPS notification, unless an international standard is adopted.

It was also mentioned that it would be useful if the notifying economy could describe if there is any element from the proposed measure that only applies to its own producers. With that information, the resources designated to understand the whole measure could be better applied.

Fourth, USA indicated that regarding the more complex measures that need translation, sufficient comment time is required. Sometimes when this has been the case, the USA has requested more time and other economies have rejected its petition.

It should be also necessary to have clear information related to dates of entry into force and the transition period.

Finally, USA indicated that some economies do not accept comments directly from industry, even when industry would be directly affected and could verify if a measure could be successfully implemented. To improve measures, industry could also provide suggestions and commercially viable alternatives.

3.2. Chile

The session continued with the presentation of Ms. Roxana Vera from Chile. The Agricultural and Livestock Service (*Servicio Agrícola y Ganadero* - SAG), which is also the Chilean National Notification Authority (NNA) for SPS measures presented the challenges that they face and also some improvement of measures.

As NNA, SAG is in charge of notifying and distributing SPS notifications as well as developing a network with public and private sectors bodies interested in SPS issues.

In this context, Chile identified 3 main challenges in relation with their NNA experience:

1. It is a key element to improve the understanding of the public and private sectors in relation with the responsibilities of the notification matters. This situation happens as not necessarily all the stakeholders have the same level of information on WTO recommendations and obligations.
2. Reinforcing the levels of implementation, mainly with the SPS regulators.
3. Increasing the analysis of observations to the notifications of other Members, by private and public sectors.

As a way to improve the outcomes and deal with the challenges, Chile:

- regularly trains professionals from public and private sector.
- participates in the WTO SPS Committee since 1995, and also supports the multilateral trading system with proposals on transparency issues as well as shares its experiences at workshops developed by WTO Secretariat.

Regarding these challenges, Chile has started to implement the following actions to have a better performance of its NNA:

In 2010, Chile elaborated an institutional instructive (for SAG) of SPS notifications. This instructive provides a clear guide to show the notification procedure having as an objective to comply with the responsibilities to the SPS Agreement and define the responsibilities of different key actors inside SAG. Since 2018, given to a resolution from the National Director, the use of this guideline is mandatory.

Additionally, in 2019 Chile published the good practices guideline for standardizing the elaboration of SPS notifications in Chile. It is expected to deliver clarity of tasks to reinforce the participation of stakeholders.

Chile also mentioned its most recent initiative at the Pacific Alliance (PA). At the PA, Chile with the support from the other members (Colombia, Mexico and Peru), is developing a project with the NNAs from the PA, that will create a contact network in order to share information on regulations, relevant notifications, courtesy translations, among others.

With this project, it is expected to create more opportunities for cooperation, achieve a more active participation and improve the level of comments submitted by PA to other members. This initiative also includes a regional workshop for Latin American NNAs in May 2020, it will take place in Chile and is being coordinated with the support of the WTO and IICA.

In addition, Chile presented recommendations for NNAs, such as having well-trained staff, maintaining one channel to receive or submit information, keeping an updated database for efficient connection and cooperating with other NNAs.

As conclusion, Chile indicated that the functioning of NNAs is a key element in the application of the SPS transparency principle. As well as that the development of networks and alliances among of NNAs could increase the performance of economies in transparency issues.

3.3. China

This session concluded with the presentation of Mr. Fan Ye from China, who presented the Chinese system, challenges and ways of responses of SPS notifications.

China explained its inter-ministerial coordination scheme for SPS notifications. This scheme includes the collaboration of different government agencies such as the Ministry of Commerce, the Research Center for International Inspection and Quarantine Standard and Technical Regulation, the National Health Commission, the Ministry of Agriculture and Rural Affairs, the General Administration of Customs and the State Administration for Market Regulation. These agencies are involved in the notification and review process of SPS notifications.

China also informed that the transparency of its SPS measures has been improving continuously, as the level of notifications has increased since China became a WTO member.

Regarding the challenges that China faces with SPS notifications, it was mentioned that efficiency of domestic coordination is a key challenge in order to manage SPS notifications.

Moreover, China mentioned that all the information provided through WTO systems is not in Chinese. This situation generates a complex issue for its government and its private sector as Chinese is not a WTO official language and normally the proposed measures are also in other languages different from Chinese.

