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Economic Cooperation**



PERÚ

Ministerio de Comercio
Exterior y Turismo

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

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Produced by

Mr Marcelo VALVERDE, Coordinator of SPS Measures (mvalverde@mincetur.gob.pe)

And

Staff of the APEC General Coordination

- Mr. Julio CHAN (jchan@mincetur.gob.pe)
- Ms. Daniela HUERTAS (dhurtas@mincetur.gob.pe)
- Mr. Walter IBARRA (wibarra@mincetur.gob.pe)

Ministry of Foreign Trade and Tourism

050 Uno Oeste, Corpac,

San Isidro, Lima, Peru 15036

Tel: (+511)-5136100

Website: <https://www.gob.pe/mincetur>

For

Asia-Pacific Economic Cooperation Secretariat

35 Heng Mui Keng Terrace

Singapore 119616

Tel: (65) 68919 600

Fax: (65) 68919 690

Email: info@apec.org

Website: www.apec.org

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**STUDY OF APEC ECONOMIES' SANITARY AND PHYTOSANITARY
(SPS) NOTIFICATIONS ON QUALITY AND COMPLETENESS OF
INFORMATION**

EXECUTIVE SUMMARY

APEC economies have made substantial progress reducing tariffs; however, non-tariff barriers are still prominent and growing in the Asia-Pacific region. In the 2016, ABAC - Marshall School of Business study (*Non-Tariff Barriers in Agriculture and Food Trade in APEC: Business Perspectives on Impacts and Solutions*), businesses indicated that sanitary and phytosanitary (SPS) requirements are the most frequently used measures to obstruct or to block trade. Ambiguity, inconsistency, and discriminatory behavior in both, information and enforcement of SPS regulations, were the problems highlighted by private sector. Furthermore, 80% of business, surveyed in the ABAC study, considered that regulations are difficult, complex and unclear.

On the other hand, WTO Members are required to notify changes in their SPS measures in accordance to Article 7 and Annex B of the WTO SPS Agreement. However, in the *Analysis of the Replies [of public officials] to the Questionnaire on Transparency Under the SPS Agreement (G/SPS/GEN/1402)*, it is stated that: “the overall trend shows a high level of satisfaction among Members, 60% of whom identified themselves as very or rather satisfied with the quality and completeness of information provided in SPS notifications”. Thus, there is a misalignment between business and government perspectives on how SPS measures are notified.

In this context, in 2018, APEC Committee on Trade and Investment (CTI) approved Peru’s initiative *Proposal on Promoting Transparency Through the Improvement of Sanitary and Phytosanitary Notifications*. APEC Ministers Responsible for Trade welcomed this initiative and encouraged economies to continue APEC’s work on a set of recommendations to improve the quality and completeness of the WTO’s SPS notifications by 2019.

This study represents the first part of the initiative. Its general objective is to evaluate, using random samples, the quality and completeness of the information provided by APEC economies in WTO SPS notifications, in accordance with WTO guidelines.

This study is divided in 5 sections. The first one is oriented to identify the general problem. In the second section, the methodology used for the analysis of WTO SPS notifications is presented. The third section presents the results of the evaluation of regular and emergency notifications. Private sector perceptions on WTO SPS notifications are analyzed, in the fourth section, and finally the conclusions are presented in the last section.

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ANNEX 1: PERU’S PROPOSAL ON PROMOTING TRANSPARENCY THROUGH THE IMPROVEMENT OF SANITARY AND PHYTOSANITARY NOTIFICATIONS (2018/SOM1/CTI/011)

ANNEX 2: TERMS OF REFERENCE: PROMOTING TRANSPARENCY THROUGH THE IMPROVEMENT OF SPS NOTIFICATIONS - STUDY OF APEC ECONOMIES’ SPS NOTIFICATIONS ON QUALITY AND COMPLETENESS OF INFORMATION (2018/SOM2/CTI/005)

REFERENCES

STUDY OF APEC ECONOMIES' SANITARY AND PHYTOSANITARY (SPS) NOTIFICATIONS ON QUALITY AND COMPLETENESS OF INFORMATION

1. TRANSPARENCY OF SANITARY AND PHYTOSANITARY MEASURES IN APEC

1.1. TRANSPARENCY PRINCIPLE IN SPS MEASURES IN THE WTO

Within the framework of the World Trade Organization (WTO), transparency is one of the fundamental principles of the multilateral trading system (MTS). This principle aims to achieve a high degree of clarity, predictability and information on the policies, rules and commercial regulations of the different Members.

In that sense, the principle of transparency has been incorporated into a series of legal instruments of the WTO, including the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

In the area of sanitary and phytosanitary (SPS) measures; transparency is generally¹ regulated by three instruments:

1. The SPS Agreement.
2. The Doha Decision on Implementation-Related Issues and Concerns (WT/MIN(01)/17).
3. The Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (G/SPS/ 7/Rev.4).

Regarding the aforementioned documents, only the SPS Agreement and the Doha Decision are considered legally binding. WTO Members have the obligation to notify proposed SPS measures in advance, allow other Members to comment on the proposed measure, and take the comments into account in finalizing the measure. Other obligations include the publication of regulations, the establishment of a national enquiry point able to answer all reasonable questions from other Members, and the identification of the national notification authority responsible for the notification procedure. The third document related to recommended procedures or guidelines to assist Members in fulfilling their obligations under Article 7 and Annex B of the SPS Agreement.

In view of its importance within the SPS Agreement, this topic is a regular item in the agenda of the WTO Committee on Sanitary and Phytosanitary Measures (SPS Committee). In this context, during the Fourth Review of the operation and application of the SPS Agreement (October 2013 - July 2017), some Members submitted a proposal (G/SPS/W/278) to revise the recommended transparency procedures. The purpose of such proposal was to improve the quality and completeness of SPS notifications.

Although this proposal was not accepted, a questionnaire on transparency was developed in order to identify the needs and difficulties of Members. The responses to this questionnaire, presented in the *Analysis of the Replies to the Questionnaire on Transparency under the SPS Agreement* (G/SPS/GEN/1402) helped identify issues that could be addressed in the framework of the modernization of the SPS Information Management System (SPS IMS) and the SPS Notification Submission System (SPS NSS) platforms. This analysis has served to complement some parts of the present study.

¹ For some economy's transparency is also regulated by their accession protocols. Also, it should be noted that other instrument available is the "Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points".

1.2. IDENTIFICATION OF THE PROBLEM

In order to increase trade, economies have made substantial progress reducing tariffs; however, non-tariff measures (NTMs) are still prominent and growing in the Asia-Pacific region. From the business perspective, NTMs are sources of concern, turning in many occasions non-tariff barriers (NTBs). NTBs raise time and costs associated with trade, obstruct the development of efficient and safe supply chains. Besides, NTBs impact negatively in the participation of micro, small and medium enterprises (MSMEs) in regional and global value chains. The implementation processes and the impacts related to NTBs are, in most cases, unclear and unpredictable, making them difficult to identify, quantify, and address.

Lack of regulatory transparency is one of the major and current obstacles faced by policymakers and business looking to participate in the international market. The cost of obtaining and adapting the relevant information on NTM is normally higher for MSMEs in comparison with larger companies (UNCTAD, 2013: 45).

One of the most important categories of NTMs, with very high potential to become NTBs, are the SPS measures. According to Article 7 of and Annex B to the SPS Agreement, proposed SPS measures should be notified to the WTO, such as to enable interested trade stakeholders to become acquainted with the proposal to introduce a particular regulation. However, this mechanism seems far from being satisfactory and it could be improved. In fact, available data suggests that poor information accessibility related to NTMs is the main concern for the private sector, especially from SMEs (UNCTAD, 2013: 48).

In 2012, Kallummal analyzed WTO's SPS notifications identifying six shortcomings:

- (i) Some Members submit a significant number of notifications with the same date and almost the same objective;
- (ii) The variety of languages used in proposed SPS measures, different from WTO official ones;
- (iii) Products mentioned do not correspond to the HS code number presented;
- (iv) Vagueness in the description of the objective of the measure;
- (v) Short time for comments; and
- (vi) Wrong information of the HS nomenclature consigned in the notifications.

In the same line, the 2015 study of the United Nations Economic and Social Commission for Asia and the Pacific's (UNESCAP) titled *Trade and Non-tariff Measures: Impacts in the Asia-Pacific Region*, asserts that one problem with notifications requirements is its level of compliance as it is considered low. Also, there are other issues such as the vagueness of information for indicating the affected products and dates of implementation.

UNCTAD (2015) identified that exporters have no problem in finding out the applicable tariff rates for a specific product in a destination market; however, when looking for NTMs, there is still a significant transparency gap since systematic and comparable information is not generally available.

In addition, Nurhayati (2017) suggests that transparency obligations are more focused on procedures than in the outcome of the notifications, as Members experience challenges related to infrastructure, internet facilities, human resources and others, in order to notify through the SPS NSS. In this regard, Members use much resources to align its efforts with the procedure rather than information provided.

In the 2015 APEC Business Advisory Council's (ABAC) study, *Non-Tariff Barriers in Agriculture and Food Trade in APEC: Business Perspectives on Impacts and Solutions*, identified that SPS measures are the most frequent measures that obstruct or block trade. Ambiguity, inconsistency, and discriminatory behaviour in both information and enforcement of SPS regulations were the problems highlighted by businesses. Requirements are usually spread across different agencies, producing one of the most

important difficulties for private sector, which is to obtain accurate and timely information on SPS measures. Furthermore, experience shows us that there are cases in which regulations change frequently and without warning, which slows-down the certification and customs inspection processes.

At the multilateral level, in the *Analysis of the Replies to the Questionnaire on Transparency Under the SPS Agreement (G/SPS/GEN/1402)*, it is stated that: “the overall trend shows a high level of satisfaction among Members, 60% of whom identified themselves as very or rather satisfied with the quality and completeness of information provided in SPS notifications. There appears to be a correlation between Members' development status and their level of satisfaction, with a somewhat lower level of satisfaction among developed country Members”.

However, the aforementioned ABAC study shows that there is a misalignment between business and government perspectives on NTMs. Thus, 69% of government respondents on the non-tariff measures document, believed that regulations are simple, straight-forward and transparent, while 80% of business considered that regulations are difficult, complex and unclear.

In this regard, this study seeks to identify the reasons for the contradictory results and perspectives regarding SPS notifications for both public and private sector, and serve as a tool to discuss possible recommendations in order to improve possible lacking areas of notifications. APEC's main pillar of work is advancing on trade facilitation and liberalization, by addressing different issues, including non-tariff barriers and transparency, as outlined in the Bogor Goals. The forum also contributes with initiatives that supports and strengthens the Multilateral Trading System. In that sense, this study is well aligned with APEC's work.

2. RESEARCH METHODOLOGY

2.1. OBJECTIVE OF THE STUDY

Regarding the different perceptions of transparency between public and private sector, Peru has proposed the initiative *Promoting Transparency through the Improvement of SPS Notifications* (2018/SOM1/CTI/011), which could be found in Annex 1 of this study.

This study is part of the Peruvian initiative which has as a main objective 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)², hereafter referred as the Recommended Transparency Procedures.

In that sense, this study seeks to raise awareness and increase the understanding of:

- The compliance of SPS notifications 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 perception of SPS notifications and main challenges related to the quality and completeness of the information.

2.2. SCOPE OF THE STUDY

The study has considered regular and emergency notifications, and their respective addenda and corrigenda, from APEC economies between the years 2014 and 2017. Given the Recommended Transparency Procedures, the tools for this study have been developed considering the specifications provided in this document.

The *Analysis of the Replies to the Questionnaire on Transparency Under the SPS Agreement* (G/SPS/GEN/1402) will be used to complement the present study.

All notifications are public and are available in the WTO SPS Information Management System (<http://spsims.wto.org/>).

2.3. ANALYSIS OF NOTIFICATIONS

Regular notifications: Considering that the number of WTO SPS notifications in the aforementioned period is 2461, a total of 536 notifications were randomly selected in order to construct a representative sample which provides 99% confidence level. This sample was distributed proportionally depending on the percentage of notifications submitted by each APEC economy.

Considering that any addendum or corrigendum should be read in conjunction with the original notification, a total of 163 addenda and 4 corrigenda derived from the selected notifications were

² G/SPS/ 7/Rev.4 doesn't apply to this study, as the period covered is from 2014 – 2017, when G/SPS/ 7/Rev.3 was in force.

evaluated in accordance with the recommendations of Annex A-2: Routine Notifications – Addenda and Annex A-4: Routine Notifications – Corrigenda from document G/SPS/7/Rev.3. Also 3 revisions were analyzed in this study.

Emergency notifications: On the other hand, as the number of WTO SPS emergency notifications is 188 for the chosen period, a total of 147 of them were randomly selected in order to construct the sample with 99% of confidence.

A total of 43 addenda, 3 corrigenda and 1 corrigendum of an addendum were evaluated in accordance with the recommendations of Annex B-1: Emergency Notifications, Annex B-2: Emergency Notifications – Addenda and Annex B-4: Emergency Notifications – Corrigenda included in document G/SPS/7/Rev.3. No revisions of emergency notifications were selected for this study.

Private sector experiences: To complement the analysis, private sector's experiences on SPS notifications was also evaluated.

ABAC Peru circulated and disseminated the private sector questionnaires among ABAC members. Private sector questionnaires were received through APEC's Committee on Trade and Investment (CTI).

In total 47 questionnaires were answered, but after a revision only 44 were considered for this study. The other 3 questionnaires were not taken into account given that they were not involved or have no knowledge on SPS issues.

The questionnaires developed to assess the SPS notifications are presented in the Terms of Reference for this study (2018/SOM2/CTI/005). Those terms were endorsed by APEC's CTI and can be found in Annex 2 of this document.

3. RESULTS OF THE NOTIFICATIONS' ANALYSIS

3.1. REGULAR NOTIFICATIONS

The following sub headings reflect the information required within the formats to submit a notification to the WTO (Annex A-1, G/SPS/7/Rev.3).

3.1.1. ITEM 1: MEMBER NOTIFYING

For this item, the WTO recommends to clearly determine the following:

“Government, including the competent authorities of the European Communities, which is making the notification.”

The compliance level of this section reaches 100 percent. This is because all APEC economies only have one National Notification Authority. In addition, the WTO Secretariat has a list of the names, addresses, telephone numbers, emails and websites of the National Notification Authorities provided in accordance with paragraph 10 of Annex B of the WTO SPS Agreement.

3.1.2. ITEM 2: AGENCY RESPONSIBLE

For this item, it is requested to identify the:

“Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.”

All economies comply with indicating the responsible body. However, in some cases, the answer is more precise because a specific directorate or office from a ministry or state agency is identified.

3.1.3. ITEM 3: PRODUCTS COVERED

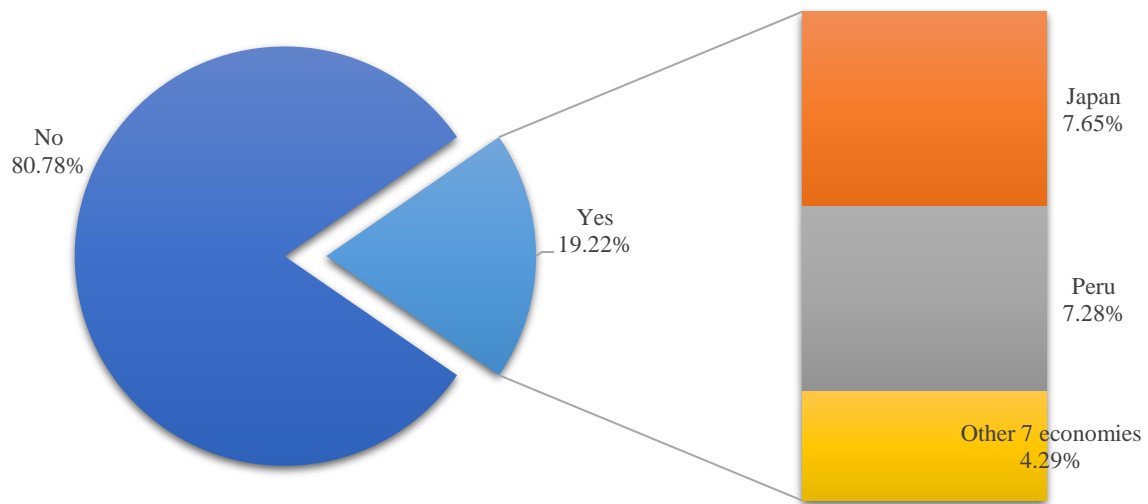
The recommended content for this item is described as follows:

“Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should 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.”

Regarding this item, as specified in document G/SPS/GEN/1402, around 35% of government officials of the WTO Members consider this section to be one of the less transparent when reading the SPS notifications. This situation is caused because the economies do not identify the tariff item number as contained in national schedules deposited with the WTO.

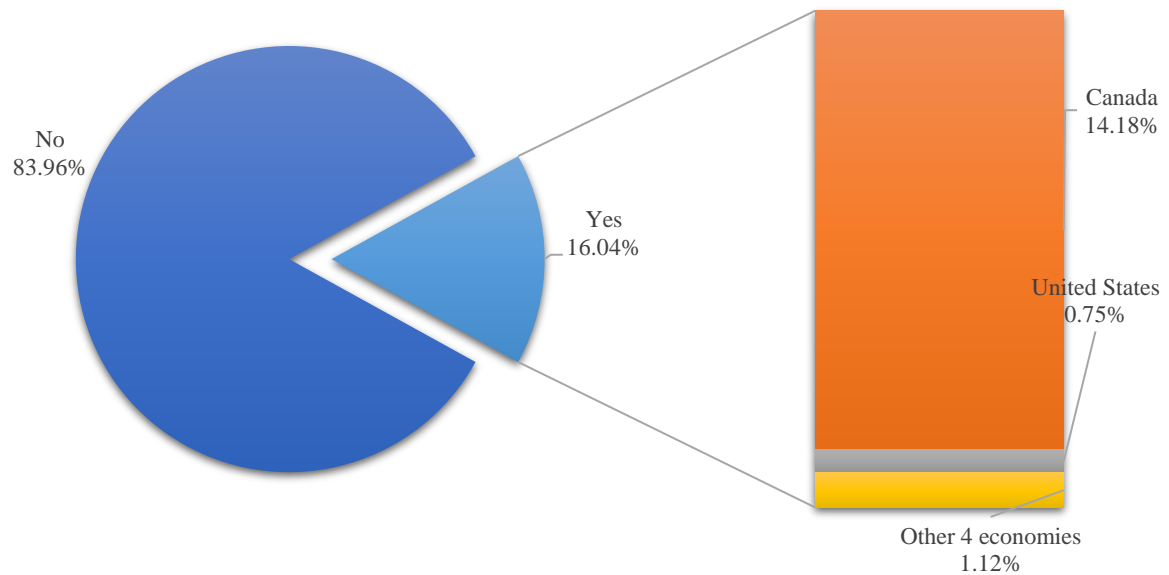
In this regard, only 19.22% of APEC member's regular notifications show the affected tariff item number (also called tariff line). Moreover, only 9 economies have included at least one time the respective tariff item number. Specifically, Japan and Peru are the economies that include this information the most (see Figure 1).

