



Committee on Sanitary and Phytosanitary Measures

**REPORT
WORKSHOP ON TRANSPARENCY AND COORDINATION
MONDAY, 15 JULY – TUESDAY, 16 JULY 2019
WTO, CENTRE WILLIAM RAPPARD, GENEVA**

NOTE BY THE SECRETARIAT¹

The Secretariat of the World Trade Organization organized a workshop on SPS transparency and coordination in Geneva, Switzerland, on 15 and 16 July 2019.

The WTO funded the participation of 34 government officials from developing country Members and Observers in the workshop, with the financial assistance of the Doha Development Agenda Global Trust Fund (DDAGTF).² Sponsored participants were selected from 109 applications. In addition, the WTO covered the participation of four external speakers, and the United States and the African Union made it possible for eight and five participants, respectively, from Africa and Central America to attend the workshop and the meetings of the Committee. More than 150 participants attended the workshop, including Geneva- and capital-based delegates and representatives from intergovernmental organizations.

The programme³ and presentations of the workshop are available from the "Events, workshops and training" section under the WTO SPS Gateway (http://www.wto.org/english/tratop_e/sps_e/events_e.htm).

1 OBJECTIVE OF THE WORKSHOP

1.1. The objective of this workshop was to bring together Members' officials responsible for implementation of the SPS Agreement, as well as experts from regional and international organizations, to exchange experiences with transparency-related coordination, and with broader domestic coordination mechanisms.⁴ An area of focus was on the difference in scope between the SPS and TBT Agreements, and on notification of measures containing both SPS and TBT elements.⁵

2 WORKSHOP SESSIONS

2.1 Introduction (Session 1)

2.1. **Mr Rolando Alcalá** (WTO Secretariat) provided an overview of the key SPS and TBT transparency provisions. In particular, the notification procedures include the notification of draft regulations at an early stage, allowing other Members to comment on the proposed text, discussing such comments on request, and taking the comments and discussions into account in finalizing the regulations. Mr Alcalá reviewed the objectives and coverage of the SPS and TBT Agreements, related discussions in the respective Committees and examples of measures notified under both agreements. The question of coverage of the SPS/TBT provisions was not new, as already back in 1995-1996 the SPS and TBT Committees, jointly as well as separately, had

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

² Since 2016, WTO-funded workshop participants are no longer sponsored to participate in the SPS Committee meetings, in addition to their attendance at the workshop.

³ [G/SPS/GEN/1694/Rev.2](#).

⁴ See submission by Benin, Burkina Faso, Burundi, the Gambia, Ghana, Kenya, Madagascar, Morocco, Nigeria, the United States of America and Zambia contained in [G/SPS/W/297](#).

⁵ See submission by Brazil contained in [G/SPS/W/312](#).

discussed how to identify and notify measures that may contain SPS and TBT elements.⁶ He recalled that the SPS Committee had adopted a recommendation to notify cross-cutting measures under both Agreements.⁷ Through an interactive exercise, participants were challenged to define whether a measure fell within the scope of one or both Agreements.

2.2. Subsequently, **Ms Serra Ayrál**, also from the WTO Secretariat, outlined the TBT transparency provisions and recalled the transparency-related recommendations adopted during the Eight Triennial Review of the TBT Agreement.⁸ Ms Ayrál ended the session with a brief report on the TBT Committee Thematic Session on Transparency held in June 2019⁹, which also addressed SPS/TBT notifications, and the announcement that the next TBT Committee Thematic Session on Transparency would be held in May 2020.

2.2 Implementation of the transparency provisions: Members' experience with SPS/TBT notifications (Session 2)

2.3. The workshop pursued with presentations by Brazil, Japan, Chinese Taipei, Canada and Uganda on their experience in implementing the transparency provisions with SPS/TBT notifications.

2.4. **Mr Diogo Penha Soares**, Health Regulatory Agency, and **Ms Naiana Campos Gil Ferreira Santiago**, Ministry of Agriculture, shared Brazil's experience in notifying regulations containing both SPS and TBT elements on one hand, and handling incoming SPS and TBT notifications on the other hand. They both noted coordination challenges arising from having SPS and TBT notification authorities hosted in different ministries. The speakers presented examples of notifications made to both the SPS and TBT Committees, and referred to the Practical Manual on the Operation of NNAs and NEPs¹⁰, which provided useful guidance in that regard.

2.5. **Mr Minoru Iijima** (Japan) explained that NNAs and NEPs for both SPS and TBT matters were hosted at the Ministry of Foreign Affairs, which facilitated inter-agency coordination. Mr Iijima showed examples of regulations with overlapping coverage, which had been notified under both the SPS and TBT Agreements with the same content.