China added that is also a challenge to raise the public awareness of SPS measures. Tools such as ePing is important for improving transparency, but it is not really known in China and the languages of the versions of this tool are also different from Chinese.

In this context, China is looking to improve the compliance of trade policies in accordance with WTO agreements. China is also enhancing its SPS notification capabilities with training courses.

It should also be noted that China is in continuous coordination with its private sector through industry-government meetings, newsletters on SPS notifications and by referring WTO tools to its MSMEs.

4. Challenges regarding WTO SPS notifications by private sector

4.1. Global Trade Professionals Alliance (GTPA)

In the first part of the session, Ms. Collins Rex from the Global Trade Professionals Alliance (GTPA) presented its view on challenges related to SPS notifications.

In GTPA experience, SPS notifications are not necessarily problematic. Instead, transparency is the real challenge. Specifically, how industry associations, large business and SMEs manage and obtain information related to SPS issues.

Industry associations regularly develop relationships with specific ministries and officials. Thus, first, these associations try to get the information from these contacts. However, it should be also noted that some of these associations have access to specialized databases with precise information and, also obtain information from their members.

These associations share the information with their members and try to educate them on NTMs. They also inform government if a measure could be considered as a barrier. They are in-between enterprises and government.

In the case of large businesses, they also have direct channels of communication with governments and international organizations. It was highlighted that there is a tendency of governments to listen to large businesses. They can employ people to deal with NTMs issues and be prepared for any change. They are able to communicate any barrier to governments and also to press them to solve any specific issue.

The group of SMEs is the one that faces more challenges. They do not have enough resources to build relationships with government agencies. In that sense, they do not report any problem to SPS agencies, they just look to adapt to the new rules.

Regarding SPS notifications on these groups, ePing is used mostly by industry associations and large business. In both cases, they tend to analyze the notifications in order to identify any barrier. However, it should be noted that not enough information is provided through this channel.

GTPA also presented the case of *tradebarriers.dfat.gov.au*. The purpose of this website initiative is that enterprises could alert if any barrier is identified. This tool is normally used by industry associations and large businesses. Unfortunately, SMEs are rarely aware of the existence of this tool.

GTPA concluded that regarding the aforementioned situation, SMEs should be invited to participate in discussions at the highest level, as SPS issues affect directly them.

4.2. Bryant Christie Inc.

The session continued with the presentation of Mr. Bill Bryant from Bryant Christie Inc. Its representative began highlighting that when the WTO SPS Agreement was under negotiation, risk assessment and transparency provisions were considered the heart of that agreement.

Bryant Christie Inc looks for obtaining the SPS measures from different sources of information. However, they do not consider WTO SPS notifications as the main source for this purpose.

When analyzing the SPS notifications, Bryant Christie Inc identified many challenges that should be solved in order to improve the system.

First, some SPS notifications do not include the weblink of the original or proposed regulation. Instead, just agencies websites are included and making difficult to find the correct document.

Second, there is a lack of translated original sources. Bryant Christie Inc indicated that it is not necessary to translate the whole document, but at least trying to identify the differences with the former legislation and translate those changes would be beneficial to solve this challenge.

Third, the description of the content sometimes is not clear in order to identify the changes of the regulation.

Fourth, sometimes there is an overlap between SPS/TBT notifications. For example, the European Union notified only to the TBT Committee the proposed non-renewal of a substance on January 6, 2017. Later, on July 19, 2018, the European Union notified to the SPS Committee a proposal to lower the same substance MRL to 0.01 ppm. Finally, on January 30, 2019, European Union notified to the SPS Committee the publication of an amendment lowering the MRL of the substance to 0.01 ppm. The effective date of entry into force was August 13, 2019, which means only 1 year after the first SPS notification, but 2 years and 7 months after the TBT notification.

Fifth, it is difficult to track progress through the system. For example, one APEC economy has notified a draft amendment to the SPS Committee on April 5, 2019. The amendment was implemented on April 29, 2019, but not notified to WTO.