Figure 1. Inclusion of the tariff item number (tariff line) in SPS notifications



Similarly, the recommendation to provide the International Classification of Standards (ICS) number is only fulfilled by 16.04% of the cases. Specifically, only 6 economies used this classification to identify the products that were affected by the notified measure: Canada, the United States and other 4 economies (see Figure 2).

Figure 2. Inclusion of the ICS in SPS notifications



Regarding the recommendation to include products' description, 97.62% of APEC economies have specified it in their notifications. However, it is necessary to highlight that there are descriptions that do not necessarily refer to a particular product or groups of products. For example, in some notifications the information related to affected product was maximum residue limits (MRLs) of certain pesticides, list of food additives, among others. Thus, the modification of MRLs of pesticides or additives generally affects several plant products; as well as a modification in the legislation of additives. In this sense, the notifications presented erroneous descriptions that did not facilitate the appropriate identification of products that could be really affected.

Only in 2.99% of all analyzed SPS notifications, description of the affected products is not included, even so the specific tariff item number is identified. On the other hand, 52.80% of the analyzed notifications presents a clear description of the product covered. In this case, notifications present the name of the product jointly with its scientific name. Thus, it was possible to identify the concerned products even without the tariffs item numbers. It should also be mentioned that the inclusion of abbreviations is minimal, only with 1.68% of all notifications.

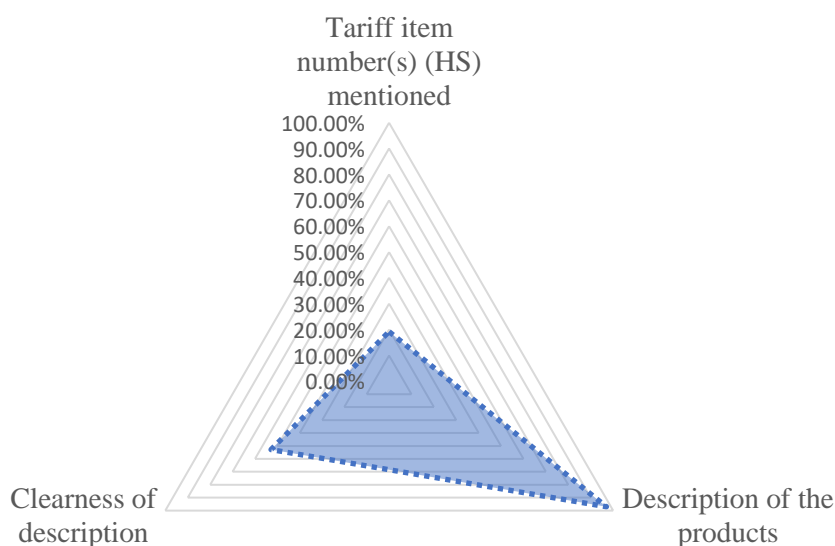
Regarding the percentages obtained from the aforementioned elements required within this item: the inclusion of the tariff numbers, description of the affected products and clearness of the description; on average, APEC economies' level of compliance with recommended information for item 2 is 56.34% (see Table 1).

Table 1. Evaluation of item 3 of SPS notifications

Elements required within the item	Level of accomplishment	Average weight	Total
Tariff item number(s) (HS) mentioned	19.22%	33.3%	6.41%
Description of the products	97.01%	33.3%	32.34%
Clearness of description	52.80%	33.3%	17.60%
Evaluation of item 3			56.34%

In summary, APEC economies mostly comply in describing some affected products in this item; however, the clarity and identification of them could be improved in order to have a better understanding of this item (see Figure 3).

Figure 3. Compliance with the recommendations for item 3 of the SPS notifications



3.1.4. ITEM 4: REGIONS OR COUNTRIES LIKELY TO BE AFFECTED

Members are requested to identify:

“The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable. Members are encouraged to be as specific as possible in identifying regions or countries likely to be affected.”

Within the sample, 100% of the notifications have included this requirement. In 81.90% of the notifications it is stated that the proposed measures affect all WTO Members, while in 18.10% specific Members are specified. It should be noted that, in some cases, even the domestic region of the affected economy has been identified.

It should be highlighted that when using the WTO’s SPS Notification Submission System (NSS), the notification cannot be submitted without filling this item. For notifications submitted by email, if not clear, the WTO Secretariat will confirm the information of this item with the notifying economy.

3.1.5. ITEM 5: TITLE, LANGUAGE AND NUMBER OF PAGES OF THE NOTIFIED DOCUMENT

WTO’s recommended procedures require to specify the following information:

“Title of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available.

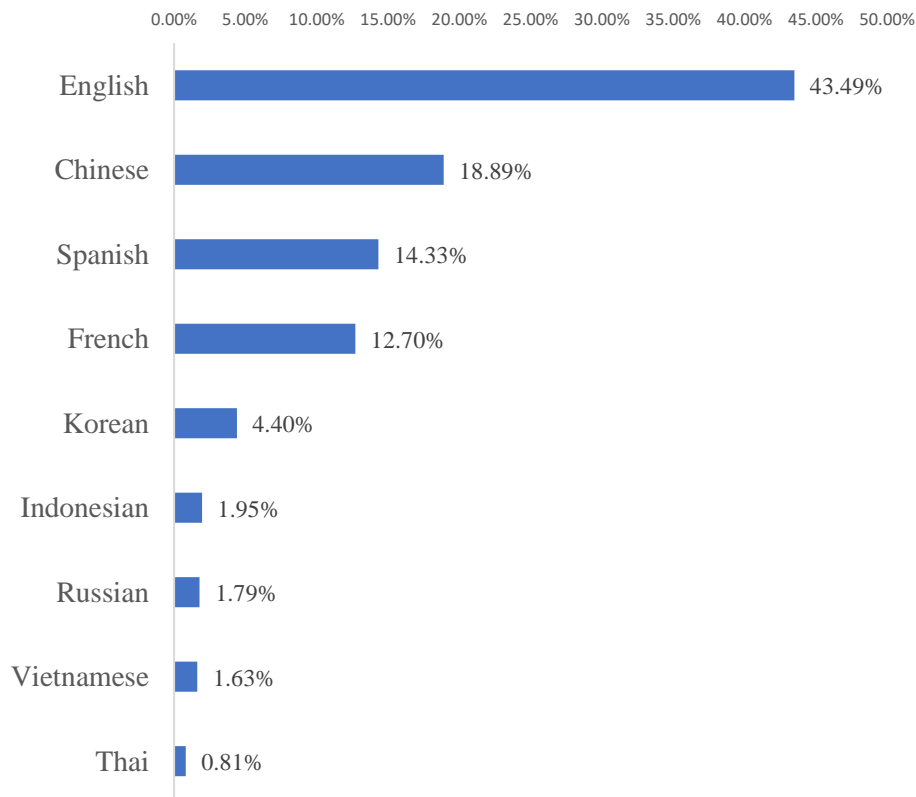
*If a translation of the whole document or its summary exists, indicate this here.
If a Member submits the text of the draft regulation or a summary or translation thereof in PDF format along with the notification, the WTO Secretariat will facilitate access to this text through a hyperlink in the notification format.”*

In the context of this recommendation, all analyzed notifications show the title of the notified measure, as well as the language of the proposed measure. Only 1.87% does not adequately present the number of pages.

Regarding the language of the measures (notified document), 43.49% of these are in English. Some economies, such as Chinese Taipei, in cases where the proposed measure has only a few pages, notify the measure only in English or in its official language with a translation in English. In that sense, it can be considered that 3.92% of SPS notifications include a translation of the measure, with English as the only language for translations (see Figure 4).

It should be noted that all notifications are submitted in the WTO’s official languages: English, Spanish and French, which might differ from the language of the proposed SPS measure.

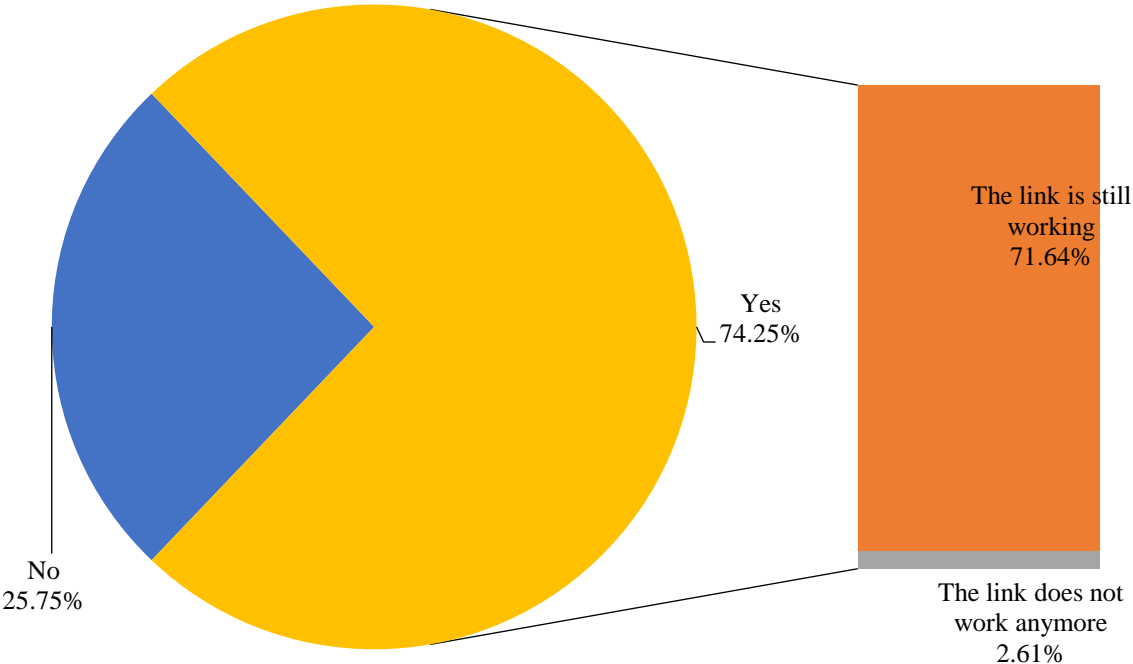
Figure 4. Language of the proposed SPS measures



In addition, WTO’s Survey (G/SPS/GEN/1402) shows that 49.07% of the responses from WTO Member indicated that the lack of inclusion of links to the proposed measures is a common problem.

In APEC, 74.25% of SPS notifications include a link to the proposed measure. Although the WTO recommendations specify that the link should allow access to a document in PDF format, in some cases other formats are used by economies, such as web pages, MS Word, among others. From the total of notifications that include a link, 96.48% of them still work. In general, links to documents stored in the WTO database (website) are fully operational; nevertheless, there are some cases where links are broken, especially when the link is associated to government websites (see Figure 5).

Figure 5. Inclusion and operation of links in item 5 of SPS notifications



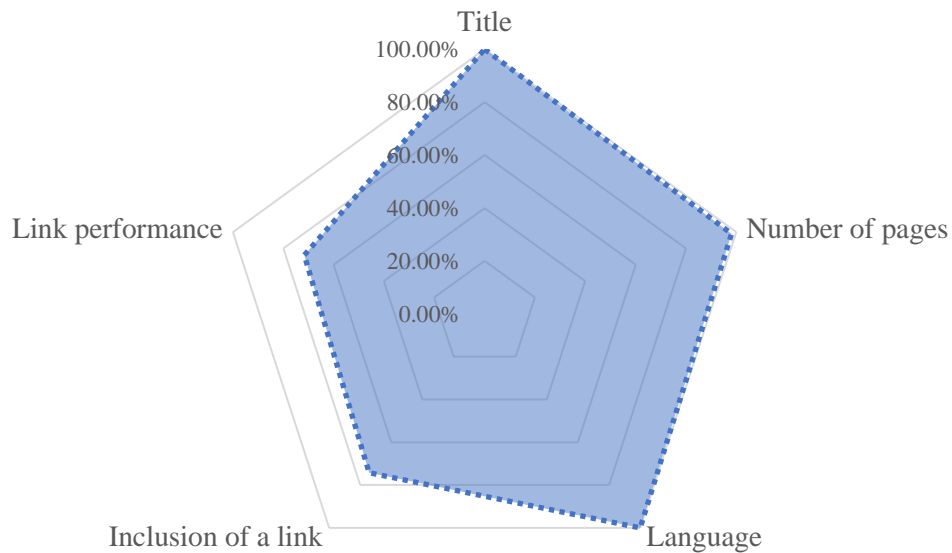
Regarding the percentages obtained from the aforementioned elements required within this item: the title, language, inclusion of a link and link performance; APEC economies are complying in average with 88.81% with the recommendations suggested by the WTO for the completion of item 5 (see Table 2).

Table 2. Evaluation of item 5 of SPS notifications

Elements required within the item	Level of accomplishment	Average weight	Total
Title	100.00%	20.00%	20.00%
Number of pages	98.13%	20.00%	19.63%
Language	100.00%	20.00%	20.00%
Inclusion of a link	74.25%	20.00%	14.85%
Link performance	71.64%	20.00%	14.33%
Evaluation of item 5			88.81%

The inclusion of a working link is the only element that can be improved in this section (see Figure 6).

Figure 6. Compliance with the recommendations for item 5 of the SPS notifications



3.1.6. ITEM 6: DESCRIPTION OF CONTENT

WTO recommends the following information to be included in this item:

“A summary of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply. The summary should enable trading partners to determine whether the notified measure is likely to have an impact on products they wish to export to the notifying Member.

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 and which parts fall under the TBT Agreement.”

This section is one of the most important in the WTO notifications, because it encompasses information on the objective of the measure, its probable effects on trade and the specific measures. With insufficient or very general information it is difficult/not possible to understand the scope of the notified SPS measure. The description of the content is another of the items for which APEC economies have the opportunity to improve substantially.

The results of the WTO survey (G/SPS/GEN/1402) show that 28.70% of Members have expressed their concern about this item because the information provided in item 5 (Title, Language and Number of Pages of the Notified Document) and the one provided in this item in many occasions are the same.

In the case of APEC economies, although in 95.15% of SPS notifications the objective of the notified measure has been identified; only 13.62% SPS notifications included the probable effects on trade, while only 35.63% described an outline of the specific SPS measures in which the regulation applies. Additionally, only in 9.70% of cases, it has been possible to identify the effects on exports. With these results, in only 10.63% of the analyzed SPS notifications, the description facilitates the understanding of the proposed measure or regulation.

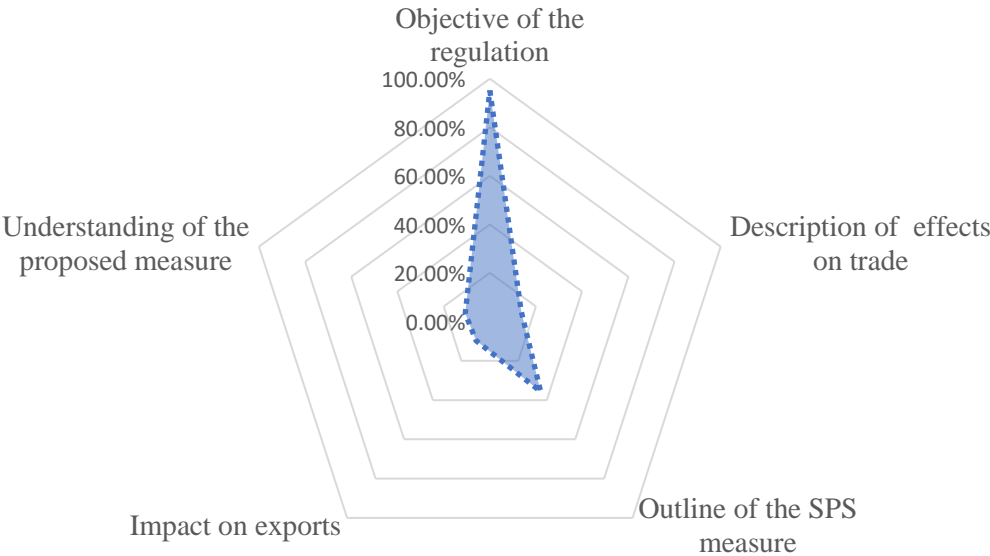
Table 3 shows the assessment of compliance for this item, which has a much lower result compared to the rest of items in this study. APEC economies are only complying in average 32.95% with the WTO recommendations.

Table 3. Evaluation of item 6 of SPS notifications

Elements required within the item	Level of accomplishment	Average weight	Total
Objective of the regulation	95.15%	20.00%	19.03%
Description of effects on trade	13.62%	20.00%	2.72%
Outline of the SPS measure	35.63%	20.00%	7.13%
Impact on exports	9.70%	20.00%	1.94%
Understanding of the proposed measure	10.63%	20.00%	2.13%
Evaluation of item 6			32.95%

In light of these results, APEC notifications could be improved by including a more detailed and explicit description of the possible trade effects of the measure. They could also describe the outline of the measures in a more exhaustive way. This thorough information could help to assess the impact on other economies' exports (see Figure 7).

Figure 7. Compliance with the recommendations for item 6 of the SPS notifications



3.1.7. ITEM 7: OBJECTIVE AND RATIONALE

WTO recommends Members to fill this section with the following information:

“State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry, establishment or spread of pests.”

APEC economies have fully completed this section in all SPS notifications. Most of the analyzed notifications are related to food safety with 65.59 percent. The other two most cited objectives are plant protection and animal health with 17.04% and 9.37%, respectively.