2.6. **Mr Hung-Jen Liao** explained Chinese Taipei's coordination mechanism for SPS/TBT notifications. The International Economic and Trade Coordination Mechanism oversaw 17 sub-working groups in charge of specific issues, including SPS and TBT. The SPS sub-working group was managed by the Bureau of Animal and Plant Health Inspection and Quarantine and hosted the NNA and NEP, while the Bureau of Standards, Metrology and Inspection dealt with TBT matters. Several measures had been notified to both the SPS and TBT Committees since 2014, such as the "Act Governing Food Safety and Sanitation", enacted to govern food sanitation, safety and quality, and protect citizens' health.

2.7. **Ms Emma Pagotto** shared Canada's experience submitting and receiving notifications of regulations containing both SPS and TBT elements. Ms Pagotto explained that the Canadian Food Inspection Agency (CFIA) performs the tasks of the Notification Authority and Enquiry Point for both SPS and TBT measures. This creates a "single window" for the delivery of transparency requirements under the SPS and TBT Agreements. The Notification Authority and Enquiry Point and regulators work together to identify issues requiring notification and to prepare such notifications. When determining whether to notify a proposed regulation, CFIA assesses whether elements in the regulation fall under the SPS or TBT Agreement. For regulations notified to both Committees, she made a "best practice" suggestion for Members to indicate in their notification if the notification had been notified to another Committee; for example, in the Description of Content Section, Members could include a sentence to the effect of "This regulation has been notified under the TBT Agreement (G/TBT/N/) and SPS Agreement (G/SPS/N/)".

⁶ More information is available in background notes [G/SPS/W/17](#), [G/SPS/W/32](#), and [G/SPS/W/33](#).

⁷ G/SPS/Rev.4, para. 2.39.

⁸ See [G/TBT/41](#).

⁹ See programme in [G/TBT/GEN/264/Rev.1](#).

¹⁰ The Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points can be downloaded from: <http://www.wto.org/spstransparency>.

2.8. **Mr George Opiyo** (Uganda) explained that given the growing number of regulations containing both SPS and TBT elements, the decision had been taken to concurrently notify draft measures to the SPS and TBT Committees when regulations met the criteria for notification under both Agreements. To date, 81 draft TBT measures had been notified to the SPS and TBT Committees.

2.3 Tools and sources of SPS/TBT information (Session 3)

2.9. **Mr Rolando Alcalá** (WTO Secretariat) provided an overview of SPS/TBT sources of information, including: WTO Documents Online¹¹ and the e-Subscription¹² service for delegates to receive official WTO documents; the SPS/TBT Gateways on the WTO website; and the SPS/TBT Information Management Systems (SPS IMS¹³ and TBT IMS¹⁴) for searches and reports on notifications, STCs, and contact details of Enquiry Points/Notification Authorities. In addition, the Secretariat provided an update on the ePing system¹⁵, which includes two main functionalities: an email alert mechanism to track relevant notifications; and a communication platform to facilitate domestic and international discussion and coordination on distributed notifications. Enquiry Points and Notification Authorities were encouraged to request admin rights, to manage ePing at the domestic level. Further training on ePing functionalities could be provided in the margins of the November 2019 SPS Committee meeting, in case of interest.

2.10. **Mr Christian Knebel** (UNCTAD) presented the UNCTAD Non-tariff Measures (NTM) programme¹⁶, covering a broad spectrum of measures including but not limited to SPS and TBT measures. Data collection is at the heart of this project which applies the following "value chain": definition and classification of NTMs, data collection, data dissemination, research and analysis, and support to policy making. Providing some insights into the analysis, the presenter pointed out that SPS and TBT measures were the most common and costly NTMs, with lack of transparency being a major cost factor. For agri-food products, compliance with SPS measures invoked a price increase of on average over 14% of the product price, which was more than all other NTMs combined. Some price increases were inevitable due to, for example, intrinsic costs of product safety. However, other costs were avoidable, such as information costs due to a lack of regulatory transparency. The global NTM transparency initiative aimed to address these transparency challenges. The data collection was not based solely on notifications but on careful reading of regulations in a country and the classification of products affected and measures contained in the regulation. Data collection was comprehensive, but represented a stocktaking exercise at a certain point in time, including also information from SPS and TBT notifications.

2.11. **Mr Mathieu Loridan** (ITC) introduced The Global Trade Helpdesk¹⁷, a single entry point for trade-related information. Mr Loridan explained that many international organizations undertake endeavours to improve the trade-related information flow to help SMEs and other trade stakeholders benefit from an open international trade system. The Global Trade Helpdesk aimed to combine in one online platform dispersed and complex information contained in other international organizations' databases, and translate it into business language. A beta version was publicly available, and the final version would be launched at the 2020 WTO Ministerial Conference.