Sixth, there is a difference when economies notify changes domestically and to the WTO. For example, on September 10, 2018, one APEC economy notified that a proposed MRL would be adopted when it would be published in its official gazette. Then, on July 30, 2019, the same economy notified that the MRL had been adopted on February 28, 2019, being effective on August 28, 2019. In this context, the effective date of implementation was less than a month after the notification.

Seventh, some economies request comments after the measure is implemented. For example, one APEC economy notified an amendment on April 5, 2019 with a comment deadline of June 4, 2019. The measure was adopted on April 29, 2019, effective immediately.

Finally, Bryant Christie Inc suggested that there is an area that is needed to be improved on transparency issues. Normally, bilateral work plans on phytosanitary issues are not notified and in some cases are not public. Having this information would help APEC economies to develop less trade restrictive phytosanitary work plans. In that sense, an APEC database on fruits and vegetables work plans could be a future project related to transparency.

4.3. Food Industry Asia (FIA)

The session concluded with the presentation of Ms. Teresa Lo from Food Industry Asia (FIA). FIA emphasized that NTMs may turn into NTBs obstructing trade potential. Thus, there is a need for greater regulatory convergence and mutual recognition of standards.

FIA presented the key challenges in the agri-food sector that were identified in its paper from 2018, titled *Removing Non-Tariff Barriers in ASEAN through Regulatory Convergence and Mutual Recognition in the Food Sector*.

These challenges include that good regulatory practices are not applied at operational level, as there is a lack of consultation periods, availability of draft regulations, among others.

In addition, FIA presented the case of ASEAN integration process that has established a more opened market with intra-regional tariffs eliminated, but there is still less progress on the alignment of standards and regulations and other NTMs.

For FIA, this situation suggests that FTAs are important but do not address the challenges beyond tariff, challenges that are more important to overcome to advance regional integration.

On the other hand, FIA introduced a case of study in order to understand the importance and the availability of information. In this case, in the document *The Review of Food Registration Processes and Requirements in ASEAN*, is noted that the access to timely, updated regulatory information is key to ensure easy market access of products across ASEAN economies. It was also noted that enterprises prefer face to face meetings with local partners or with governments in order to obtain the accurate information.

FIA also noted that some challenges regarding SPS notifications are the differences of languages, the availability of full text in notifications, and the uncertainty on dates of adoption and entry into force.

Finally, FIA mentioned that good regulatory practices should be applied to SPS notification process, providing stakeholders enough consultation time and looking for regional harmonization.

5. Sources of information related to SPS measures

5.1. WTO Secretariat

For the first part of this session, WTO Secretariat presented two tools to obtain SPS and other NTMs' information.

First, ePing SPS/TBT notification alert system was presented. The ePing was developed with the objective to inform public and private sectors about new SPS/TBT notifications presented at WTO. In addition, ePing is a communication platform that supports public and private sector dialogue, facilitated by enquiry points.

Since it was launched in 2016, the number of users has highly increased with more than 7 thousand in 2019. More than half the users are from governments.

In APEC region, there are around 2,600 ePing subscribers, about half of which are from government. More than 30% are from private sector. The rest of users are from NGOs or other stakeholders.

WTO Secretariat proposed some actions in order to maximize ePing benefits in APEC economies. For this purpose, it was suggested to engage enquiry points to become ePing administration at the governmental level, as well as to promote use to the private sector. In addition, the enhancement of a governmental coordination mechanism and participation in the WTO SPS/TBT Committee was also recommended.

Moreover, WTO Secretariat indicated that notifications provide a partial picture of global regulatory environment, since there are complementary sources of information from UNCTAD, ITC, and other international bodies.

Second, the WTO Secretariat made a brief review of the Global Trade Helpdesk. This is another tool to obtain NTMs information and it is being developed to be the single-entry point for trade-related information.

The objective of this tool is to integrate the dispersed and complex information that different international bodies have and have then in just one webpage. This tool would include information from WTO, ITC, World Bank, among others. It should be noted that a beta version could be found in globaltradehelpdesk.org and the final version would be presented at the next WTO ministerial meeting.

5.2. Bryant Christie Inc.

To conclude this session, Bryant Christie Inc. presented its experience in obtaining regulatory information for the databases it manages.