As in item 4 (Regions or countries likely to be affected), the notification cannot be submitted without filling this item. For notifications received by email, if not clear, the WTO Secretariat will confirm with the notifying economy.

3.1.8. ITEM 8: EXISTENCE OF INTERNATIONAL STANDARD, GUIDELINE OR RECOMMENDATION

The harmonization of SPS measures with international standards, guidelines or recommendations is a key principle of the SPS Agreement to encourage trade. Thus, WTO’s recommended procedures requires to fill the notification form as follows:

“If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard setting organization and give the appropriate reference of the existing standard, guideline or recommendation, e.g., Codex standard number, ISPM number, OIE Code chapter. Indicate whether the proposed regulation conforms to the relevant international standard and if not, describe, whenever possible, how and why the proposed regulation deviates from the international standard, guideline or recommendation. If no international standard, guideline or recommendation exists, put a cross in the box ‘none’.”

The APEC sample assessed in this study, shows that in 99.81% of all analyzed notifications, economies identified whether there is or not an international standard. While in 99.65% of all notifications, APEC economies clearly identified if their proposed measures were or not in conformance with that international standard.

On the other hand, 48.90% of SPS measures notified by economies is based on an international standard, guideline or recommendation. Out of those, the 89.51% of the notifications includes the name or number of the international standard, guideline or recommendation, being the Codex Alimentarius Commission standards, the most commonly used in 61.54%. The scope of this study doesn’t permit to analyze whether the proposed measure fully complies with the mentioned international standard in this item. Though, this issue is reflected in the WTO’s Survey (G/SPS/GEN/1402), where 38.89% of the responses from WTO Members indicate as a problem to identify whether the notified regulation is truly in accordance with an international standard.

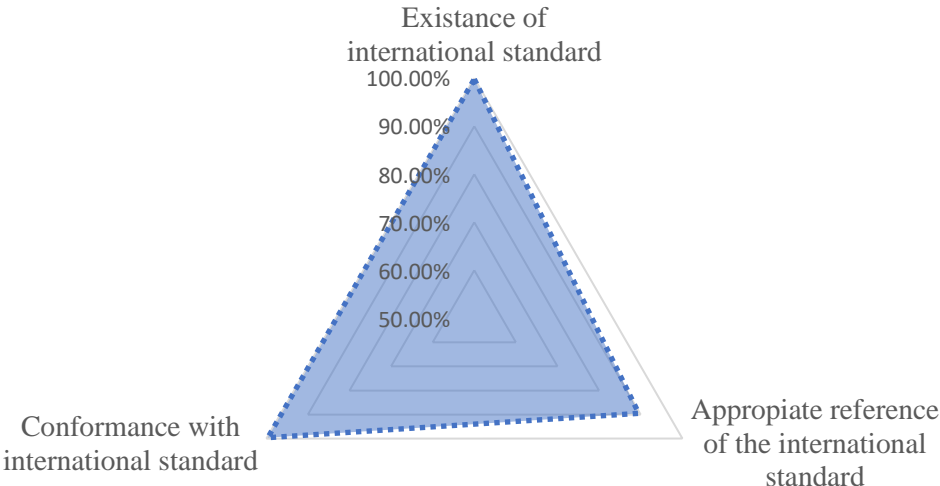
Despite the aforementioned concern, the level of compliance of the APEC economies in this item, which is shown in Table 4, is significant, since the information is generally provided as recommended by the WTO guideline.

Table 4. Evaluation of item 8 of SPS notifications

Elements required within the item	Level of accomplishment	Average weight	Total
Existence of international standard	99.81%	33.33%	33.27%
Appropriate reference of the international standard	89.51%	33.33%	29.84%
Conformance with international standard	99.65%	33.33%	33.22%
Evaluation of item 8			96.32%

The main element to be improved in this section is the way to determine if the proposed measure is actually in accordance with the identified international standard. In the rest of elements, APEC economies are complying properly. (see Figure 8).

Figure 8. Compliance with the recommendations for item 8 of the SPS notifications



3.1.9. ITEM 9: OTHER RELEVANT DOCUMENTS AND LANGUAGE(S) IN WHICH THESE ARE AVAILABLE

WTO’s recommendations show the following information to be included:

*“Documents which should be referenced include:
 (a) Publication where notice of the proposed regulation appears, including date and reference numbers;*

(b) Proposal and basic document to which proposal refers (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available;

(c) Publication in which proposal will appear when adopted.

If it is necessary to charge for documents supplied, the amount of the charge should be indicated. Provide the website address and hyperlink for these documents where available.

If a Member submits texts of referenced documents in PDF format along with the notification to the WTO Secretariat, hyperlinks to these texts will be made available under this item.”

In 50.75% of cases APEC economies have provided information. Moreover, this information has been diverse.

Only in some cases useful or relevant information is presented, such as links of complementary regulations and information related to the public consultation of the notified measure.

In other cases, this item duplicates information provided in item 5, so it does not generate greater value in the notification.

3.1.10. ITEM 10: PROPOSED DATE OF ADOPTION AND OF PUBLICATION

In this item, Members are encouraged to include:

“The date when the sanitary or phytosanitary regulation is expected to be adopted. Also provide where possible the proposed date of publication of the final measure if this differs from the date of adoption.”

APEC notifications exhibit a proposed date of adoption for 23.32%, while only in 21.64% a proposed date of publication is included. Some economies include one or both of them, depending of their domestic legislation. On the other hand, the uncertainty regarding adoption date may reflect the need of the regulatory authority to review the comments received and consider how to take significant comments into account in the final measure.

These results demonstrate that APEC economies do not mostly specify, or do so but inaccurately, the expected dates to adopt a regulation and to publish it. This situation generates uncertainty in the exporters of the affected economies, who cannot adequately plan the adaptation to the notified SPS measures.

3.1.11. ITEM 11: PROPOSED DATE OF ENTRY INTO FORCE

In accordance with Annex B of the SPS Agreement, Members shall allow a reasonable period of time for the entry into force of a SPS measure, in order to provide adaptation time for other Members. In that sense, the recommendations for this item are as follows:

“The date from which the requirements in the regulation are proposed or decided to enter into force shall normally be at least six months following the above date of adoption and/or publication.

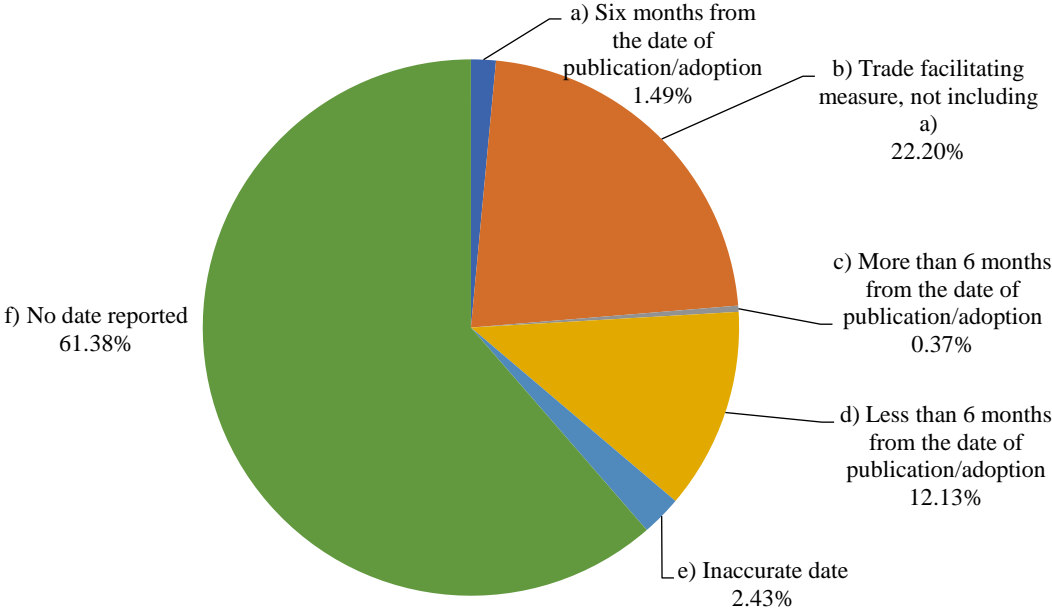
Where appropriate, Members should accord longer time-frames for compliance on products of interest to developing country Members. This shall normally be a period of not less than six months.

Put a cross in the box if the proposed measure contributes to the liberalization of trade. In this case, the implementation of the measure should not be unnecessarily delayed and no comment period need be provided.”

In this item, the level of compliance of the APEC economies is disconcerting given that 61.38% of the notifications doesn't show any information and 12.13% of the notifications that do show information, report dates less than 6 months without being considered a trade facilitating measure. Only 1.49% of notifications enter into force six months after the date of publication (see Figure 9).

It is important to mention that, at the WTO level, Chile, Morocco, Norway and the European Union, through document *Transparency under the SPS Agreement (Article 7 and Annex B): Proposals for Actions (G/SPS/W/278)*, proposed the development of a definition of a measure that facilitates trade. This document was presented as a proposal to improve implementation of the transparency obligations. It presents specific proposals of changes in the recommended transparency procedures to improve quality and completeness of notifications. Regarding trade facilitating measures, it proposes the elaboration of criteria to help members identify if a measure could be considered as such.

Figure 9. Compliance with the recommendations for item 11 of the SPS notifications



In APEC, 22.20% of Member's notifications have identified its proposed measures as trade facilitating ones. While the WTO's survey results (G/SPS/GEN/1402), shows that 32.41% of WTO Members indicated that this circumstance is one of the main problems when receiving notifications from other commercial partners.

3.1.12. ITEM 12: FINAL DATE FOR COMMENTS AND AGENCY OR AUTHORITY HANDLING COMMENTS

In this item, the WTO recommends that at least sixty days be given to receive comments on the proposed SPS measures from of the date of distribution of the notification. The exception, again, occurs when a trade facilitation measure is presented or when the measure is in accordance with an international standard. In both cases, the comment period could be eliminated or reduced.

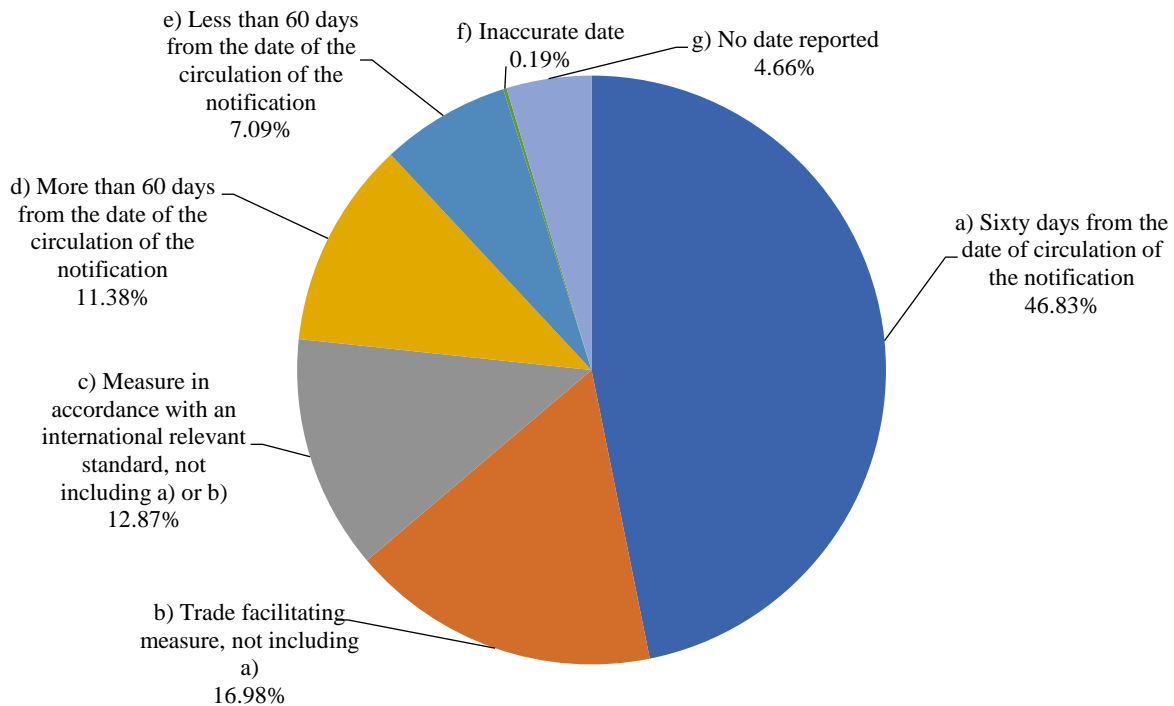
“The date by which Members may submit comments in accordance with Annex B, Paragraph 5(b) of the SPS Agreement. A Member should normally allow a period of at least sixty calendar days for comments. Check the box if this is 60 calendar days following the date of circulation of the notification as a WTO document, the Secretariat will indicate the corresponding date. If not, a specific date should be indicated. Any Member which is able to provide a time limit beyond 60 days is encouraged to do so.

The agency or authority which has been designated to handle the comments should be indicated. If this is the National Notification Authority or the National Enquiry Point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address, fax and (if available) E-mail address.

For proposed measures which facilitate trade or those which are substantially the same as an international standard, guideline or recommendation, Members may reduce or eliminate the period for receiving comments.”

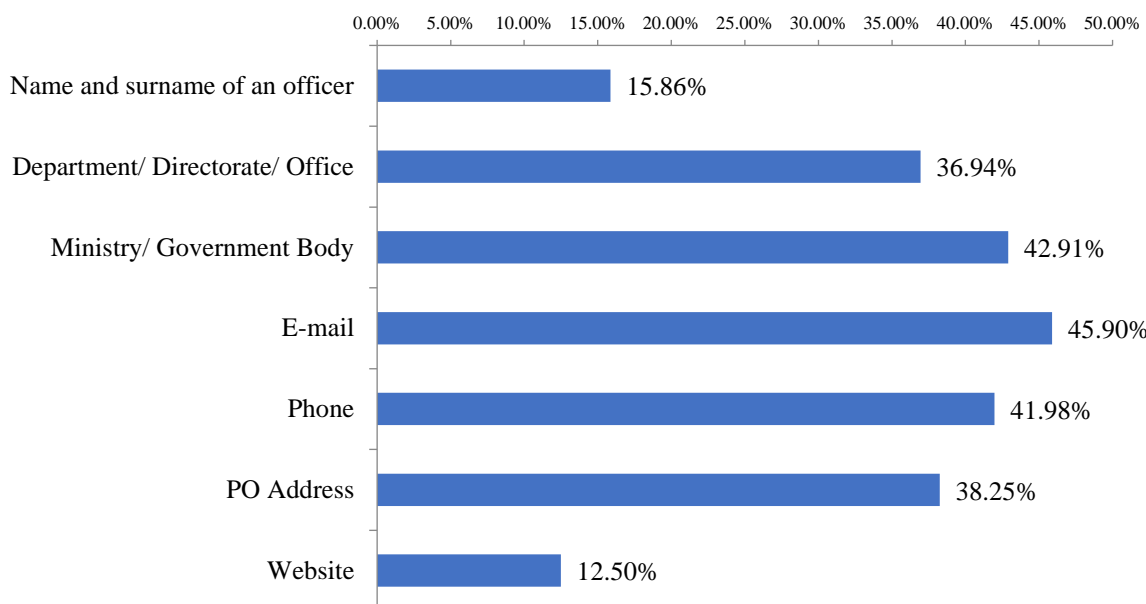
In this regard, APEC economies have a high degree of compliance, around of 88.06 percent. Even in 11.38% of total SPS notifications, there are longer comment periods (see Figure 10).

Figure 10. Compliance with the recommendations for item 12 of the SPS notifications



It is important to highlight that in 51.68% of the notifications, specific contact information is presented, even when this information is also in the WTO’s SPS Information Management System (SPS IMS), such as name and surname of the officer designated to handle the comments, email, phone number, among others (see Figure 11). This situation gives the opportunity for other economies or interested parties to have accurate information to send their comments and look for answers to them if it is possible.

Figure 11. Specific contact information presented in item 12 of the SPS notifications



3.1.13. ITEM 13: TEXTS AVAILABLE FROM

Regarding the recommendations for this item, WTO states:

“If available from the National Notification Authority or the National Enquiry Point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address. Such indications do not in any way discharge the relevant National Enquiry Point of its responsibilities under the provisions of Annex B, Paragraphs 3 and 4 of the SPS Agreement.

Provide the website address and specific hyperlink of the document notified, if available.

If a Member submits the text of the draft regulation in PDF format along with the notification, a hyperlink to this text will be made available under this item.”

The information presented in this item is heterogeneous. Moreover, in 44.96% of notifications, the information provided is the same as the information presented in item 12.

The cases presented in which this item has been useful are: the inclusion of information from a different contact point as stated in previous items and other website links to the proposed regulation.

3.1.14. ADDENDUM

WTO’s recommendations show the following information related to addenda:

“Members should notify changes in the status of a notified SPS regulation. The issuance of an addendum allows Members to track the status of an SPS regulation via its unique notification number. Addenda to SPS notifications should be made in a number of circumstances, such as:

(a) if the comment period has been extended;

(b) when a proposed regulation is either adopted, published or comes into force, if the relevant dates have not been provided in the original notification or have been changed. Members are strongly encouraged to follow this recommendation and inform other Members in a timely manner. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal;

(c) if the content of a previously notified draft regulation is partially changed, or if the scope of application of the existing notification is modified, either in terms of Members affected or products covered. Such an addendum should provide for a new 60-day comment period unless the notified change is of a trade-facilitating nature or is negligible. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the notification by the WTO Secretariat;

(d) if a proposed regulation is withdrawn;

(e) in the case of an emergency notification, an addendum should also be submitted if the period of application of the existing notification is extended.

An addendum should:

- briefly recap what was notified, when and what it was about - this is a practical requirement, and reduces the need for Members to have to go back to the original notification to check what it was about;*
- specify what change has been made and why - briefly state why the information, dates, etc. have been changed; and*
- restate the comments deadline, even if it has not been changed - as a reminder to Members that if they wish to comment it must be done by this date.”*

Within the sample of the 536 notifications of this study, all of their 163 addenda were analyzed. In this context, 28.54% of the total of regular notifications had at least one addendum.

