

**1 ARTICLE 7 OF THE AGREEMENT ON SANITARY AND PHYTOSANITARY MEASURES .....1**

1.1 Text of Article 7.....	1
1.2 Recommended notification procedures .....	1
1.3 Recommended procedures for implementing the transparency obligations of the Agreement on Sanitary and Phytosanitary Measures.....	2
1.4 Relationship with other provisions of the SPS Agreement.....	3
1.4.1 Annex B .....	3

**1 ARTICLE 7 OF THE AGREEMENT ON SANITARY AND PHYTOSANITARY MEASURES**

**1.1 Text of Article 7**

**Article 7**

*Transparency*

Members shall notify changes in their sanitary or phytosanitary measures and shall provide information on their sanitary or phytosanitary measures in accordance with the provisions of Annex B.<sup>1</sup>

**1.2 Recommended notification procedures**

1. At its meeting of 29-30 March 1995, the Committee on Sanitary and Phytosanitary Measures (SPS Committee) adopted notification procedures recommended by the informal contact group, subject to certain conditions.<sup>2</sup> At its meeting of 29-30 May 1996, the SPS Committee revised the notification procedures to be followed for notifications required under paragraphs 5 and 6 of Annex B of the Agreement on Sanitary and Phytosanitary Measures (SPS Agreement).<sup>3</sup> The SPS Committee carried out further revisions to the notification procedures at its meetings of 10-11 March 1999<sup>4</sup>, 2 April 2002<sup>5</sup>, and 20 June 2008.<sup>6</sup> The SPS Committee then updated the notification procedures on 4 June 2018 and 16 January 2023.<sup>7</sup>

2. At its meeting of 26 October 2001, the SPS Committee adopted a Decision on Equivalence, which was subsequently revised on 23 July 2004.<sup>8</sup> The Decision includes the following provision relating to the notification of the conclusion of equivalence agreements between Members<sup>9</sup>:

"The Committee on Sanitary and Phytosanitary Measures shall revise its recommended notification procedures to provide for the notification of the conclusion of agreements between Members which recognize the equivalence of sanitary and phytosanitary measures.<sup>10</sup> Furthermore, the procedures shall reinforce the existing obligation in paragraph 3(d) of Annex B of the Agreement on the Application of Sanitary and Phytosanitary Measures for national Enquiry Points to provide information, upon request, on the participation in any bilateral or multilateral equivalence agreements of the Member concerned."<sup>11</sup>

3. At its meeting of 27 October 2004, the SPS Committee adopted a procedure to "Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members".<sup>12</sup>

---

<sup>1</sup> See also the document on Annex B of the SPS Agreement (Practice).

<sup>2</sup> [G/SPS/R/1](#), paras. 8-11. The recommended procedures can be found in document [PC/IPL/6](#).

<sup>3</sup> [G/SPS/R/5](#), para. 16. The revised procedures can be found in document [G/SPS/7](#).

<sup>4</sup> [G/SPS/7/Rev.1](#), preamble. The revised procedures can be found in document [G/SPS/7/Rev.1](#).

<sup>5</sup> [G/SPS/7/Rev.2](#) and [G/SPS/7/Rev.2/Add.1](#).

<sup>6</sup> [G/SPS/7/Rev.3](#).

<sup>7</sup> [G/SPS/7/Rev.4](#) and [G/SPS/7/Rev.5](#).

<sup>8</sup> [G/SPS/19/Rev.2](#).

<sup>9</sup> See also the document on Article 4 of the SPS Agreement (Practice).

<sup>10</sup> (footnote original) [G/SPS/7/Rev.2](#) and [Add.1](#).

<sup>11</sup> [G/SPS/19/Rev.2](#), para. 11.

<sup>12</sup> [G/SPS/33](#) and [Add.1](#).

This procedure provides for an addendum of a notification to be circulated with information regarding the provision of special and differential treatment or technical assistance, and the SPS Committee adopted a format for such addenda.<sup>13</sup> This procedure was revised on 18 December 2009.<sup>14</sup>

### **1.3 Recommended procedures for implementing the transparency obligations of the Agreement on Sanitary and Phytosanitary Measures<sup>15</sup>**

4. At its meeting of 20 June 2008, the SPS Committee adopted the revised Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7).<sup>16</sup> In light of the required modifications to the SPS Information Management System (SPS IMS), these procedures, including the revised notification formats, did not take effect until 1 December 2008. The recommended notification procedures were subsequently updated in 2018 and 2023, but no substantive changes to the text were made. Revision 5<sup>17</sup> incorporates updates based on changes in the online tools (ePing SPS&TBT Platform). Since revision 4, all notification recommendations are consolidated in one document, including the notification format contained in the above-mentioned procedure to "Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members" ([G/SPS/33/Rev.1](#)).

5. The Committee noted that the term "transparency" is used in the context of the WTO to signify one of the fundamental principles of its agreements: to achieve a greater degree of clarity, predictability and information about trade policies, rules and regulations of Members. In implementing this concept, Members use notifications. Under the SPS Agreement, notifications are used to inform other Members about new or changed regulations that may significantly affect their trading partners. The Committee noted that these procedures were developed to assist Members to fulfil their transparency obligations under Article 7 and Annex B of the SPS Agreement regarding the notification of SPS regulations, answering information requests under the National Enquiry Point System and publishing regulations.<sup>18</sup>

6. The guidelines neither add to nor detract from the existing rights and obligations of the Members under the SPS Agreement or any other WTO covered agreement. The Committee also stressed that these guidelines do not provide any legal interpretation or modification to the SPS Agreement itself.<sup>19</sup>

7. Pursuant to paragraph 10 of Annex B of the SPS Agreement, the Committee noted that Members are obliged to designate a "single government authority" as responsible for the implementation at the national level of the provisions concerning notification procedures.<sup>20</sup>

8. The Committee then recommended notification procedures that are to be followed by Members when notifying regulations as required under paragraphs 5 or 6 of Annex B of the SPS Agreement.

9. When a regulation contains both SPS measures and technical barriers to trade, the regulation should be notified according to both the SPS Agreement and the Agreement on Technical Barriers to Trade (TBT Agreement), preferably with an indication of which parts of the regulation fall under the SPS Agreement and which part falls under the TBT Agreement.<sup>21</sup>

10. The recommended procedures also provided formats for routine notifications as well as for emergency notifications, and their respective addenda, corrigenda and revisions.

---

<sup>13</sup> [G/SPS/33](#), Annex 1.

<sup>14</sup> [G/SPS/33/Rev.1](#). See also [G/SPS/7/Rev.5](#), paras. 2.44-2.46.

<sup>15</sup> [G/SPS/7/Rev.5](#).

<sup>16</sup> [G/SPS/7/Rev.3](#).

<sup>17</sup> [G/SPS/7/Rev.5](#).

<sup>18</sup> [G/SPS/7/Rev.5](#), paras. 1-2.

<sup>19</sup> [G/SPS/7/Rev.5](#), para. 3.

<sup>20</sup> [G/SPS/7/Rev.5](#), paras. 1.1-1.2.

<sup>21</sup> [G/SPS/7/Rev.5](#), para. 2.39.

## **1.4 Relationship with other provisions of the SPS Agreement**

### **1.4.1 Annex B**

11. With respect to its relationship to Annex B, see the document concerning Annex B of the SPS Agreement (Practice).

—

Current as of: July 2024