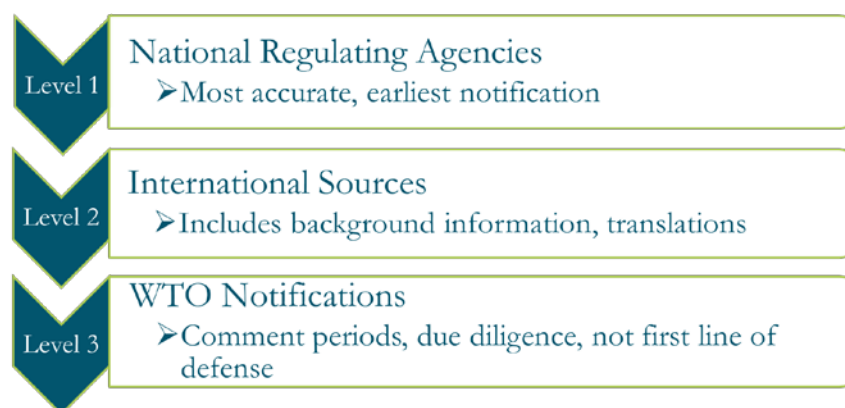
Bryant Christie Inc indicated that they consider three kind of sources of information (see Figure 2), depending on the importance of the measure. Unfortunately, they consider that WTO SPS notification system is the least important source, but the objective should be to convert it on the most important.

Regarding the first level of sources, Bryant Christie Inc indicated that the information from domestic regulatory agencies is the most accurate and always notified first. However, they have to check hundreds of webpages every day if they want to find the correct information.

The second level of information is the international sources, which have the information centralized with helpful insights, but it is not the primary source and could present inaccuracies in reporting.

The final level of information is the WTO SPS notification system, which is also centralized but the information is not presented on time and inaccuracies persist.

Figure 2. Sources of Regulatory Information



It was also noted that even with the challenges that now are presented, the situation is much better than before the WTO. Bryant Christie Inc indicated that before the WTO, the company used to look for information through embassies accredited in Washington DC, but as there was no obligation to notify, they depend on the courtesy of the officials in each embassy.

6. Transparency provisions in SPS chapters on bilateral and regional trade agreements

6.1. Chile

In the first part of this session, Mr. Gaston Fernandez from Chile explained Chilean trade policy as well as its experiences on bilateral and regional trade agreements.

Chile highlighted its openness to trade, as they have 28 FTAs with 64 economies. With this scenario, Chile has become, in 2018, the largest exporter of fresh cherries, grapes, blueberries and salmon.

In relation to the negotiation of SPS chapters, Chile presented the membership of its SPS committee in charge of coordinating among government agencies.

In addition, Chile described the general structure of its bilateral SPS chapters. Chile indicated that they do not negotiate articles related to technical assistance and differential treatment.

Chile also reported about its *Cadastrre of Non-Tariff Barriers Affecting Chilean Exports*. This is a research done every year with Chilean enterprises. The document serves to understand and identify the NTBs on agricultural products, products for vegetal propagation, forestry products, among others.

6.2. Mexico

The representative of Mexico, Mr. Sergio Balderas, presented the Mexican experience on transparency provisions on SPS chapters in the FTA Mexico-Peru, FTA Mexico-EFTA, NAFTA, among others.

Mexico started by explaining the regulatory process that they follow before submitting a notification to the WTO. This process included a regulatory impact analysis, which also demands the revision of the proposed notification in accordance to WTO guidelines.

Then, Mexico described the main provisions related to transparency in its different trade agreements. The majority of them include the reaffirmation of WTO SPS Agreement and also the obligation to provide at least 60 days period for comments prior to the adoption of the proposed measure.

Mexico emphasized that committees at the governmental level and the ones with other economies are an effective way to improve transparency. They allow SPS authorities to share information even before than the WTO and to get confidence for future work.

6.3. Peru

The representative of Peru, Ms. Sheilla Baldeon, shared her experiences on transparency issues in the FTA Peru-EU, FTA Peru-China, FTA Peru-Japan, among others.

Peru indicated that there are many challenges to implement transparency provisions from trade agreements and a possible way to deal with it would be to establish SPS committees for bilateral or regional agreements.