All addenda include a title outlining the SPS measure or product it refers to, however, there is 25.15% of addenda that do not recap what was notified initially, when and what was it about.

The 87.12% of the analyzed addenda has as main objective to ‘notify the adoption, publication, or entry into force of a regulation’. This statistic shows an improvement to the lack of certainty of item 10 (Proposed date of adoption and of publication) and item 11 (Proposed date of entry into force).

Finally, in 69.94% of the addenda, there is no detailed information of a contact point for the authority designated to handle comments. However as is was mentioned in item 12, such information is in the WTO’s SPS Information Management System (SPS IMS).

3.1.15. CORRIGENDUM

WTO’s recommendations show the following information related to corrigenda:

“A corrigendum is used to correct an error in an original notification such as an incorrect address detail.”

Within the sample of 536 notifications of this study, all of their 4 corrigenda were analyzed. All of them included a title outlining the SPS measure or product to it refers, as well as, information related to the

correction of errors from the original notification. The errors could be identified clearly with the information provided in the corrigenda.

3.1.16. REVISIONS

WTO's recommendations show the following information related to revisions:

“A revision is used to replace an existing notification. Revisions should be submitted, for example, if a notified draft regulation was substantially redrafted or if a notification contained a large number of errors.”

The sample only presents 3 revisions. All of them were submitted considering the changes in item 6 (Description of content). In 2 cases, these changes were made because of comments received from other economies. In the other case, it is only specified that a new amendment is presented.

3.1.17. GENERAL EVALUATION OF REGULAR NOTIFICATIONS

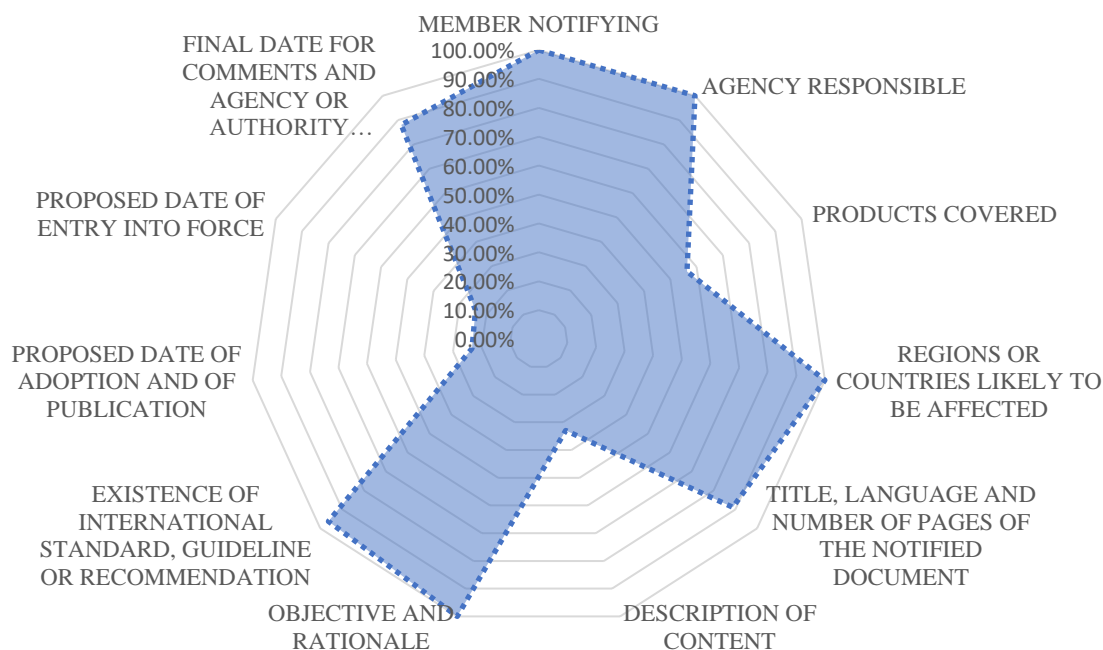
The evaluation of the notifications, presented in Table 5 and Figure 12, shows a global result of 73.62%³ which provide an acceptable level of compliance with WTO recommendations; however, key items to understand the proposed measures are those that present less positive results.

Table 5. General evaluation of WTO recommendations in SPS notifications from APEC economies

ITEM	DESCRIPTION	COMPLIANCE WITH WTO RECOMMENDATIONS
1	MEMBER NOTIFYING	100.00%
2	AGENCY RESPONSIBLE	100.00%
3	PRODUCTS COVERED	56.34%
4	REGIONS OR COUNTRIES LIKELY TO BE AFFECTED	100.00%
5	TITLE, LANGUAGE AND NUMBER OF PAGES OF THE NOTIFIED DOCUMENT	88.81%
6	DESCRIPTION OF CONTENT	32.95%
7	OBJECTIVE AND RATIONALE	100.00%
8	EXISTENCE OF INTERNATIONAL STANDARD, GUIDELINE OR RECOMMENDATION	96.32%
10	PROPOSED DATE OF ADOPTION AND OF PUBLICATION	23.32%
11	PROPOSED DATE OF ENTRY INTO FORCE	24.07%
12	FINAL DATE FOR COMMENTS AND AGENCY OR AUTHORITY HANDLING COMMENTS	46.83%
AVERAGE		73.62%

³ To obtain this result, the evaluation of items 9 and 13 has not been considered, since the broad kind of information presented. It has not been possible to catalog that information in specific factors.

Figure 12. Compliance with WTO recommendations for SPS notifications from APEC economies



In that sense, the items of the notifications as well as the specific information from those items, presented in Table 6, are the ones that need primary attention from APEC economies, considering that its results are below the average of the general evaluation.

Table 6. Specific information to be improved in SPS notifications from APEC economies

ITEM	DESCRIPTION	COMPLIANCE WITH WTO RECOMMENDATIONS (out of 100% in all cases)
3	PRODUCTS COVERED	56.34%
	Tariff item number(s) (HS) mentioned	19.22%
	Clearness of description	52.80%
6	DESCRIPTION OF CONTENT	32.95%
	Description of effects on trade	13.62%
	Outline of the SPS measure	35.63%
	Impact on exports	9.70%
	Understanding of the proposed measure	10.63%
10	PROPOSED DATE OF ADOPTION AND OF PUBLICATION	23.32%
11	PROPOSED DATE OF ENTRY INTO FORCE	24.07%
12	FINAL DATE FOR COMMENTS AND AGENCY OR AUTHORITY HANDLING COMMENTS	46.83%

It should be noted that the global average decreases until 58.55% when items 1, 2, 4 and 7 are excluded, considering that those are always going to obtain a qualification of 100 percent. In this scenario, the level of compliance of APEC economies with WTO recommendations needs to be highly improved.

3.2. EMERGENCY NOTIFICATIONS

The following sub headings reflect the information required within the formats to submit an emergency notification to the WTO (Annex B-1, G/SPS/7/Rev.3). A total of 147 of them were randomly selected in order to construct the sample with 99% of confidence.

3.2.1. ITEM 1: MEMBER NOTIFYING

As well as in regular notifications, the response level of this section reaches 100 percent, considering that contact points are already established in the lists of National Notification Authorities.

3.2.2. ITEM 2: AGENCY RESPONSIBLE

In the same line, item 2 is fully completed by APEC economies in the analyzed period. In some occasions, more detailed information is given from the responsible agency.

3.2.3. ITEM 3: PRODUCTS COVERED

The results within this item is somehow better than the same item from regular notifications, as in 40.82% of cases, the notifications include the tariff line of the affected product, compared to the 19.22% of regular notifications.

For this category of notifications, 7 out of 12 economies have submitted the tariff lines affected by the measure; however, none of them have included the ICS.

Other difference found is that the level of compliance to specify the description of the product for the case of emergency notifications is 70.07 percent. Moreover, the level of preciseness of the included description is very low with a result of 25.85 percent.

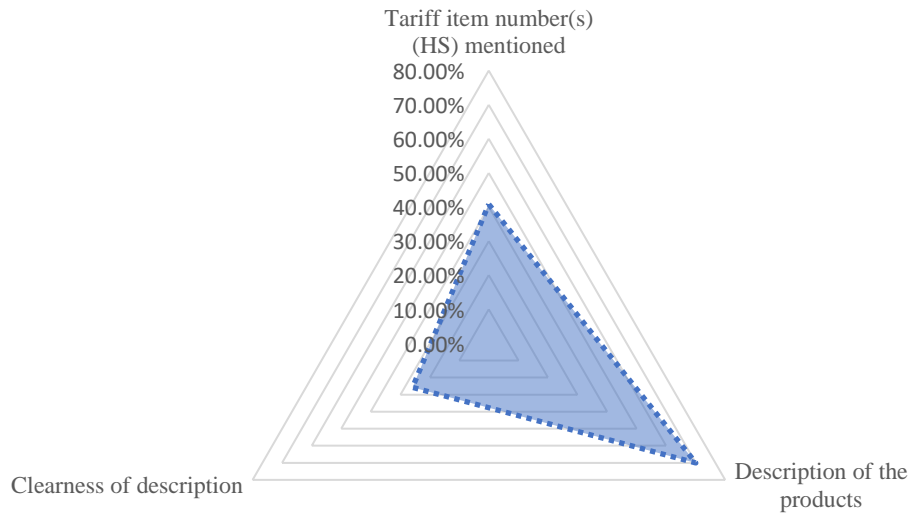
With the aforementioned results, APEC economies comply in average in 45.58% with the recommendations suggested by the WTO for the completion of item 3 (see Table 7).

Table 7. Evaluation of item 3 of SPS emergency notifications

Elements required within the item	Level of accomplishment	Average weight	Total
Tariff item number(s) (HS) mentioned	40.82%	33.3%	13.61%
Description of the products	70.07%	33.3%	23.36%
Clearness of description	25.85%	33.3%	8.62%
Evaluation of item 3			45.58%

The same situation is presented from the regular notifications as APEC economies in the majority of times comply with including in their notifications the description of the affected products, but the clarity of that description or the identification of a tariff number must be improved (see Figure 13).

Figure 13. Compliance with the recommendations for item 3 of the SPS emergency notifications



3.2.4. ITEM 4: REGIONS OR COUNTRIES LIKELY TO BE AFFECTED

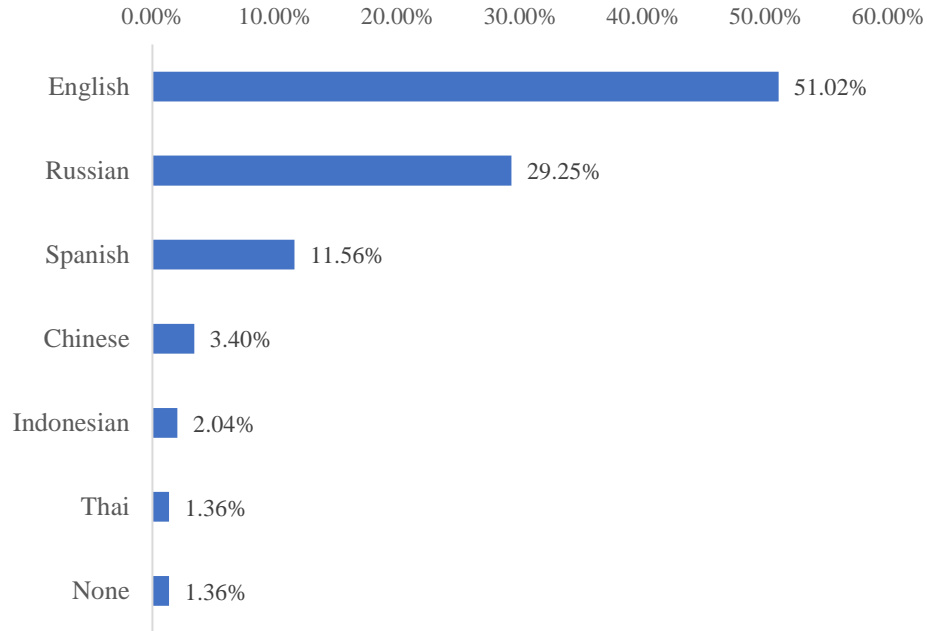
As in regular notifications, APEC economies in all the cases have filled this item. In around 87.07% of those cases, the emergency measure affected all WTO Members.

3.2.5. ITEM 5: TITLE, LANGUAGE AND NUMBER OF PAGES OF THE NOTIFIED DOCUMENT

Only one emergency notification does not present the title of the notified measure and two of them do not provide the information of the language of the measure. In addition, only in 2.04% of analyzed notifications the number of pages has been omitted.

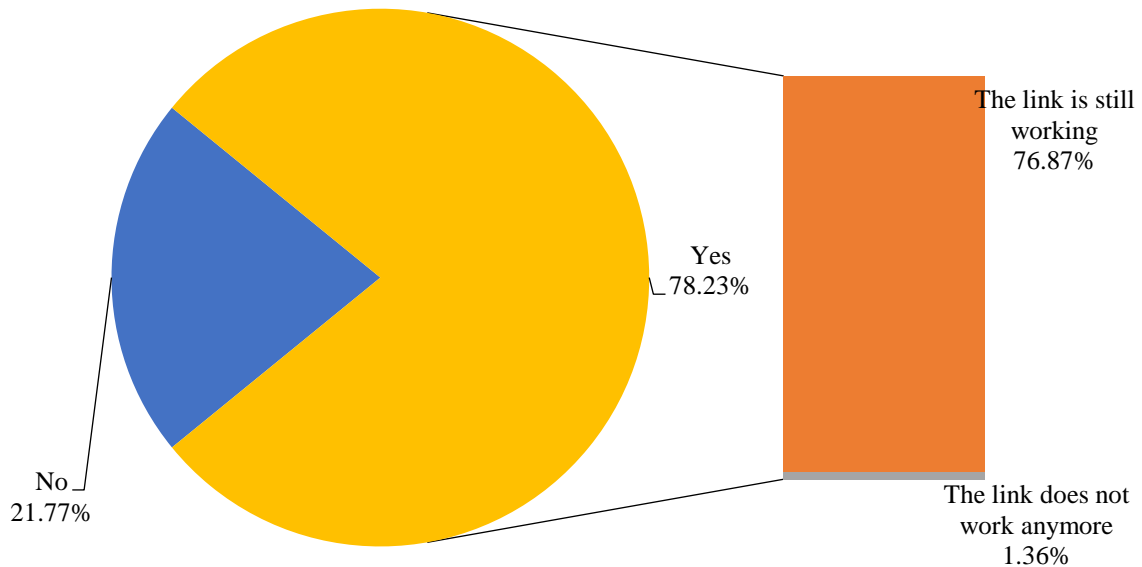
The main language used in the emergency measures is English, with 51.02% of cases. This language is also used by other economies, whose official language is not this one, such as Japan, Malaysia and Chinese Taipei (see Figure 14). No APEC economy has included a translation for an emergency notification.

Figure 14. Language of the emergency measures



On the other hand, with regard to the inclusion of a link to the measure and its operation, 78.23% of emergency notifications from APEC economies include it. Only in a reduced number of notifications, those links do not work (see Figure 15).

Figure 15. Inclusion and operation of links in item 5 of SPS emergency notifications



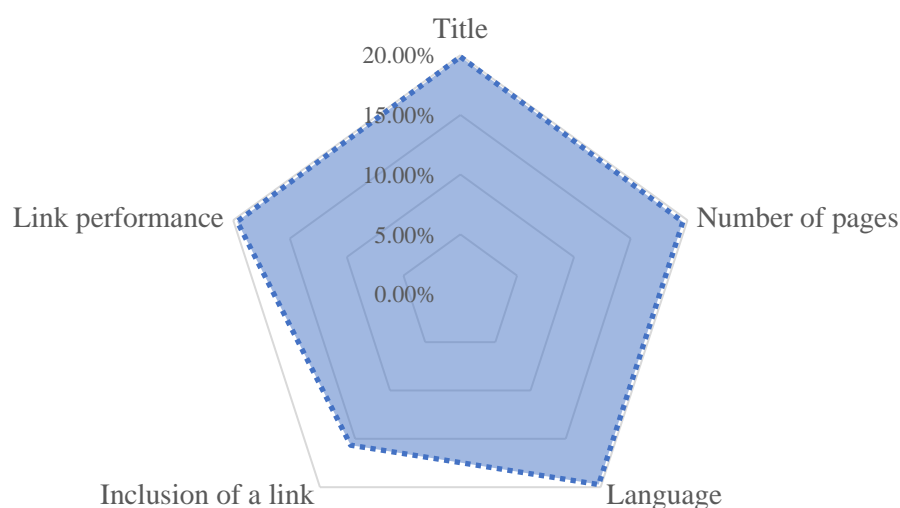
The evaluation of the factors from item 5 with WTO guidelines presents a high level of compliance for this topic (see Table 8).

Table 8. Evaluation of item 5 of SPS emergency notifications

Elements required within the item	Level of accomplishment	Average weight	Total
Title	99.32%	20.00%	19.86%
Number of pages	97.96%	20.00%	19.59%
Language	98.64%	20.00%	19.73%
Inclusion of a link	78.23%	20.00%	15.65%
Link performance	98.26%	20.00%	19.65%
Evaluation of item 5			94.48%

Considering the level of compliance, the only issue to improve in this item would be the inclusion of a link to the emergency measure (see Figure 16).

Figure 16. Compliance with the recommendations for item 5 of the SPS emergency notifications



3.2.6. ITEM 6: DESCRIPTION OF CONTENT

Regarding the recommendations for this item, WTO states:

“A summary of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation.

To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply. The summary should enable trading partners to determine whether the

notified measure is likely to have an impact on products they wish to export to the notifying Member.

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 and which parts fall under the TBT Agreement.”

The performance from APEC economies in this item is better than in regular notifications; however, there is still room for improvements.

APEC economies have included the health protection objective in 85.03% of cases, while in 62.59% of the notifications the trade effects were described. The majority of these notifications are related to the restriction of imports due to an emergency situation.

Additionally, in 64.63% of emergency notifications, there is a specific outline of the applied measure and in 55.78% of them the impacts on exports are clearly identified. With those results, in 55.78% of cases, the description facilitates the understanding of the measure.