2.4 Sharing of Members' experiences: Transparency-related coordination (Session 4)

2.12. This session covered transparency-related coordination mechanisms including tools such as the use of ePing and other systems. It also covered Members' experiences in using these systems to ensure the notification of all SPS/TBT regulations and to exchange information.

2.13. **Mr George Opiyo** (Uganda) and **Mr John Heaslip** (Australia), who participated in the pilot phase of ePing's coordination functions, presented on the advantages as compared to prior notification distribution mechanisms, and efforts undertaken to promote the system and engage

¹¹ <https://docs.wto.org/>.

¹² This tool is available at <https://docs.wto.org/> only for Members with a personal WTO account.

¹³ <http://spsims.wto.org>.

¹⁴ <http://tbtims.wto.org>.

¹⁵ <http://www.epingalert.org>.

¹⁶ <http://www.unctad.org/NTM>.

¹⁷ <http://www.globaltradehelpdesk.org/>.

the private sector, especially SMEs, through newsletters, partnering with private sector associations, and presentations at existing events.

2.14. **Mr Deng Jie** presented institutional efforts undertaken to improve compliance with SPS transparency provisions, through the establishment of a domestic coordination mechanism. The three main pillars were: (i) a solid legal basis; (ii) clear-cut assignment of responsibilities; and (iii) persistent transparency advocacy. Mr Deng Jie concluded by discussing challenges faced with such a coordination mechanism and possible solutions.

2.15. **Ms Sally Jennings** (New Zealand) explained how training could contribute to better transparency and coordination, highlighting the need of a training strategy, the importance of building trust with stakeholders and using technology. In concluding, Ms Jennings also noted the importance of ensuring the resourcing of the right people and appropriate time for effective and efficient training implementation.

2.5 Guidelines and available tools for domestic coordination (Session 5)

2.16. Day two began with a roundtable moderated by **Ms Christiane Wolff** (WTO Secretariat), in which **Ms Sheri Rosenow** (WTO Secretariat), **Ms Pamela Ugaz** (UNCTAD), **Ms Roshan Khan** (STDF), and **Ms Delilah Cabb Ayala** (Belize), broadened the perspective to incorporate experiences from the trade facilitation area, and from the use of the STDF's P-IMA tool. Unlike the Trade Facilitation Agreement (TFA), the SPS Agreement did not require the establishment of national committees. However, many Members found it useful. While committees were easy to create, they were difficult to maintain. National SPS committees could play a role in facilitating implementation of the SPS Agreement, by creating awareness and promoting coordinated approaches. Some challenges included engaging the private sector and building trust. Lessons learnt included being inclusive, developing long-term planning while prioritizing urgent matters, using quick successes for winning stakeholders' buy-in, and making use of the wealth of resources available, for example through the TFA Facility. Speakers stressed the need for political backing and a formal structure. SPS agencies had an important role to play in setting workplans and streamlining procedures. While the P-IMA tool primarily aimed to help SPS officials prioritize SPS-related investment decisions, coordination played an important role in ensuring an efficient allocation of SPS resources. Ms Cabb Ayala recounted Belize's experience with both P-IMA and UNCTAD's national trade facilitation committee programme and how these projects had complemented each other, allowing for sustained and fruitful public-private dialogue. Panellists and participants noted the synergies between capacity building for trade facilitation committees and national SPS committees.

2.6 Sharing domestic coordination experiences (Session 6)

2.17. This session explored the use of domestic coordination mechanisms for purposes broader than transparency-related coordination, including developing strategies to prevent and resolve SPS trade concerns and establishing Members' positions and priorities.

2.18. **Ms Annie Bourque** provided an overview of Canada's domestic SPS coordination mechanisms used to develop positions and strategies for international initiatives, including WTO activities, as well as formulating approaches to resolve trade concerns. In advance of SPS Committee meetings, regular consultations were held with technical and trade policy experts to achieve consensus on policy work, bilateral meetings, and interventions to raise during the formal meeting. As a result of these domestic SPS coordination mechanisms, Canada's SPS positions and strategies were consistent with its regulatory approach, reflected its trade interests, and took into consideration stakeholders' perspectives.

2.19. **Mr Marcelo Valverde** (Peru) presented the work of the multiagency group for WTO SPS Committee issues. To enhance coordination, the public and private sectors discussed domestic positions, specific trade concerns, bilateral meetings and other issues before SPS Committee meetings. Post SPS Committee coordination meetings were also held. As a big exporter of agricultural products, the private sector was well informed on SPS matters. Coordination at the technical, commercial and SPS levels was important, as well as transparency and consistency in Peru's positions held in various fora.