6.4. Indonesia

To conclude this session, Ms. Tatit Diah Nawang Retno from Indonesia presented their experience on SPS transparency from the Indonesia-Australia CEPA, Indonesia-Chile CEPA, RCEP, among others.

Indonesia emphasized that transparency is key principle of WTO SPS Agreement. Transparency should not only be catalogued as a provision, but also as a mechanism to avoid trade disruption and to monitor the compliance as WTO members.

Indonesia indicated that the positive impacts when implemented transparency provisions were the protection of public health and of the environment, the increase of safety, the minimization of trade restrictions and the improvement of relationship with private sector and other stakeholders. However, they experimented some negative impacts such as the high economic costs that this process demands.

7. Presentation of the Study of APEC Economies' Sanitary and Phytosanitary (SPS) Notifications on Quality and Completeness of Information

Regarding the different perceptions of transparency between public and private sector, Peru proposed the initiative *Promoting Transparency through the Improvement of SPS Notifications* (2018/SOM1/CTI/011).

This study is part of that initiative. The study's main objective is to evaluate the quality and completeness of the information provided by APEC economies, in accordance with *the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement* (G/SPS/ 7/Rev.3). Thus, this study seeks to raise awareness and increase the understanding of:

- SPS notifications compliance with the Recommended Transparency Procedures.
- Key items from SPS notifications that should be clearly expressed to improve the quality and completeness of the information.
- Private sector perceptions' of SPS notifications and main challenges related to the quality and completeness of the information.

Regarding that, Mr. Marcelo Valverde presented the results of the study. The results of this study show that the level of compliance of APEC economies with the WTO guidelines on regular notification is in average 73 percent. It should be noted that the global average decreases to 58.55% when items 1 (Member notifying), 2 (Agency responsible) 4 (Regions or economies likely to be affected) and 7 (Objective and rationale) are excluded, considering that they are always going to obtain a qualification of 100 percent.

On emergency notifications the situation improves. The analysis shows 84 percent compliance rate. However, it should be noted that this average decreases to 75.45% when items 1, 2, 4 and 7 are excluded, considering that they are always going to obtain a qualification of 100 percent.

These results compared with private sector's perceptions, allowed Peru to identify those items whose improvement of information could have a significant short-term impact. To identify those items, the results of the study on the SPS notifications and private sector perception were compared (see Figure 3).

Figure 3. Similarities on APEC Private Sector Concerns and Study Results

From 3. RESULTS OF THE NOTIFICATIONS' ANALYSIS		From 4. PRIVATE SECTOR EXPERIENCES	
ITEM TO BE IMPROVED IN REGULAR SPS NOTIFICATION (FROM 3.1.17. GENERAL EVALUATION OF REGULAR NOTIFICATIONS)	ITEM TO BE IMPROVED IN EMERGENCY SPS NOTIFICATION (FROM 3.2.16. GENERAL EVALUATION OF EMERGENCY NOTIFICATIONS)	PERCEPTION OF IMPORTANCE FOR PRIVATE SECTOR (4.3. PERCEPTION OF IMPORTANCE OF ITEMS IN WTO SPS NOTIFICATIONS)	PERCEPTION OF MAJOR CHALLENGES (4.4. PERCEPTION OF MAJOR CHALLENGES AND TRANSPARENCY BY ECONOMY)
3 - PRODUCTS COVERED	3 - PRODUCTS COVERED	VERY IMPORTANT	IT IS DIFFICULT TO DETERMINE WHICH PRODUCTS ARE INVOLVED
6 - DESCRIPTION OF CONTENT	6 - DESCRIPTION OF CONTENT	VERY IMPORTANT	LACK OF INFORMATION OF THE DRAFT MEASURE
10 - PROPOSED DATE OF ADOPTION AND OF PUBLICATION	11 - DATE OF ENTRY INTO FORCE AND PERIOD OF APPLICATION		
11 - PROPOSED DATE OF ENTRY INTO FORCE			
12 -FINAL DATE FOR COMMENTS AND AGENCY OR AUTHORITY HANDLING COMMENTS		VERY IMPORTANT	

The two most relevant items for their higher potential impact in improving the quality and completeness of information of WTO SPS notifications are: (3) Products covered and (6) Description of the content. In item 3, private sector reported that “it is difficult to determine which products are involved”. Regarding item 6, “lack of information for the draft measure” is private sector’s reason for signalling its importance.