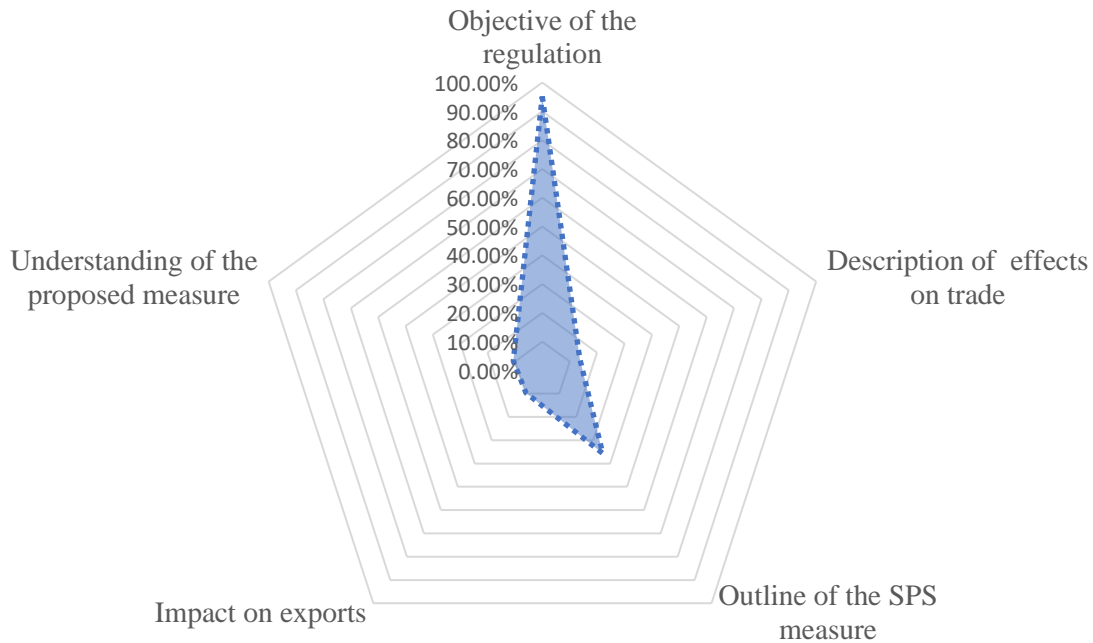
The evaluation of this item, presented in Table 9, showcase a result of 64.76% of compliance with WTO’s recommendations.

Table 9. Evaluation of item 6 of SPS emergency notifications

Elements required within the item	Level of accomplishment	Average weight	Total
Content and health protection objective	85.03%	20.00%	17.01%
Description of effects on trade	62.59%	20.00%	12.52%
Outline of the SPS emergency measure	64.63%	20.00%	12.93%
Impact on exports	55.78%	20.00%	11.16%
Understanding of the emergency measure	55.78%	20.00%	11.16%
Evaluation of item 6			64.76%

Even with a better result in comparison with the same item from the regular notification, APEC economies could still improve in the majority of the elements required for this item (see Figure 17).

Figure 17. Compliance with the recommendations for item 6 of the SPS emergency notifications



3.2.7. ITEM 7: OBJECTIVE AND RATIONALE

APEC economies have completed this section in all SPS notifications analyzed. The main objective for implementing an emergency measure is animal health with 50.27%, while the other 2 most important objectives are plant protection and food safety with 19.46% and 18.92%, respectively.

3.2.8. ITEM 8: NATURE OF URGENT PROBLEM(S) AND REASON FOR URGENT ACTION

This item is exclusive for emergency notifications, so it cannot be compared with a similar from regular notifications. The recommended content for this item is described as follows:

“Indication of the underlying reasons for resorting to emergency action, e.g., incursion of pests associated with imports, outbreak of a disease in supplying areas, etc.”

Regarding the WTO’s recommendations for this item, APEC economies have clearly indicated the reasons for resorting to an emergency action in 77.55% of notifications.

3.2.9. ITEM 9: EXISTENCE OF INTERNATIONAL STANDARD, GUIDELINE OR RECOMMENDATION

The APEC sample assessed in this study, shows that in 100% of all analyzed notifications, economies identified whether there is or not an international standard. While in 98.48% of all notifications, APEC economies clearly identified if their proposed measures were or not in conformance with that international standard.

The APEC sample assessed in this study, shows that 89.80% of SPS emergency measures notified by economies is based on an international standard, guideline or recommendation. In those cases, the 93.94% of the notifications includes the identification of the international standard, guideline or recommendation, being the standards from the World Organization for Animal Health (OIE), the most commonly used in 68.94%. Additionally, in 97.73% of cases where the notified measures are based on an international standard, APEC economies have determined that their measures are aligned with them.

In this regard the level of compliance of APEC is high since the information is generally provided in accordance to WTO' recommendations (see Table 10).

Table 10. Evaluation of item 9 of SPS emergency notifications

Elements required within the item	Level of accomplishment	Average weight	Total
Existence of international standard	100%	33.33%	33.33%
Appropriate reference of the international standard	93.94%	33.33%	31.31%
Conformance with international standard	98.48%	33.33%	32.83%
Evaluation of item 9			97.47%

3.2.10. ITEM 10: OTHER RELEVANT DOCUMENTS AND LANGUAGE(S) IN WHICH THESE ARE AVAILABLE

In only 6.12% of cases APEC economies have provided information. Moreover, as in the case of the regular notifications the information has been diverse.

3.2.11. ITEM 11: DATE OF ENTRY INTO FORCE AND PERIOD OF APPLICATION

The information provided in this item is one of the most important, considering that the emergency measures are only applied in a temporary manner. In that sense, the period of application of the emergency measures should be explicit.

However, APEC economies comply with indicating the date of entry into force of the regulation in 96.60%; but only in 1.36% of all cases economies declare the period of application (see Table 11).

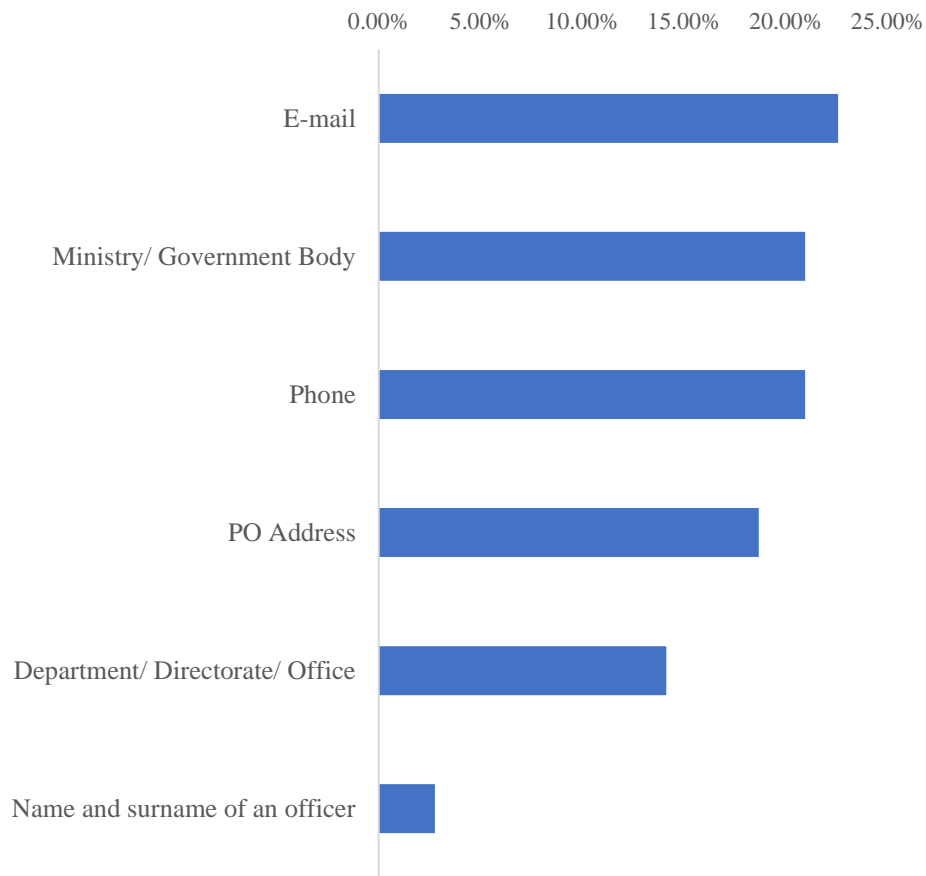
Table 11. Evaluation of item 11 of SPS emergency notifications

Elements required within the item	Level of accomplishment	Average weight	Total
Date of entry into force	96.60%	50.00%	48.30%
Period of application	1.36%	50.00%	0.68%
Evaluation of item 11			48.98%

3.2.12. ITEM 12: AGENCY OR AUTHORITY HANDLING COMMENTS

APEC economies have included information in this item in 99.32% of emergency notifications and in more than 20% of them economies have included detailed information of a contact point (see Figure 18).

Figure 18. Specific contact information presented in item 12 of the SPS emergency notifications



3.2.13. ITEM 13: TEXTS AVAILABLE FROM

In 94.56% of cases, APEC economies have included in this item, the same information from item 12 (Agency or Authority Handling Comments). In that sense, this item has not presented valuable information to improve transparency in emergency notifications.

3.2.14. ADDENDUM

Within the sample of the 147 emergency notifications of this study, all of their 43 addenda were analyzed. In this context, 22.45% of the total of emergency notifications present addenda being one the average. In only one case, an emergency notification had 7 addenda.

All addenda include a title outlining the SPS measure or product to it refers, however, there is 23.26% of addenda that do not recap what was notified initially, when and what was it about.

The 46.51% of the analyzed addenda has as first objective to ‘variation of content and/or scope of previously notified draft regulation’. The second objective is ‘Other’: lifting of import ban, with 44.19% of cases.

3.2.15. CORRIGENDUM

Within the sample of 147 notifications of this study, all of their 3 corrigenda were analyzed. All of them included a title outlining the SPS emergency measure or product to it refers, as well as, information related to the correction of errors from the original emergency notification. The errors could be identified clearly with the information provided in the corrigenda.

Finally, one corrigendum to an addendum was identified. This notification only included the title outlining the SPS measure, but the information related to the errors were not possible to determine

3.2.16. GENERAL EVALUATION OF EMERGENCY NOTIFICATIONS

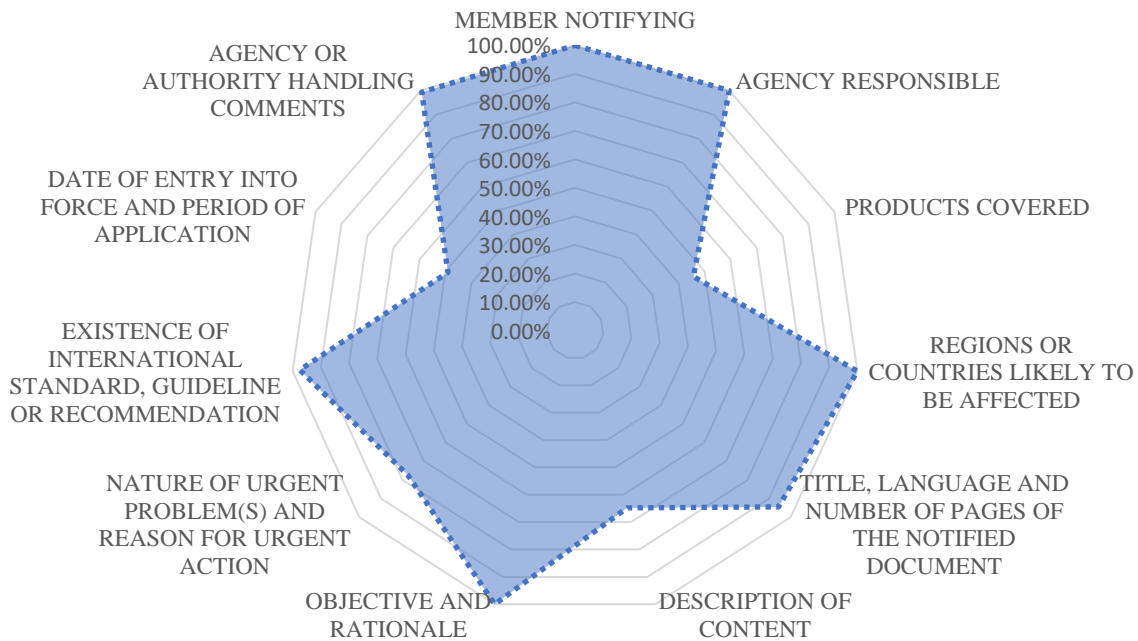
The evaluation of the emergency notifications, presented in Table 12 and Figure 19, shows a global result of the emergency notifications⁴ which provides an appropriate level of compliance with WTO recommendations. This result is better than the one obtained in regular notifications; however, some items need to be improved.

Table 12. General evaluation of WTO recommendations in SPS emergency notifications from APEC economies

ITEM	DESCRIPTION	COMPLIANCE WITH WTO RECOMMENDATIONS
1	MEMBER NOTIFYING	100.00%
2	AGENCY RESPONSIBLE	100.00%
3	PRODUCTS COVERED	45.58%
4	REGIONS OR COUNTRIES LIKELY TO BE AFFECTED	100.00%
5	TITLE, LANGUAGE AND NUMBER OF PAGES OF THE NOTIFIED DOCUMENT	94.48%
6	DESCRIPTION OF CONTENT	64.76%
7	OBJECTIVE AND RATIONALE	100.00%
8	NATURE OF URGENT PROBLEM(S) AND REASON FOR URGENT ACTION	77.55%
9	EXISTENCE OF INTERNATIONAL STANDARD, GUIDELINE OR RECOMMENDATION	97.47%
11	DATE OF ENTRY INTO FORCE AND PERIOD OF APPLICATION	48.98%
12	AGENCY OR AUTHORITY HANDLING COMMENTS	99.32%
AVERAGE		84.38%

⁴ To obtain this result, the evaluation of items 10 and 13 has not been considered, since the broad kind of information presented. It has not been possible to catalog that information in specific factors.

Figure 19. Compliance with WTO recommendations for SPS emergency notifications from APEC economies



In Table 13, the three items with its factors that require to be improved are presented. All of those factors have obtained a result less than the global average.

Table 13. Specific information to be improved in SPS emergency notifications from APEC economies

ITEM	DESCRIPTION	COMPLIANCE WITH WTO RECOMMENDATIONS (out of 100% in all cases)
3	PRODUCTS COVERED	45.58%
	Tariff item number(s) (HS) mentioned	40.82%
	Description of the products	70.07%
	Clearness of description	25.85%
6	DESCRIPTION OF CONTENT	64.76%
	Description of effects on trade	62.59%
	Outline of the SPS emergency measure	64.63%
	Impact on exports	55.78%
	Understanding of the emergency measure	55.78%
11	DATE OF ENTRY INTO FORCE AND PERIOD OF APPLICATION	48.98%
	Period of application	1.36%

It should be noted that the global average decreases until 75.45% when items 1, 2, 4 and 7 are excluded, considering that those are always going to obtain a qualification of 100 percent. In this scenario, the level of compliance of APEC economies with WTO recommendations is still better in comparison with the regular notifications.

4. PRIVATE SECTOR EXPERIENCES

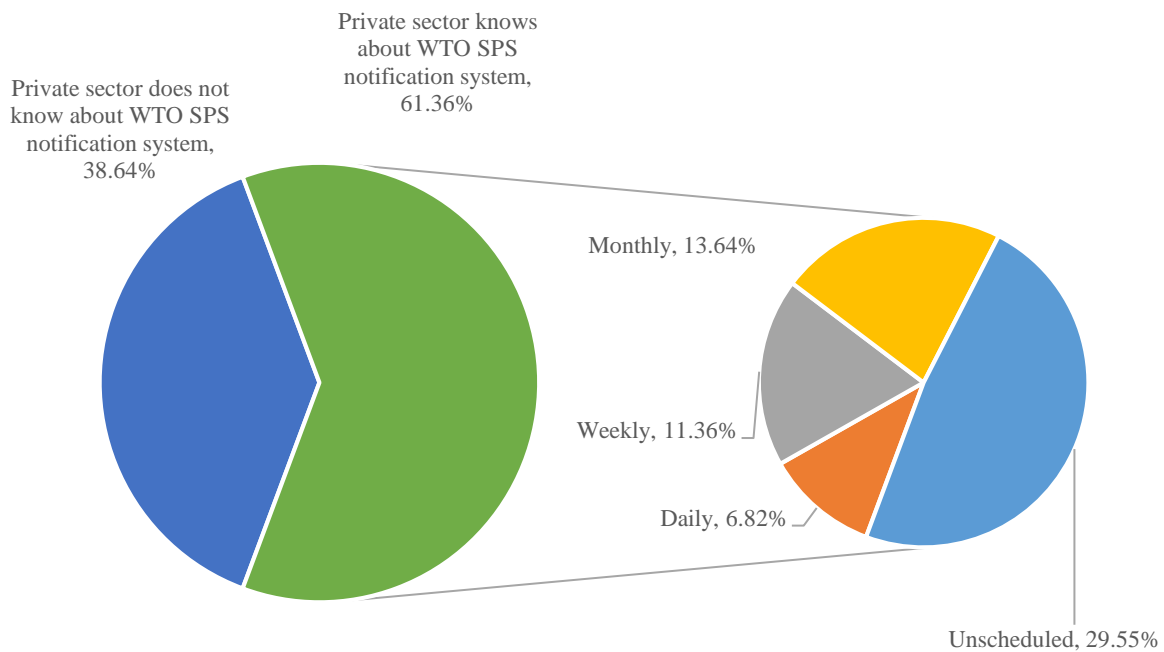
Enterprises from 13 economies answered the questionnaire. One economy mentioned that after making its internal consultations, they have found that their private sector tends not to rely on WTO SPS notifications. For that reason, that economy did not send any questionnaire.

The enterprises consulted are in 47.43% of cases importers and exporters, while 43.18% are just exporters and the rest, 9.39%, importers.

4.1. KNOWLEDGE AND USE OF WTO SPS NOTIFICATION SYSTEM

The majority of private sector respondents confirm to know that there is a WTO SPS notification system, and where they are able to access SPS notifications from the WTO Members. However, as it is shown in Figure 20, there is still a 38.64% of cases where private sector is not aware of that system.