2.20. **Mr Philip Njoroge** explained Kenya's institutional framework for addressing SPS issues. Exchange of information and domestic coordination was facilitated through a national SPS committee, including representatives from public and private sectors, as well as academia. Among others, the committee reviewed and submitted notifications, developed procedures, including best practices, and participated in multilateral and regional work on SPS matters. The committee also cooperated at the EAC and African continent levels.

2.21. **Ms Mara Burr** provided an overview of the international framework for transparency provisions, having their roots in several treaties and agreements, including the WTO Agreements, and explained the US legal framework supporting the notification process to the WTO. Ms Burr further detailed the US rule making process, which includes an interagency review and comment process, public notice of proposed rules and review of comments received after notification to the WTO, among others. Ms Burr highlighted the importance of public outreach and private sector scrutiny, and concluded by noting that US FDA supported transparency efforts through partnerships with the STDF, APEC, WHO and the Global Food Safety Partnership.

2.22. **Mr Abdoulaye Ndiaye** (Senegal) explained that SPS matters, including development and notification of SPS measures, were coordinated through the national SPS committee created in 2015 with the support of the African Union (AU). Subsequently, a food security domestic strategy had been developed, and a phytosanitary risk analysis system created with UEMOA support. Positions were formulated at the domestic and AU levels. A system for preventing trade disputes was in place, through different mechanisms upstream (compliance with SPS requirements), and downstream (audit of notifications and corrective measures). This system had allowed the country to improve market opportunities for fisheries and agricultural products, regulatory transparency, and participation in the work of the WTO.

2.7 Regional/International initiatives to support domestic coordination (Session 7)

2.23. **Mr John Oppong-Otoo** (African Union) presented on efforts undertaken to facilitate domestic and regional SPS coordination and increase participation of African countries in the work of standard-setting bodies and the SPS Committee. These efforts also aimed at building synergies to resolve food safety, animal and plant health issues; and promoting dialogue with other regional blocs for mutual support during standard-setting activities. Examples of coordination activities undertaken included: supporting electronic forum/physical meetings to discuss specific trade concerns prior to SPS Committee meetings; supporting physical participation of AU member States in the meetings of Codex, OIE and the SPS Committee; and conducting training activities to strengthen domestic SPS coordination mechanisms.

2.24. **Dr Benoit Gnonlonfin** presented on ECOWAS coordination efforts and implementation of transparency provisions in the region. Dr Gnonlonfin pointed out some of the challenges faced, including limitations in terms of knowledge, awareness and ownership of SPS issues; cooperation between the notification authority and other government authorities; and compliance with SPS transparency provisions. Possible solutions included increasing training on SPS transparency provisions, revitalizing the functioning of the national SPS committees, establishing monitoring and management systems within the notification authorities, and increasing advocacy and sensitization of high-level authorities or decision makers on the importance of SPS.

2.25. **Mr Erick Bolaños** (IICA) presented on best practices and lessons learnt from domestic coordination initiatives implemented in the Latin America and Caribbean region. Lessons learnt showed that leadership was fundamental to develop and maintain processes of change; internal and regional coordination was key to have sustainable processes; financial resources were not the main limitation; and that technical cooperation needed to be coordinated. Mr Bolaños concluded with possible best practices to consider when establishing a national SPS committee, which included the capacity to interact with different actors (public and private); to facilitate periodic training to all actors involved; the capacity to identify and resolve issues, and disseminate results on a permanent basis; and have a strong solid focal point.

2.26. **Ms Roxana Inés Vera Muñoz** (Chile) presented the action plan for strengthening the National Notification Authorities (NNAs) of the Pacific Alliance (Chile, Colombia, Peru, Mexico) developed in the context of the WTO Advanced SPS Course. The objective of the plan was to improve implementation of SPS transparency provisions. Ms Vera Muñoz highlighted that the

functioning of the NNA was key to implement SPS transparency provisions; contact networks favoured cooperation and synergies between peers; and strategic alliances helped Members increase participation in transparency processes.

2.27. **Ms Megan Crowe** presented APEC's experience in encouraging transparency in food safety regulatory systems through the Food Safety Cooperation Forum (FSCF) and its Partnership Training Institute Network (PTIN). The FSCF focuses on food safety capacity building and regulatory dialogue and encourages compliance with SPS and TBT provisions, as well as alignment with Codex standards. The PTIN is a public-private partnership model for improving food safety and facilitating trade in the APEC region, working with FSCF regulators to deliver capacity building. The FSCF PTIN priority is to achieve fewer food safety incidents and trade disputes through stronger food safety systems and improved understanding of regulatory compliance. Ms Crowe concluded with three key takeaways: public comments lead to food safety regulations with better fit for purpose; the private sector can provide unique technical and scientific information and production knowledge; and the use of web portals/the internet/other technology for sharing notifications electronically helps to share information widely.