Based on the results of the study and this PPD, Peru will develop draft voluntary recommendations in order to improve the quality and completeness of WTO’s SPS notifications in APEC region. Those recommendations will be commented by CTI and other relevant APEC fora and subsequent CTI’s endorsement.

8. Breakout session

In this final session, APEC economies were invited to share their views on possible recommendations to improve the quality and completeness of WTO’s information submitted in the SPS notifications in APEC region. To promote the dialogue, the following questions were discussed:

- In your opinion, which are the items of a SPS notification that should be improved in the short-term?
- Why do you think APEC economies do not fully comply with WTO guidelines related to the identified items?
- How APEC economies could improve the level of compliance of those items with WTO guidelines?
- What else could be done in APEC to improve transparency on SPS issues?

The summary of groups discussions is presented below.

8.1. First question. In your opinion, which are the items of a SPS notification that should be improved in the short-term?

Regarding first question, it was agreed that more complete and comprehensive information on formal notification could be useful, including the following:

- identifying the appropriate HS codes or providing a detailed description of the products and not simply stating that the regulation will affect all food products,
- having continuously updated/functioning links (to websites),
- keeping a permanent record of regulation drafts,
- providing a translated outline of the regulations, preferably in a WTO language,
- using scientific names, and
- noting the essential time periods, such as the date of publication and entry into force.
- identifying the contact points in item 13 of the notification.

It was also recommended to include in the notification the changes from the original/previous measure . This would give economies a better idea of what portions of regulations need to be translated so as to be able to and use resources more efficiently.

Participants suggested that sharing ideas of improvement with other nonregulatory specialists (i.e. politicians and industry) on why the notification system is important, would be beneficial to improve notifications.

It was recommended that asking for guidance be requested from the WTO Secretariat, which would serve as a reminder to WTO members to be aware of the existing procedures, including respecting the 60-day comment period.

8.2. Second question. Why do you think APEC economies do not fully comply with WTO guidelines related to the identified items?

Considering the second question, it was noted that in many cases regulatory specialists are busy and complying with WTO obligations is only part of their job. In some cases, as this is not part of their specialty, they do not know how to meet WTO provisions.

On the other hand, economies face domestic pressures, including legislation that make meeting WTO obligations difficult, including the 60-day comment deadline.

Finally, there are often interagency communication obstacles. For that purpose, it would be useful to develop domestic guidelines, clearly specifying each agency responsibility.

8.3. Third question. How APEC economies could improve the level of compliance of those items with WTO guidelines?

On third question, it was suggested that economies develop a standard operating procedure at the domestic level and regularly organize workshops to support its implementation .Also, economies recommended that NNAs should participate in capacity building programs given they have the responsibility to provide SPS notifications that are not complete as possible. Finally, it was suggested that economies provide information with the expectations for a new regulation. For example, if an economy is demanding a new certification, examples of the information to be included in that certification should be shared before the entry into-force of the proposed legislation.

8.4. Fourth question. What else could be done in APEC to improve transparency on SPS issues?

Regarding the last question, it was suggested to create a scheduled review of transparency issues, ensuring the continuous monitoring and evaluation of transparency efforts. It would be possible to develop a transparency index with the support of other international organizations.

It was also recommended to develop more public-private partnerships to increase understanding of what are the industry needs, to improve communication of what government obligations are, and to encourage cooperation.

Also, stakeholders were encouraged to take advantage of the free online courses that the WTO and other institutions offers.

The possibility to have a workshop to share ideas and best practices in transparency was also suggested. The workshop, that would include the active participation of NNAs, would identify more specific obstacles to increase transparency in the quality and completeness of WTO's SPS notifications of APEC's members.