Figure 20. APEC Private sector knowledge and use of WTO SPS notification system



Regarding the enterprises that are familiar with the WTO SPS notification system, in Figure 20 it could be identified from the responses that there is not a predominant frequency of consultation to the system. In the 29.55% of cases, the revision of SPS notifications in WTO system is unscheduled.

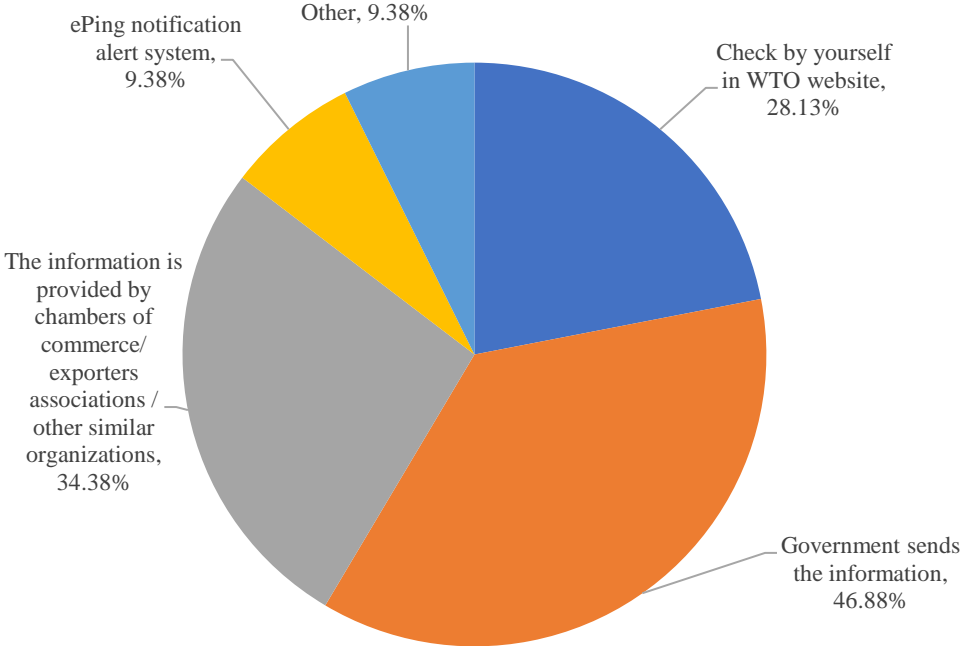
4.2. SOURCE OF INFORMATION TO OBTAIN WTO SPS NOTIFICATIONS

Governments play a key role in order to disseminate WTO SPS notifications. In 46.88% of cases, APEC private sector receives these notifications from their governmental authorities, as it is shown in Figure 21.

Chambers of commerce or similar associations are also strategic partners for enterprises as these associations tend to alert enterprises when there are new SPS notifications.

It should also be noted that WTO ePing system⁵ is not the main source in order to be aware of any SPS notifications. APEC private sector still prefers to search for the notifications in the WTO website than using the system.

Figure 21. APEC Private sector sources of information to obtain WTO SPS notifications



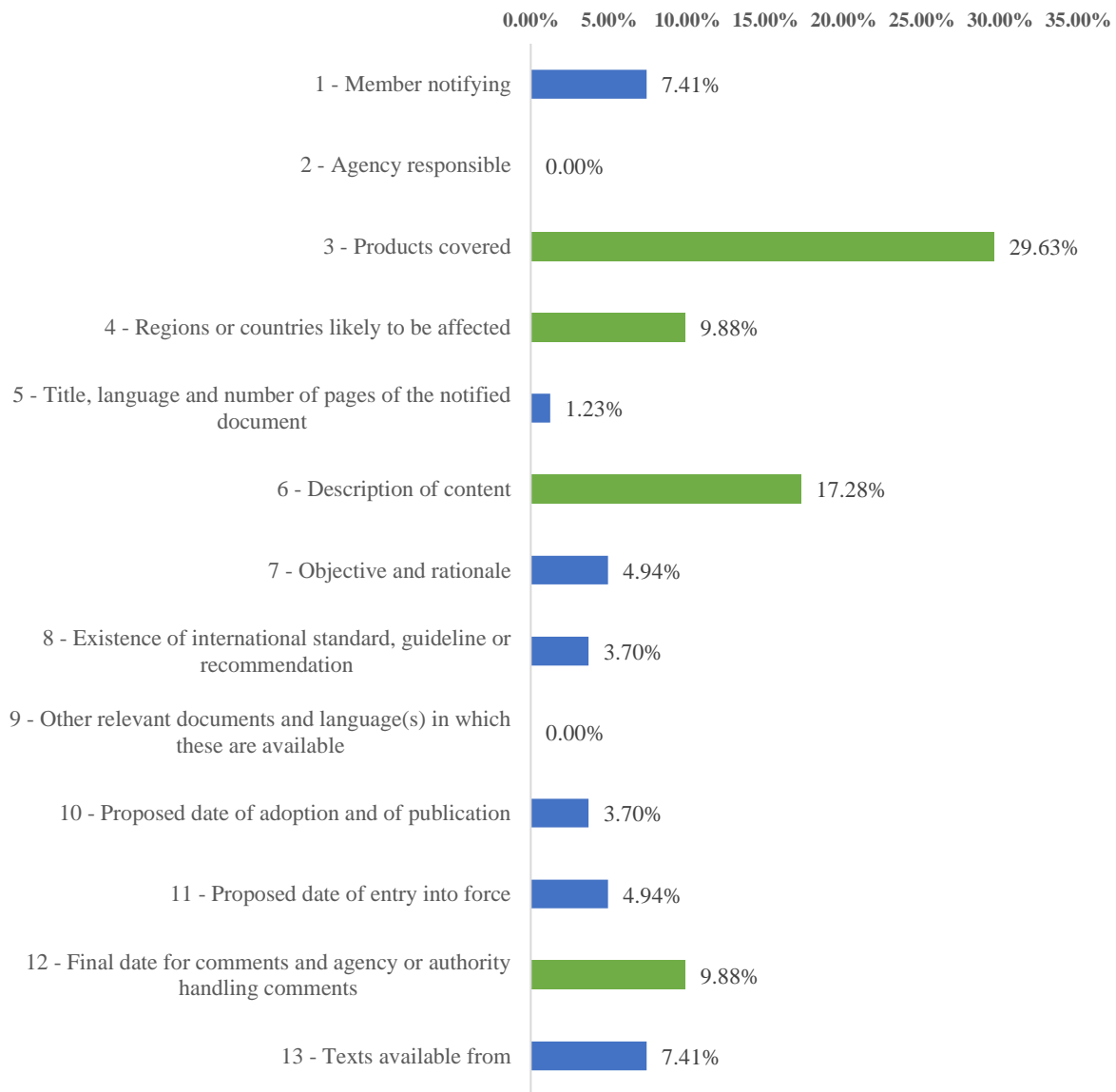
⁵ WTO ePing SPS & TBT notification alert system. It's a website that facilitates access by government agencies and other stakeholders, in particular small and medium size enterprises (SMEs), to SPS and TBT notifications of interest, thereby enhancing their market access opportunities.

4.3. PERCEPTION OF IMPORTANCE OF ITEMS IN WTO SPS NOTIFICATIONS

All 13 items of a WTO SPS notification are important to understand the draft measure that an economy is planning to adopt. However, from the private sector perspective, there are at least 4 items that are crucial to be included in a notification. Those items are shown in Figure 22.

The most important items are: 3. *Products covered*, 6. *Description of content*, 12. *Final date for comments and agency or authority handling comments* and 4. *Regions or countries likely to be affected*. In many cases, these items were selected because the private sector stated that they are necessary in order to understand SPS notifications.

Figure 22. APEC Private sector perception of most important WTO SPS notifications' items

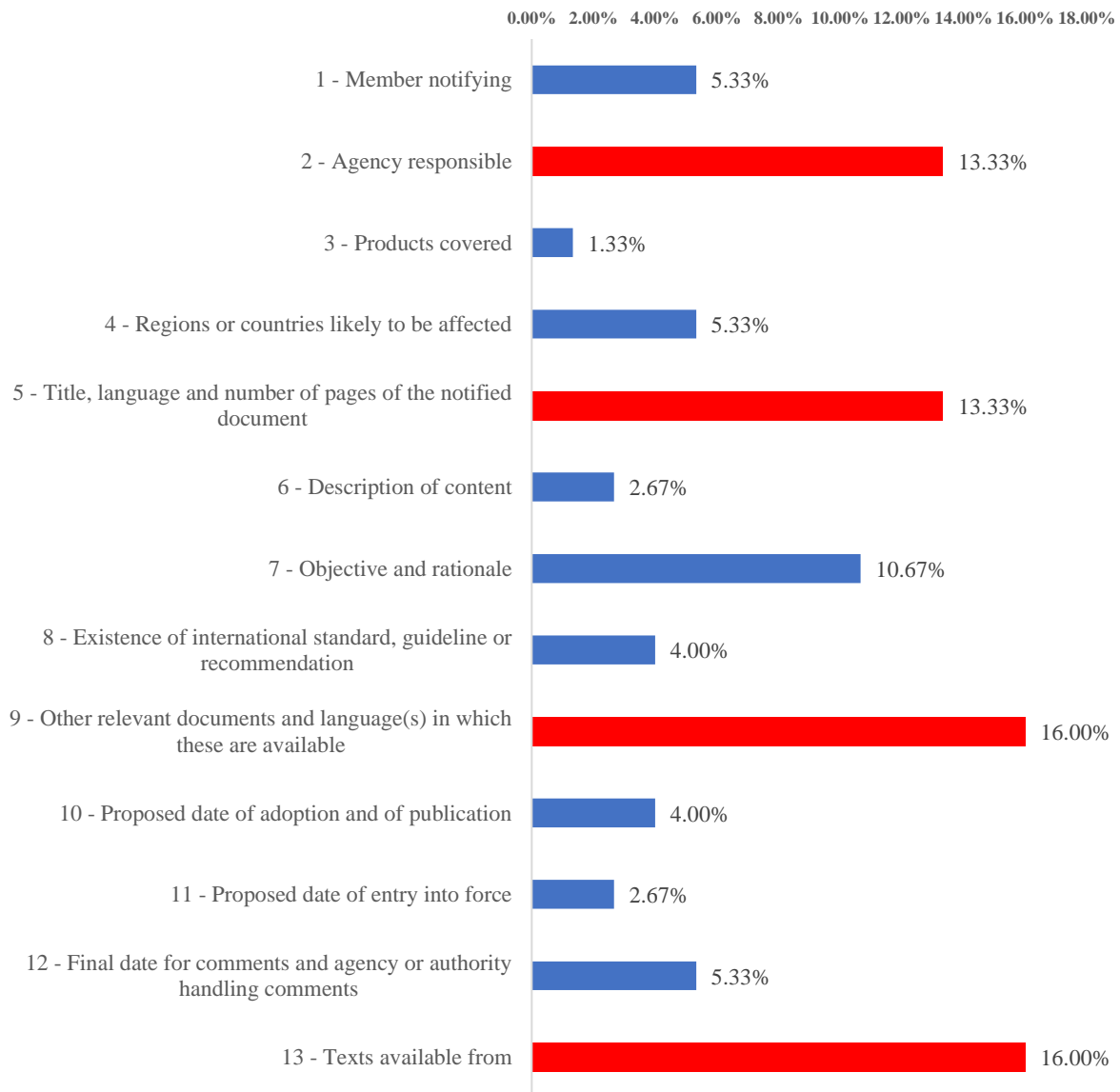


On the other hand, APEC's private sector was also asked to identify 4 items that they considered as the least important ones, as it is shown in Figure 23. Those items are: 9. *Other relevant documents and*

language(s) in which these are available, 13. Text available from, 2. Agency responsible and 5. Title, language and number of pages of the notified document.

In this case, APEC’s private sector stated through their replies that the information provided in these items is redundant, and usually these items are ignored or overlooked as most of the information, or information that can assist the reader to understand the notification, is found in section 6. *Description of content*.

Figure 23. APEC Private sector perception of less important WTO SPS notifications’ items



4.4. PERCEPTION OF MAJOR CHALLENGES AND TRANSPARENCY BY ECONOMY

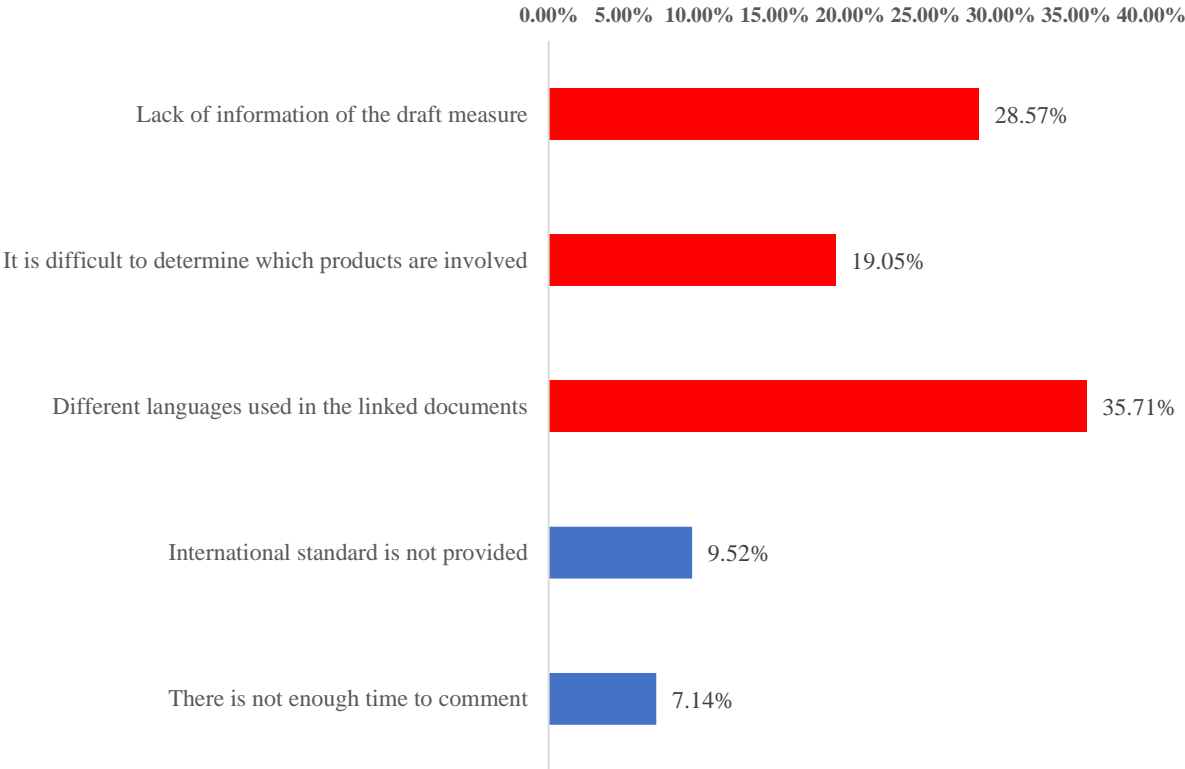
The respondents from APEC’s private sector have determined 3 major challenges regarding the information provided in the WTO SPS notifications.

The first challenge is the variety of languages that are used in the linked documents, as economies normally do not translate their legislations.

On the other hand, APEC private sector considered that usually the information of the draft measure is omitted.

In addition, for the private sector it is difficult to clearly identify which products are involved in a SPS notification. This situation was also mentioned by government officials in the above section 3.1.6. Item 6: Description of Content.

Figure 24. APEC Private sector perception on major challenges on WTO SPS notifications



Other challenges that were also mentioned, is that some enterprises considered that they do not have enough time to comment the draft notification and when they are able to do so, the notifying economy does not takes them unto account and in many cases the economies do not justify why they are not taking into account businesses’ comments.

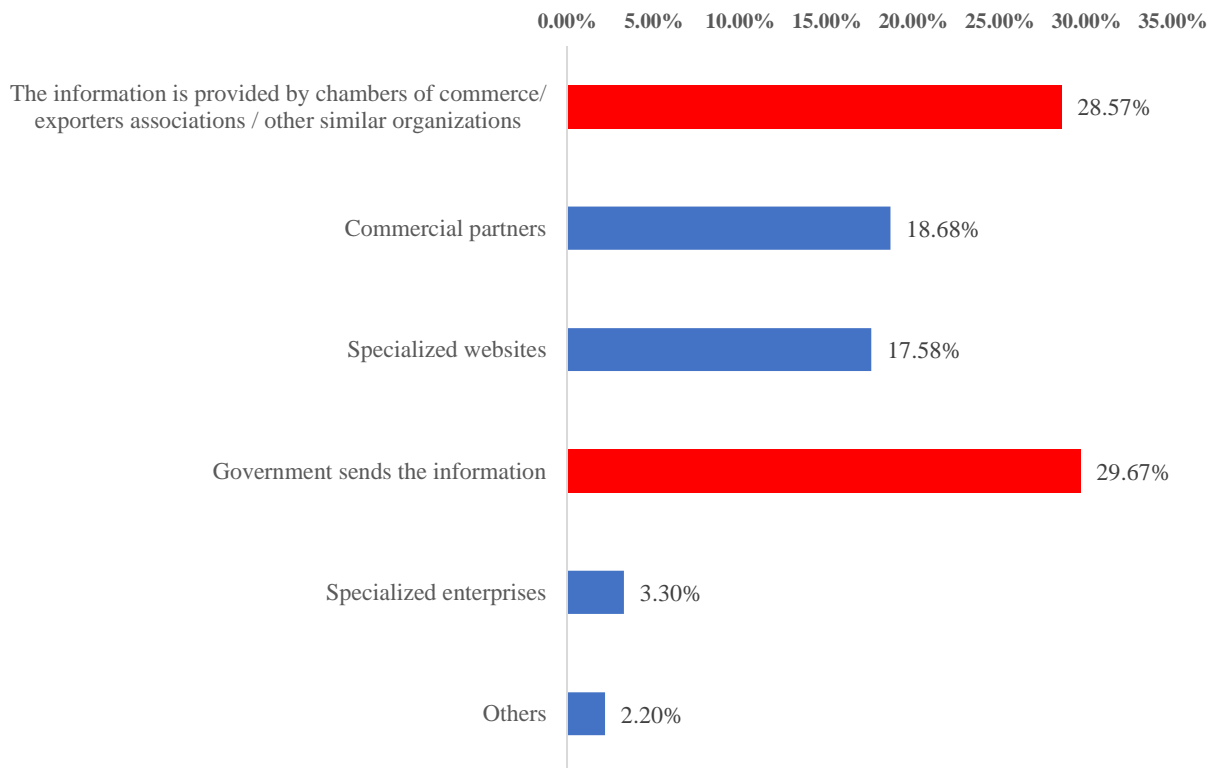
Regarding transparency, APEC’s private sector considered that the three most transparent economies were the United States, Japan and Canada.