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Annex 1. List of participants

	ECONOMY / SECRETARIAT / GUEST	TITLE	NAME	ORGANISATION
1	Canada	MISS	ISABELLE MARIE VALERIE DEPAULT	AGRICULTURE AND AGRIFOOD CANADA
2	Chile	MR	JOHN HEASLIP	OFICINA APEC CHILE
3	Chile	MR	GASTON FERNANDEZ	SUBREI
4	Chile	MS	CLAUDIA ESPINOZA	SAG
5	Chile	MISS	ROXANA INES VERA	SERVICIO AGRICOLA Y GANADERO
6	China	MR	FAN YE	MOFCOM
7	Indonesia	MRS.	TATIT DIAH NAWANG RETNO	MINISTRY OF AGRICULTURE
8	Malaysia	MS	SITI ARFAH KAMARUZAMAN	MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY
9	Malaysia	MS	ROZILAWATI MOHD AZMAN	DEPARTMENT OF AGRICULTURE
10	New Zealand	MR	JUSTIN KENNETH ALLEN	MFAT
11	Mexico	MR	SERGIO IVAN BALDERAS	SECRETARIAT OF ECONOMY
12	Papua New Guinea	MR	MICHAEL AREKE	NATIONAL AGRICULTURE QUARANTINE AND INSPECTION AUTHORITY
13	Peru	MR	JULIO JOSE CHAN	MINISTRY OF FOREIGN TRADE AND TOURISM
14	Peru	MR	MARCELO ALONSO VALVERDE	MINISTRY OF FOREIGN TRADE AND TOURISM
15	Peru	MRS.	CARLOTA ERNESTINA MARENGO	SENASA
16	Peru	MISS	SHEILLA BALDEON	SANIPES
17	Peru	MR	AUGUSTO EMILIANO MELLO	UNIVERSIDAD DE LIMA

	ECONOMY / SECRETARIAT / GUEST	TITLE	NAME	ORGANISATION
18	Peru	MISS	INGRID FELICITA JAUREGUI	MINISTRY OF FOREIGN TRADE AND TOURISM
19	Peru	MISS	EDITH VILLANUEVA	DIGESA
20	Peru	MR	WALTER FERNANDO IBARRA	MINISTRY OF FOREIGN TRADE AND TOURISM
21	Philippines	MS	MICHELLE PONTILLAS	DEPARTMENT OF TRADE AND INDUSTRY
22	Philippines	MS	MARIETTA TRIMPE	DEPARTMENT OF TRADE AND INDUSTRY
23	Philippines	MS	RAISSA FAMINIAL	DEPARTMENT OF TRADE AND INDUSTRY
24	Philippines	MS	ANNALYN LOPEZ	DEPARTMENT OF AGRICULTURE
25	Philippines	MS	MARIE SHERYLYN AQUIA	DEPARTMENT OF TRADE AND INDUSTRY
26	Russia	MS	KRISTINA CHERNIAVSKAIA	MINISTRY OF ECONOMIC DEVELOPMENT OF THE RUSSIAN FEDERATION
27	Singapore	MR	BENJAMIN KIA HOCK TAN	MINISTRY OF TRADE AND INDUSTRY
28	Chinese Taipei	MS	HUI NING LEE	BUREAU OF FOREIGN TRADE MINISTRY OF ECONOMIC AFFAIRS
29	Thailand	MISS	KANYARAT ROMPOCAPONG	DEPARTMENT OF TRADE AND NEGOTIATIONS
30	Thailand	MISS	PUTTACHART WONGMONGKOL	DEPARTMENT OF TRADE AND NEGOTIATIONS
31	Thailand	MR	NAVAMIN CHATARAMONTRI	DEPARTMENT OF TRADE AND NEGOTIATIONS
32	Thailand	MISS	NATTAYAPAT SORNANANKUL	NATIONAL BUREAU OF AGRICULTURAL COMMODITY AND FOOD STANDARDS
33	United States	MS	ELIZABETH FLORES	OFFICE OF THE US TRADE REPRESENTATIVE
34	United States	MS	LORI TORTORA	US DEPARTMENT OF AGRICULTURE
35	United States	MS	SARAH FASANO	US DEPARTMENT OF AGRICULTURE

	ECONOMY / SECRETARIAT / GUEST	TITLE	NAME	ORGANISATION
36	Viet Nam	MR	PHAM QUANG HUY PHAM	MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT VIET NAM
37	APEC Secretariat	MS	EVA NAKAMURA	APEC SECRETARIAT
38	Invited Guest	MR	COLLINS REX	GTPA
39	Invited Guest	MR	BILL BRYANT	BRYANT CHRISTIE INC
40	Invited Guest	MS	ZEHRA AYRAL	WTO
41	Invited Guest	MISS	TERESA LO	FIA

Annex 2. Agenda of the PPD

DAY ONE		22 August 2019
8.30 – 9.00 am	Registration	
9.00 – 9.15 am	Opening Remarks Mr. Julio CHAN, APEC General Coordinator, Ministry of Foreign Trade and Tourism of Peru	
Session 1 9.15 – 10:30 am	Transparency provisions related to SPS Agreement and sources of information on SPS measures <ul style="list-style-type: none"> • Ms. Serra AYRAL, Counsellor, World Trade Organization (WTO) <i>Q&As</i>	
10:30 – 10:45 am	Family photo	
10:45 – 11:15 am	Coffee break	
Session 2 11:15 – 12:30 am	Challenges regarding WTO SPS notifications by the public sector <ul style="list-style-type: none"> • Ms. Betsy FLORES, Deputy Director, Office of Agricultural Affairs, Office of the U.S. Trade Representative • Ms. Lori TORTORA, Senior Trade Advisor, Foreign Agricultural Service, United States Department of Agriculture • Ms. Roxana VERA, Head International Agreements Subdepartment, Agricultural and Livestock Service of Chile • Mr. Fan YE, Attaché, Department of WTO Affairs, Ministry of Commerce of People's Republic of China <i>Q&As</i>	
12:30 – 2:30 pm	Lunch	
Session 3 2:30 – 3:45 pm	Challenges regarding WTO SPS notifications by private sector <ul style="list-style-type: none"> • Ms. Collins REX, Director Asia & Africa, Global Trade Professionals Alliance (GTPA) • Mr. Bill BRYANT, Chairman, Bryant Christie Inc. • Ms. Teresa LO, Regulatory Affairs Manager, Food Industry Asia (FIA) <i>Q&As</i>	
3:45 – 4:15 pm	Coffee break	
Session 4 4:15 – 6:00 pm	Sources of information related to SPS measures <ul style="list-style-type: none"> • ePing – SPS and TBT notifications and alert system Global Trade Helpdesk, Ms. Serra AYRAL, Counsellor, World Trade Organization (WTO) • Tracking, Compiling, and Making Sense of Changing SPS Standards, Mr. Bill BRYANT, Chairman, Bryant Christie Inc. <i>Q&As</i>	

DAY TWO		23 August 2019	
Session 5 9:00 – 10:30 am	Transparency provisions in SPS chapters on bilateral and regional trade agreements <ul style="list-style-type: none"> • Mr. Gaston FERNANDEZ, Head of Regulatory Affairs Division, Undersecretariat of International Economic Relations, Ministry of Foreign Affairs of Chile • Mr. Sergio BALDERAS, Deputy Director on SPS Measures, Ministry of Economy of Mexico • Ms. Sheilla BALDEON, Chief of Technical Cooperation Unit, National Fisheries Health Agency of Peru • Ms. Tatit Diah Nawang RETNO, Head of Sanitary and Phytosanitary Sub Division, Indonesian Agricultural Quarantine Agency, Ministry of Agriculture <p><i>Q&As</i></p>		
10:30 – 11:00 am	Coffee break		
Session 6 11:00 – 12:30 pm	Presentation of the Study of APEC Economies' Sanitary and Phytosanitary (SPS) Notifications on Quality and Completeness of Information <ul style="list-style-type: none"> • Mr. Marcelo VALVERDE, Coordinator of SPS Measures, Ministry of Foreign Trade and Tourism of Peru <p><i>Q&As</i></p>		
12:30 – 2:30 pm	Lunch		
Session 7 2:30 – 3:45 pm	Breakout session Economies are invited to share their views on possible recommendations to improve the information submitted in the SPS notifications in APEC region.		
3:45 – 4:15 pm	Coffee break		
Session 8 4:15 – 5.30 pm	Teams presentation, draft recommendations and next steps		
5:30 – 6:00 pm	Closing remarks Mr. Marcelo VALVERDE , Coordinator of SPS Measures, Ministry of Foreign Trade and Tourism of Peru Mr. Julio CHAN , APEC General Coordinator, Ministry of Foreign Trade and Tourism of Peru		