4.5. ALTERNATIVE CHANNELS OF INFORMATION FOR SPS MEASURES

Given that in 38.64% of cases APEC's private sector indicated that there were not aware of WTO's SPS notification system (see 4.1. Knowledge and Use of WTO SPS Notification System) and considering that in some cases, economies does not necessarily notify all new SPS measures to the WTO; enterprises tend to use other channels of information.

On the other hand, government agencies continue to be a key player to provide enterprises any update submitted by other economies. Also, the respondents considered chambers of commerce or similar organizations as the second main source of SPS information.

Figure 25. APEC Private sector sources of information on SPS measures



4.6. ALIGNMENT BETWEEN WTO SPS NOTIFICATIONS EVALUATION AND PRIVATE SECTOR PERCEPTION

The perception of APEC's private sector and the results of section 3 of this study present similarities regarding the identified sections that need to be improved. These likenesses are presented in Table 14.

At least 2 of the major challenges identified by private sector could be directly cleared up if APEC economies focus on the improvement of the quality and completeness of information of section 3 and 6 from WTO SPS notifications.

On a second stage, the identification of a specific date and a prudential time for receiving comments could also generate benefits for APEC private sector.

Table 14. 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	

It should be noted that the aforementioned improvements are not the only one needed to improve transparency in APEC region, but are the ones that could have a major impact on international trade.

5. CONCLUSIONS

Regarding the first objective of this study related to understand the compliance of SPS notifications with the Recommended Transparency Procedures, it should be noted that the global result of 73.62% on regular notifications seems to be an acceptable level of compliance. However, as 4 items will always have the right information (*1. Member Notifying, 2. Agency Responsible, 4. Regions or Countries Likely to be Affected, 7. Objective and Rationale*), the result of 58.55% is a better reflection of the situation of the information provided by APEC economies.

The situation is a little different in the case of emergency notifications, having an 84.38% as the global result. This result decreases to 75.45%, when the items that always are going to be 100% correct are excluded.

In this context, this study shows that in regular notifications as well as in emergency ones, there are specific items and elements in these items that need to be improved by all APEC economies, in accordance with WTO guidelines.

The items to be improved in both cases could be summarized in 3 groups: *products covered, description of the content* and *dates*. In the first case, this study has identified that APEC economies tend to not use the tariff item numbers and the description of the products affected by the SPS measure need to be clearer. In the second group, neither regular or emergency notifications present an adequate summary of the SPS measures. Finally, dates for adoption or entry into force are presented in ambiguous manner, that creates uncertainty on its application.

APEC's private sector identifies 3 major challenges related to the quality and completeness of WTO SPS notifications. Those challenges seem to be directly linked with the above items identified as in need to be improved.

The major challenge for APEC's private sector is the variety of languages that are used in the linked documents, as it is not usual that APEC economies translate its measures into a language that is different from its official one. In addition, APEC's private sector confronts difficulties when trying to understand SPS notifications as their perception is that there is no enough information. For APEC's private sector it is also difficult to determine the scope of products that could be impacted by a proposed measure that is notified to WTO.

Many items and elements from APEC economies SPS notifications should be improved in order to be fully aligned with WTO guidelines. However, when study results and private sector perception are jointly analyzed, it is possible to observe that improving transparency in 2 groups (*products covered, description of the content*) presents the major opportunity for the Asia Pacific region. A prioritized vision to better define the scope of products affected from a draft measure, as well as a detailed summary of the notified legislation in the description of the content could have significantly impact on Asia Pacific trade in the short term.

**ANNEX 1: PERU'S PROPOSAL ON PROMOTING TRANSPARENCY THROUGH THE
IMPROVEMENT OF SANITARY AND PHYTOSANITARY NOTIFICATIONS
(2018/SOM1/CTI/011)**



**Asia-Pacific
Economic Cooperation**

2018/SOM1/CTI/011
Agenda Item: VII(c)

**Peru's Proposal on Promoting Transparency
Through the Improvement of Sanitary and
Phytosanitary Notifications**

Purpose: Consideration
Submitted by: Peru



**First Committee on Trade and Investment
Meeting
Port Moresby, Papua New Guinea
4-5 March 2018**

Promoting Transparency through the Improvement of SPS Notifications
Proposed by Peru
co-sponsored by the Australia, Indonesia and United States

I. Background

In order to increase trade, economies have made substantial progress reducing tariffs, however, NTBs are still prominent in the Asia-Pacific region. From the business perspective, NTBs are a source of frustration because they raise time and costs associated to trade, obstruct the development of efficient and safe supply chains, and impact negatively in the participation of micro, small and medium enterprises (MSME) in regional and global value chains. The implementation processes and the impacts related to NTBs are, in most cases, opaque and unpredictable making them difficult to identify, quantify, and address.

In the APEC Business Advisory Council (ABAC)´s study *Non-Tariff Barriers in Agriculture and Food Trade in APEC: Business Perspectives on Impacts and Solutions*, businesses indicated that Sanitary and Phytosanitary (SPS) measures are the most frequently used to obstruct or to block trade. Ambiguity, inconsistency, and discriminatory behaviour in both, information and enforcement of SPS regulations, were the problems highlighted by businesses. Not only requirements are usually spread across different agencies, but also one of the most important difficulties for private sector is to obtain accurate and timely information on SPS measures. Experience tell us that there are cases in which regulations change frequently and without warning. This slows down the certification and customs inspection processes.

WTO Members are required to notify changes in their SPS measures in accordance with Article 7 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures. In this context, in the *Analysis of the Replies to the Questionnaire on Transparency Under the SPS Agreement (G/SPS/GEN/1402)*, the overall trend shows a high level of satisfaction among WTO Members about SPS notifications, 60% of respondents rated as very or rather satisfied the quality and completeness of information provided in SPS notifications. There seems to be a correlation between WTO Members' development status and their level of satisfaction. Nevertheless, WTO Members seem to be less satisfied with the completeness of current SPS notifications.

This situation was also noted by the ABAC study, which shows that there is a misalignment between business and government perspectives on NTMs. Thus, 69% of government respondents on the non-tariff measures document, believed that regulations are simple, straight-forward and transparent, while 80% of business considered that regulations are difficult, complex and opaque.

II. Objectives

This proposal calls for APEC to develop and adopt a set of recommendations to improve the quality and completeness of WTO´s SPS notifications. This would facilitate trade and predictability of regulations for government officials and private sector. This proposal would also build-on the current work made by WTO SPS Committee. Additionally, these

recommendations could provide valuable tools for future trade agreements and the eventual realisation of the FTAAP.

In accordance with WTO guidelines (G/SPS/7/Rev.3), Peru proposes to evaluate, quantitatively and qualitatively, a representative sample of SPS notifications from APEC economies. This evaluation would be complemented with a Public – Private Dialogue (PPD), in order to discuss the results of the study and to collect contributions from private sector and other stakeholders. With those activities, it is expected to identify the major challenges that officials and business people have to overcome to comply with SPS notifications. The proposed activities would be the basis to develop voluntary recommendations.

III. Proposed Timeline

1. At CTI 1 2018, APEC economies to discuss this proposal and approved it intersessionally. Proposal will also be shared among MAG and SCSC members for comments.
2. During 2018, Peru to develop a study to evaluate (1) a representative sample of WTO's SPS notifications from APEC economies and (2) private sector experiences in using these notifications. Study to be shared among CTI, MAG and SCSC members for comments.
3. During 2018, Peru will also propose an APEC project for a Public – Private Dialogue (PPD) to discuss on the results of the study and on possible recommendations to improve SPS notifications in the APEC region.
4. At the margins of SOM 1 2019, hold the PPD.
5. After PPD, Peru to circulate a draft of possible recommendations on SPS notifications to CTI, MAG and SCSC.
6. Intersessional discussion
7. By SOM 3 2019: CTI to endorse recommendations.
8. By AMM/AELM 2019: Ministers endorse adoption of APEC recommendations on SPS notifications; Leaders welcome the adoption of the APEC recommendations on SPS notifications.
9. By 2020, economies to report the improvements applied to SPS notifications.

**ANNEX 2: TERMS OF REFERENCE: PROMOTING TRANSPARENCY THROUGH THE
IMPROVEMENT OF SPS NOTIFICATIONS - STUDY OF APEC ECONOMIES' SPS
NOTIFICATIONS ON QUALITY AND COMPLETENESS OF INFORMATION
(2018/SOM2/CTI/005)**



**Asia-Pacific
Economic Cooperation**

2018/SOM2/CTI/005

Agenda Item: V (c)

**Terms of Reference: Promoting Transparency
Through the Improvement of SPS Notifications -
Study of APEC Economies' SPS Notifications on
Quality and Completeness of Information**

Purpose: Consideration
Submitted by: Peru



**Second Committee on Trade and
Investment Meeting
Port Moresby, Papua New Guinea
19-20 May 2018**

Terms of Reference

Promoting Transparency through the Improvement of SPS Notifications: Study of APEC Economies' SPS Notifications on Quality and Completeness of Information¹

Submitted by Peru

Co-sponsors: Australia, Indonesia, United States

I. Background

In order to increase trade, economies have made substantial progress reducing tariffs, however, NTBs are still prominent and growing in the Asia-Pacific region. From the business perspective, NTBs are sources of dissatisfaction. They raise time and costs associated to trade, obstruct the development of efficient and safe supply chains. Besides, NTBs impact negatively in the participation of micro, small and medium enterprises (MSMEs) in regional and global value chains. The implementation processes and the impacts related to NTBs are, in most cases, unclear and unpredictable, making them difficult to identify, quantify, and address.

In the APEC Business Advisory Council's (ABAC) study, *Non-Tariff Barriers in Agriculture and Food Trade in APEC: Business Perspectives on Impacts and Solutions*, businesses indicated that Sanitary and Phytosanitary (SPS) measures are the most frequently used measures to obstruct or to block trade. Ambiguity, inconsistency, and discriminatory behaviour in both information and enforcement of SPS regulations were the problems highlighted by businesses. Requirements are usually spread across different agencies, producing one of the most important difficulties for private sector, which is to obtain accurate and timely information on SPS measures. Furthermore, experience shows us that there are cases in which regulations change frequently and without warning. This slows-down the certification and customs inspection processes.

WTO Members are required to notify changes in their SPS measures in accordance with Article 7 of and Annex B to the WTO Agreement on the Application of Sanitary and Phytosanitary Measures. In this context, in the *Analysis of the Replies to the Questionnaire on Transparency Under the SPS Agreement* (G/SPS/GEN/1402), it is stated that: "the overall trend shows a high level of satisfaction among Members, 60% of whom identified themselves as very or rather satisfied with the quality and completeness of information provided in SPS notifications. There appears to be a correlation between Members' development status and their level of satisfaction, with a somewhat lower level of satisfaction among developed country Members".

However, the aforementioned ABAC study shows that there is a misalignment between business and government perspectives on NTMs. Thus, 69% of government respondents on the non-tariff measures document, believed that regulations are simple, straight-forward and transparent, while 80% of business considered that regulations are difficult, complex and unclear.

In this context, this study is expected to contribute to trade facilitation and predictability of regulations for government officials and private sector.

The study will comprise an analysis of a representative sample of 683 notifications, including regular and emergency, plus their respective addenda and/or corrigenda from all APEC economies, from 2014 to 2017. This study will be conducted by Peru on a self-funded basis.

¹ This study is part of the Peruvian initiative (2018/SOM1/CTI/011) *Promoting Transparency through the Improvement of SPS Notifications*. The initiative also includes an APEC project for the realization of a Public – Private Dialogue (PPD) to discuss the results of this study and possible recommendations to improve SPS notifications in the APEC region.

II. Objectives of the study

The objective of the study is to evaluate the quality and completeness of the information provided by APEC, in accordance with WTO guidelines.

In that sense, it seeks to raise awareness and increase the understanding of:

- The compliance of SPS notifications with the *WTO Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (G/SPS/7/Rev.3)*.
- Key items from SPS notifications that should be clearly written to improve the quality and completeness of the information.
- Private sector perception of SPS notifications and main challenges related to the quality and completeness of the information.

III. Methodology

Scope of the study

The study will consider regular and emergency notifications, and their respective *addenda* and *corrigenda*, from APEC economies between the years 2014 and 2017. As SPS notifications should be in accordance with the *WTO Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (G/SPS/7/Rev.3)*, the tools for this study will be developed considering the specifications provided in this document.

All notifications are public in the WTO SPS Information Management System.

First part of analysis

Regular notifications: Considering that the number of WTO SPS notifications is 2461, a total of 536 notifications will be randomly selected for the study representative sample which provides 99% confidence level. This sample will be distributed proportionally depending on the percentage of notifications from each APEC economy in the aforementioned period. The determination of the sample size is defined in Annex 1.

Regular SPS notifications will be evaluated with the questionnaire developed in Annex 2. The purpose of this tool is to evaluate if the information completed by the economies in each item of the SPS notification is consigned in accordance with the recommendations of Annex A-1: Routine Notifications from document G/SPS/7/Rev.3.

Considering that any *addendum* or *corrigendum* should be read in conjunction with the original notification, the *addendum* or *corrigendum* derived from the selected notifications will be evaluated using the questionnaires developed in Annexes 3 and 4. The purpose of these tools is to evaluate if the information completed by the economies in the *addendum* or *corrigendum* is consigned in accordance with the recommendations of Annex A-2: Routine Notifications – Addenda and Annex A-4: Routine Notifications – Corrigenda from document G/SPS/7/Rev.3.

If any regular notification has a revision, and considering that a revision replaces an existing notification, that document would be evaluated using the questionnaire in Annex 2.

Emergency notifications: On the other hand, as the number of WTO SPS emergency notifications is 188, a total of 147 of them will be randomly selected in order to construct the sample with 99% of confidence. Refer to Annex 5 for details.

Emergency notifications, its *addenda* or *corrigenda* will be evaluated with questionnaires presented in Annexes 6, 7 and 8. These tools were developed in accordance with the recommendations of Annex B-1: Emergency Notifications, Annex B-2: Emergency Notifications – Addenda and Annex B-4: Emergency Notifications – Corrigenda included in document G/SPS/7/Rev.3. In case an emergency notification has a revision, the evaluation will be assessed with the questionnaire in Annex 6.

Second part of analysis – Private sector experiences

To complement the analysis, the experiences on SPS notifications of the private sector will be evaluated using the questionnaire developed in Annex 9. The questionnaire would be available online and through a PDF version.

ABAC Peru will circulate, disseminate and collect the private sector questionnaires among ABAC members. There will not be a limit to number of responses per ABAC member, though a minimum of 2 will be preferred. Questionnaire would be circulated during the first week of May until June 1st.

IV. Project Management/Administration

The evaluation and analysis of the study will be conducted and managed by the Ministry of Foreign Trade and Tourism of Peru in collaboration with Peru's ASC and ABAC Peru.

V. Tentative Timeline

1. CTI 2 2018 – approval of ToR of the Study of APEC Economies' SPS Notifications on Quality and Completeness of Information.
2. Intersessionally (May - June) – circulation of questionnaire to ABAC members.
3. 2018 CTI 3 – presentation of study.

VI. Annexes

Annex 1. Determination of Sample Size

The study will consider regular notifications and their respective *addenda* and *corrigenda*, from APEC economies between the years 2014 and 2017. The sample size is based on the number of SPS regular notifications.

Confidence level	99%
Confidence interval	5%
Population proportion	50%
Population size	2461

Sample Size

At least 525 notifications

Annex 2. Evaluation Tool for SPS Notifications

Number	Question	Alternatives
Code of document (G/SPS/N/...)		
Date of distribution (dd/mm/yyyy)		
1	Member notifying	21 APEC economies
2	Is the agency responsible for elaborating the notification mentioned?	0: No, 1: Yes
3.1	Is the tariff item number(s) (HS) mentioned?	0: No, 1: Yes
3.2	Is the heading of the International Classification of Standards (ICS) mentioned?	0: No, 1: Yes
3.3	Does it contain any description of the products?	0: No, 1: Yes
3.4	Is the description clear?	0: No, 1: Yes
3.5	Does it contain abbreviations?	0: No, 1: Yes
4	Does it indicate the geographical regions or economies that are likely to be affected by the notified regulation?	0: No (redirect to question 5.1) 1: All trading partners (redirect to question 5.1) 2: Specific regions or economies (continue with question 4.1)
4.1	Are the geographical regions or economies indicated?	0: No, 1: Yes
5.1	Is the title of the sanitary or phytosanitary regulation mentioned?	0: No, 1: Yes
5.2	Are the page numbers of the notified document specified?	0: No, 1: Yes
5.3	Is/Are the language(s) of the sanitary or phytosanitary regulation specified?	Checkboxes 1: English, 2: Spanish, 3: French, 4: Chinese, 5: Russian, 6: Arabic, 7: Other
5.4	Does it indicate if there is an available translation of the notified document?	0: No (redirect to question 5.5) 1: Yes (continue with question 5.4.1)
5.4.1	In which language(s) is the translation?	Checkboxes 1: English, 2: Spanish, 3: French, 4: Chinese, 5: Russian, 6: Arabic, 7: Other
5.5	Is the link to the sanitary or phytosanitary regulation draft document attached in PDF format?	0: No (redirect to question 6.1) 1: Yes (continue with question 5.5.1)

5.5.1	Is the link still working?	0: No, 1: Yes
6.1	Is the objective of the regulation indicated?	0: No, 1: Yes
6.2	Are the probable effects on trade described?	0: No, 1: Yes
6.3	Does it contain abbreviations?	0: No, 1: Yes
6.4	Is there an outline of the specific SPS measures that the regulation will apply?	0: No, 1: Yes
6.5	Can the impacts on exports be clearly identified?	0: No, 1: Yes
6.6	In general, does the description facilitate the understanding of the proposed regulation?	0: No, 1: Yes
7.1	Are the objective and rationale of the SPS measure indicated?	0: No (redirect to question 8.1) 1: Yes (continue with question 7.1.1)
7.1.1	Which is/are the objective(s) and rationale(s) of the SPS measure?	Checkboxes 1: Food safety 2: Animal health 3: Plant protection 4: Protect humans from animal/plant pest or disease 5: Protect territory from other damage from pests
8.1	Is there a relevant international standard?	0: No (redirect to question 9.1) 1: Yes (continue with question 8.1.1) 2: No answer (redirect to question 9.1)
8.1.1	Which are the appropriate standard-setting organization?	Multiple choice question 1: Codex Alimentarius Commission 2: World Organization for Animal Health (OIE) 3: International Plant Protection Convention
8.1.1.1	Is the appropriate reference of the existing standard, guideline or recommendation mentioned?	0: No, 1: Yes, 2: No answer
8.1.1.2	Does this proposed regulation conform to the relevant international standard?	0: No (continue with question 8.1.1.2.1) 1: Yes (redirect to question 9.1) 2: No answer (continue with question 8.1.1.2.1)
8.1.1.2.1	Is there any additional information regarding how and why the SPS deviates from the international standard?	0: No (redirect to question 9.1) 1: Yes (continue with question 8.1.1.2.1.1)
8.1.1.2.1.1	Is the information clear to understand the deviation from international standards?	0: No 1: Yes
9.1	Does the notification present other relevant documents and language(s) in which these are	0: No (redirect to question 10.1)

	available?	1: Yes (continue with question 9.1.1)
9.1.1	Is this information a copy from another section of the notification?	0: No (redirect to question 10.1) 1: Yes (continue with question 9.1.1.1)
9.1.1.1	In which section(s) is/are this information repeated?	Checkboxes 1 7 2 8 3 10 4 11 5 12 6 13
10.1	Does it indicate the date when the regulation is expected to be adopted?	0: No (redirect to question 10.2) 1: Yes (continue with question 10.1.1) 2: Inaccurate date (redirect to question 10.2)
10.1.1	Specify the date	(dd/mm/yyyy)
10.2	Does it indicate the proposed date of publication of the definitive measure?	0: No (redirect to question 11.1) 1: Yes (continue with question 10.2.1) 2: Inaccurate date (redirect to question 11.1)
10.2.1	Specify the date	(dd/mm/yyyy)
11.1	Does it mention the proposed date of entry into force?	0: No answer (redirect to question 11.2) 1: Six months from date of publication (redirect to question 11.2) 2: Six months from date of publication with a specific date (continue with question 11.1.1) 3: Only a specific date (continue with question 11.1.1) 4: Inaccurate date (redirect to question 11.2)
11.1.1	Specify the date	(dd/mm/yyyy)
11.2	Is it a trade facilitating measure?	0: No answer, 1: Yes
12.1	Does it mention the final date for comments?	0: No answer (redirect to question 12.2) 1: Sixty days from the date of circulation of the notification (redirect to question 12.2) 2: Sixty days from the date of circulation of the notification with a specific date (continue with question 12.1.1)

		3: Only a specific date (redirect to question 12.2) 4: Inaccurate date (redirect to question 12.2)
12.1.1	Specify the date	(dd/mm/yyyy)
12.2	Which agency or authority is designated to handle comments?	Checkboxes 1: National Notification Authority, 2: National Enquiry Point, 3: Other body 4: No answer
12.3	Is there specific information of contact point for handling comments?	Checkboxes 0: None 1: Name and surname of an officer 2: Department/ Directorate/ Office 3: Ministry/ Government Body 4: E-mail 5: Phone 6: PO Address 7: Website
13.1	Does the notification present information in the section “text available from”?	0: No (end of the survey) 1: Yes (continue with question 13.1.1)
13.1.1	Is this information a copy from another section of the notification?	0: No (end of the survey) 1: Yes (continue with question 13.1.1.1)
13.1.1.1	In which section(s) is/are this information repeated?	Checkboxes 1 7 2 8 3 9 4 10 5 11 6 12

Annex 3. Evaluation Tool for SPS Addendum

Number	Question	Alternatives
1	Economy	21 APEC economies
2	Code of document (G/SPS/N/...)	
3	Number of addenda	Multiple choice question 1-9 and other
4	Date of distribution	(dd/mm/yyyy)
5	Does it include a title outlining the SPS measure or product to it refers?	0: No, 1: Yes
6	Does it briefly recap what was notified, when and what it was about?	0: No, 1: Yes
7	Does it specify what change has been made and why?	0: No, 1: Yes
8	Which is the circumstance to notify this addendum?	Multiple choice question 1: Modification of final date for comments, 2: Notification of adoption, publication, or entry into force of regulation, 3: Modification of content and/or scope of previously notified draft regulation, 4: Withdrawal of proposed regulation, 5: Change in proposed date of adoption, publication, or date of entry into force, 6: Other
9	Does it provide a comment period?	0: No (redirect to question 9.2) 1: Sixty days from the date of circulation of the addendum (redirect to question 9.2) 2: Sixty days from the date of circulation of the addendum to the notification with a specific date (continue with question 9.1) 3: Only a specific date (continue with question 9.1)
9.1	Specify the date	(dd/mm/yyyy) (redirect to question 10)
9.2	Which agency or authority is designated to handle comments?	Checkboxes 1: National notification authority 2: National enquiry point 3: Other body 4: No answer

10	Is there specific information of contact point?	<p>Checkboxes</p> <p>0: None 1: Name and surname of an officer 2: Department/ Directorate/ Office 3: Ministry/ Government Body 4: E-mail 5: Phone 6: PO Address 7: Website</p>
11	Is the information provided in the item "text available from" same as the agency or authority designated to handle comments?	<p>0: No (continue with question 11.1) 1: Yes (end of the survey)</p>
11.1	Which agency or authority is designated to provide text?	<p>Checkboxes</p> <p>1: National notification authority 2: National enquiry point 3: Other body 4: No answer</p>
11.1.1	Is there specific information of contact point?	<p>Checkboxes</p> <p>0: None 1: Name and surname of an officer 2: Department/ Directorate/ Office 3: Ministry/ Government Body 4: E-mail 5: Phone 6: PO Address 7: Website</p> <p>(end of the survey)</p>

Annex 4. Evaluation Tool for SPS Corrigendum

Number	Question	Alternatives
1	Economy	21 APEC economies
2	Code of document (G/SPS/N/...)	
3	Number of corrigendum	Multiple choice question 1-9 and other
4	Date of distribution	(dd/mm/yyyy)
5	Does it include a title outlining the SPS measure or product to it refers?	0: No, 1: Yes
6	Does it include information related to the correction of error(s) from the original notification?	0: No, 1: Yes
7	Is it clear which the error(s) to is/are to be corrected?	0: No, 1: Yes
8	Which item(s) is (are) corrected?	Checkboxes 1 7 2 8 3 9 4 10 5 11 6 12 6 13
9	Does it specify the agency or authority where the text is available?	Checkboxes 1: National notification authority 2: National enquiry point 3: Other body 4: No answer
10	Is there specific information of contact point?	Checkboxes 0: None 1: Name and surname of an officer 2: Department/ Directorate/ Office 3: Ministry/ Government Body 4: E-mail 5: Phone 6: PO Address 7: Website

Annex 5. Determination of Sample Size for Emergency Notifications

The study will consider emergency notifications and their respective *addenda* and *corrigenda*, from APEC economies between the years 2014 and 2017. The sample size is based on the number of SPS emergency notifications.

Confidence level	99%
Confidence interval	5%
Population proportion	50%
Population size	188

Sample Size

147 notifications

Annex 6. Evaluation Tool for Emergency Notifications

Number	Question	Alternatives
Code of document (G/SPS/N/...)		
Date of distribution (dd/mm/yyyy)		
1	Member notifying	21 APEC economies
2	Is the agency responsible for elaborating the notification mentioned?	0: No, 1: Yes
3.1	Is the tariff item number(s) (HS) mentioned?	0: No, 1: Yes
3.2	Is the heading of the International Classification of Standards (ICS) mentioned?	0: No, 1: Yes
3.3	Does it contain any description of the products?	0: No, 1: Yes
3.4	Is the description clear?	0: No, 1: Yes
3.5	Does it contain abbreviations?	0: No, 1: Yes
4	Does it indicate the geographical regions or economies that are likely to be affected by the notified regulation?	0: No (redirect to question 5.1) 1: All trading partners (redirect to question 5.1) 2: Specific regions or economies (continue with question 4.1)
4.1	Are the geographical regions or economies indicated?	0: No, 1: Yes
5.1	Is the title of the sanitary or phytosanitary regulation mentioned?	0: No, 1: Yes
5.2	Are the page numbers of the notified document specified?	0: No, 1: Yes
5.3	Is/Are the language(s) of the sanitary or phytosanitary regulation specified?	Checkboxes 1: English, 2: Spanish, 3: French, 4: Chinese, 5: Russian, 6: Arabic, 7: Other
5.4	Does it indicate if there is an available translation of the notified document?	0: No (redirect to question 5.5) 1: Yes (continue with question 5.4.1)
5.4.1	In which language (s) is the translation?	Checkboxes 1: English, 2: Spanish, 3: French, 4: Chinese, 5: Russian, 6: Arabic, 7: Other
5.5	Is the link to the sanitary or phytosanitary regulation draft document attached in PDF format?	0: No (redirect to question 6.1) 1: Yes (continue with question 5.5.1)
5.5.1	Is the link still working?	0: No, 1: Yes

6.1	Is the content and health protection objective of the regulation indicated?	0: No, 1: Yes
6.2	Are the probable effects on trade described?	0: No, 1: Yes
6.3	Does it contain abbreviations?	0: No, 1: Yes
6.4	Is there an outline of the specific SPS measures that the regulation will apply?	0: No, 1: Yes
6.5	Can the impacts on exports be clearly identified?	0: No, 1: Yes
6.6	In general, does the description facilitate the understanding of the proposed regulation?	0: No, 1: Yes
7.1	Are the objective and rationale of the SPS measure indicated?	0: No (redirect to question 8.1) 1: Yes (continue with question 7.1.1)
7.1.1	Which is/are the objective(s) and rationale(s) of the SPS measure?	Checkboxes 1: Food safety 2: Animal health 3: Plant protection 4: Protect humans from animal/plant pest or disease 5: Protect territory from other damage from pests
8.1	Does it clearly indicate the reasons for resorting to an emergency action?	0: No, 1: Yes
9.1	Is there a relevant international standard?	0: No (redirect to question 10.1) 1: Yes (continue with question 9.1.1) 2: No answer (redirect to question 10.1)
9.1.1	Which are the appropriate standard-setting organization?	Multiple choice question 1: Codex Alimentarius Commission 2: World Organization for Animal Health (OIE) 3: International Plant Protection Convention
9.1.1.1	Regarding 9.1.1, is the appropriate reference of the existing standard, guideline or recommendation mentioned?	0: No, 1: Yes, 2: No answer
9.1.1.2	Regarding 9.1.1, does this proposed regulation conform to the relevant international standard?	0: No (continue with question 9.1.1.2.1) 1: Yes (redirect to question 10.1) 2: No answer (continue with question 9.1.1.2.1)
9.1.1.2.1	Is there any additional information regarding how and why the SPS deviates from the international standard?	0: No (redirect to question 10.1) 1: Yes (continue with question 9.1.1.2.1.1)
9.1.1.2.1.1	Is the information clear to understand the deviation from international standards?	0: No, 1: Yes

10.1	Does the notification present other relevant documents and language(s) in which these are available?	0: No (redirect to question 11.1) 1: Yes (continue with question 10.1.1)
10.1.1	Is this information a copy from another section of the notification?	0: No (redirect to question 11.1) 1: Yes (continue with question 10.1.1.1)
10.1.1.1	In which section(s) is/are repeated this information?	Checkboxes 1 7 2 8 3 9 4 11 5 12 6 13
11.1	Specify the date when the regulation entries into force	(dd/mm/yyyy)
11.2	Does it indicate the period of application of the measure?	Multiple choice question 0: No, 1: Yes, 2: Inaccurate date
11.3	Is it a trade facilitating measure?	0: No answer, 1: Yes
12.1	Which agency or authority is designated to handle comments?	Checkboxes 1: National notification authority 2: National enquiry point 3: Other body 4: No answer
12.1	Is there specific information of contact point for handling comments?	Checkboxes 0: None 1: Name and surname of an officer 2: Department/ Directorate/ Office 3: Ministry/ Government Body 4: E-mail 5: Phone 6: PO Address 7: Website
13.1	Is the information provided in the item "text available from" same as the agency or authority designated to handle comments?	0: No (continue with question 13.1.1) 1: Yes (end of the survey)
13.1.1	Is this information a copy from another section of the notification?	0: No (end of the survey) 1: Yes (continue with question 13.1.1.1)
13.1.1.1	In which section(s) is/are this information repeated?	Checkboxes 1 7 2 8 3 9 11

		4 5 6	12 (end of the survey)
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Annex 7. Evaluation tool for Emergency Addendum

Number	Question	Alternatives
1	Economy	21 APEC economies
2	Code of document (G/SPS/N/...)	
3	Number of addendum	Multiple choice question 1-9 and other
4	Date of distribution	(dd/mm/yyyy)
5	Does it include a title outlining the SPS measure or product to it refers?	0: No, 1: Yes
6	Does it briefly recap what was notified, when and what it was about?	0: No, 1: Yes
7	Does it specify what change has been made and why?	0: No, 1: Yes
8	Which is the circumstance to notify this addendum?	Multiple choice question 1: Modification of final date for comments, 2: Modification of content and/or scope of previously notified draft regulation 3: Withdrawal of proposed regulation 4: Change in period of application of measure 5: Other
9	Which agency or authority is designated to handle comments?	Checkboxes 1: National notification authority 2: National enquiry point 3: Other body 4: No answer
10	Is there specific information of contact point?	Checkboxes 0: None 1: Name and surname of an officer 2: Department/ Directorate/ Office 3: Ministry/ Government Body 4: E-mail 5: Phone 6: PO Address 7: Website

11	Is the information provided in the item "text available from" same as the agency or authority designated to handle comments?	0: No (continue with question 11.1) 1: Yes (end of the survey)
11.1	Which agency or authority is designated to provide text?	Checkboxes 1: National notification authority 2: National enquiry point 3: Other body 4: No answer
11.1.1	Is there specific information of contact point?	Checkboxes 0: None 1: Name and surname of an officer 2: Department/ Directorate/ Office 3: Ministry/ Government Body 4: E-mail 5: Phone 6: PO Address 7: Website

Annex 8. Evaluation Tool for Emergency Corrigendum

Number	Question	Alternatives
1	Economy	21 APEC economies
2	Code of document (G/SPS/N/...)	
3	Number of corrigendum	Multiple choice question 1-9 and other
4	Date of distribution	(dd/mm/yyyy)
5	Does it include a title outlining the SPS measure or product to it refers?	0: No, 1: Yes
6	Does it include information related to the correction of error(s) from the original notification?	0: No, 1: Yes
7	Is it clear which error(s) is/are to be corrected?	0: No, 1: Yes
8	Which item(s) is (are) corrected?	Checkboxes 1 7 2 8 3 9 4 10 5 11 6 12 6 13
9	Does it specify the agency or authority where the text is available?	Checkboxes 1: National notification authority 2: National enquiry point 3: Other body 4: No answer
10	Is there specific information of contact point?	Checkboxes 0: None 1: Name and surname of an officer 2: Department/ Directorate/ Office 3: Ministry/ Government Body 4: E-mail 5: Phone 6: PO Address 7: Website

Annex 9. Private Sector Evaluation Tool for SPS Notifications

Number	Question	Alternatives
1	Economy	21 APEC economies
2	Commercial condition	0: Importer, 1: Exporter, 2: Importer/Exporter
3	Do you know that there is a SPS notification system from the World Trade Organization (WTO)?	0: No (redirect to question 3.3) 1: Yes (continue with question 3.1)
3.1	How often do you check SPS notifications <u>from sources provided by WTO?</u>	1: Daily, 2: Weekly, 3: Monthly, 4: Other (please explain)
3.2	How do you obtain the SPS notifications?	Checkboxes 1: Check by myself in the WTO website, 2: Government sends the information, 3: The information is provided by chambers of commerce / exporters associations / other similar organizations, 4: ePing notification alert system, 5: Other (please explain)
3.2.1	In your opinion, which are the 3 most important items from SPS notifications?	Checkboxes 1 7 2 8 3 9 4 10 5 11 6 12 6 13
3.2.1.1	Please explain the reason for your selections in 3.2.1	Multiple choice question 1: It allows to contact the agency/authority in charge of the emitting the notification. 2: It provides the documentation necessary to understand the notification. 3: It indicates the dates to present observations, publication and adoption. 4: Others
3.2.2	In your opinion, which are the 3 least important items from SPS notifications?	Checkboxes 7

		1 2 3 4 5 6	8 9 10 11 12 13
3.2.2.1	Please explain the reason for your selections in 3.2.2	<p>Multiple choice question</p> <p>1: It is useless, 2: It is redundant, 3: It is not usually well completed, 4: It is in another language, 5: Others</p>	
3.2.3	Which are your major challenges when you analyze SPS notifications?	<p>Checkboxes</p> <p>1: Lack of information of the draft measure, 2: It is difficult to determine which products are involved, 3: Different languages used in the linked documents, 4: International standard is not provided, 5: There is not enough time to comment 6: Others (please explain)</p>	
3.2.4	Please qualify the transparency and effectiveness of information of the SPS notifications from the APEC economies that are most important in your case	<p>Multiple choice grid</p> <p>Rows: 21 APEC Economies</p> <p>Columns: 0: Does not apply, 1: Not transparent at all, 2: Somehow transparent, 3: Transparent, 4: Very transparent</p>	
3.3	How do you get the information regarding changes on SPS measures?	<p>Checkboxes</p> <p>1: Commercial partners 2: Government sends the information, 3: The information is provided by chambers of commerce / exporters associations / other similar organizations, 4: Specialized websites 5: Specialized enterprises 6: Other (please explain)</p>	

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