

DISCLAIMER

The Handbook on Notification Requirements does not constitute a legal interpretation of the notification obligations under the respective Agreement(s) or relevant legal provision(s). It has been prepared by the Secretariat to assist Members in complying with their notification obligations.

TECHNICAL COOPERATION HANDBOOK ON NOTIFICATION REQUIREMENTS

AGREEMENT ON THE
APPLICATION OF SANITARY
AND PHYTOSANITARY
MEASURES

This section of the Handbook on Notification Requirements covers the notification obligations under the **AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**. It consists of the following five parts:

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LIST OF
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TEXT OF THE
AGREEMENT

For Members which acceded pursuant to Article XII of the Marrakesh Agreement, their respective Protocols of Accession may contain notification obligations in addition to those set out in the WTO Agreements, and may govern the deadlines for the submission of their initial notifications.

PART 1

OVERVIEW OF NOTIFICATION REQUIREMENTS

The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) applies to all SPS measures which may affect international trade. Sanitary and phytosanitary measures are defined in [Annex A](#) as any measure applied:

	TO PROTECT	FROM	
	Human or animal life	Risks arising from additives, contaminants, toxins or disease-causing organisms in their food	
	Human life or health	Plant- or animal-carried diseases (zoonoses)	
	Animal or plant life or health	Pests, diseases, or disease-causing organisms	
	A territory	Damage caused by the entry, establishment or spread of pests	

WHAT MUST BE NOTIFIED?

Under the SPS Agreement, the foundation of transparency rests on notifications. Members shall notify proposed or changes to SPS regulations (such as laws, decrees or ordinances which are applicable generally), which are **not** substantially the same as an international standard and may have a **significant effect on trade**.¹ However, the SPS Committee encourages Members to also notify proposed regulations, which are based on, conform to, or are substantially the same as the relevant international standard.² The

¹ Note that SPS measures in force before 1 January 1995 do not have to be notified. However, any subsequent changes to these measures must be notified. Additionally, Members should be able to answer questions about such measures should they be requested to do so by other Members through their enquiry points.

² Transparency obligations are contained in [Article 7](#) and [Annex B](#) of the SPS Agreement. Annex B of the SPS Agreement requires that Members notify measures whose content is not substantially the same as that of an international standard, guideline, or recommendation, and when the measure may have a significant effect on trade. However, the Recommended Procedures for Implementing the Transparency Provisions of the SPS Agreement ([G/SPS/7/Rev.5](#)) recommend that Members also notify measures which are based on, conform to, or are substantially the same as the relevant international standard, if they are expected to have a significant effect on trade of other Members.

notification requirements under the SPS Agreement are listed below. It is important to underline that since 1995, the SPS Committee has adopted recommendations to facilitate the implementation of the Agreement's transparency provisions, including its notification requirements, in [G/SPS/7/Rev.5](#)³ (referred to the Recommended Transparency Procedures hereafter).

Transparency under the SPS Agreement also involves the publication of regulations, the establishment of a national enquiry point (NEP) able to answer reasonable questions from other Members, and the designation of a single central government authority, the national notification authority (NNA), to be responsible for the notification requirements of the SPS Agreement. The SPS Committee encourages Members to publish SPS regulations on the Internet where possible.

Regular notifications

Except in urgent circumstances, WTO Members have the obligation to notify other Members of proposed changes in SPS regulations if these regulations might have an effect on the trade of other Members. Members must notify such new or changed regulations at an early stage, allow other Members to comment on the proposed text, discuss such comments on request, and take the comments and discussions into account in finalizing the regulation. The SPS Committee encourages Members to make such notifications when a draft with the complete text of a proposed regulation is available.

For proposed SPS measures which facilitate trade and those which are substantially the same as an international standard, guideline or recommendation, WTO Members may reduce or eliminate the period for receiving comments. While there is no WTO definition of "trade facilitating measures", the Committee's recommended procedures provide examples of trade facilitating measures, such as the raising of the level of maximum residue limits of certain pesticides in certain products, the lifting of a ban on imports, or the simplification or elimination of certain certification/approval procedures.⁴ It is important to note that what might be trade facilitating for one WTO Member might still be of concern to, and warrant comment from, other Members.

³ Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7).

⁴ See footnote 7 in [G/SPS/7/Rev.5](#).

PART 1

OVERVIEW OF NOTIFICATION REQUIREMENTS

Emergency notifications

Some steps of the notification process can be omitted in genuine emergencies, which the SPS Agreement ([Annex B, paragraph 6](#)) defines as cases "where urgent problems of health protection arise or threaten to arise" for the WTO Member implementing the measure.

Addenda, corrigenda and revisions

In addition to their original notifications, Members can also provide supplementary information in three different forms:

- An addendum is used to provide additional information or changes to an original notification. For instance, a Member may wish to indicate if the comment period has been extended or when a proposed regulation is either adopted, published or comes into force, if the relevant dates were not provided in the original notification or did change;
- A corrigendum is used to correct an error in an original notification such as an incorrect address detail; or
- A revision is used to replace an existing notification.

Any addendum or corrigendum should be read in conjunction with the original notification.

WHICH MEMBERS MUST NOTIFY?

Under the SPS Agreement, all WTO Members have obligations relating to "transparency".

WHEN TO NOTIFY?

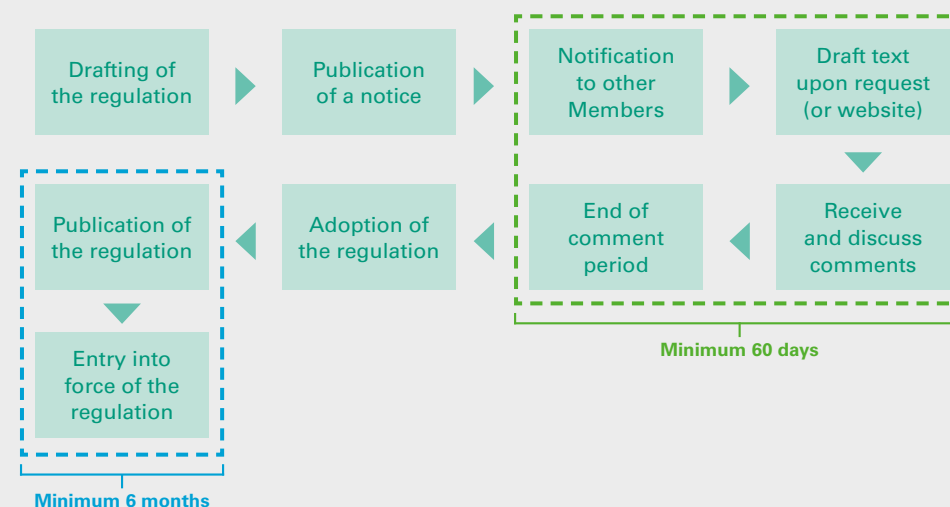
Regular notifications

The SPS Agreement requires that measures be notified "at an early stage, when amendments can still be introduced". The Recommended Transparency Procedures recommend that Members normally allow a period of at least 60 calendar days for comments on notifications before a measure is finalized for adoption. Any Member which is able to provide a time limit beyond 60 days is encouraged to do so.

Emergency notifications

Emergency measures may be notified either before or immediately after they come into effect, with an explanation of the reasons for resorting to emergency action.

Timeline for SPS notifications



PART 1

OVERVIEW OF NOTIFICATION REQUIREMENTS

HOW TO NOTIFY?⁵

The most efficient way to submit SPS notifications is online through the [ePing SPS&TBT Platform](#). To access the ePing notification submission dashboard, government officials responsible for the preparation and submission of notifications should register on the ePing Platform and send a message to spscommittee@wto.org

requesting notification admin rights. This functionality allows Members to fill in all types of notification templates, improve national coordination with regulatory agencies, provide more accurate and complete data, prepare notification models to increase efficiency and keep track of all notifications submitted.

A notification admin can, in addition to submitting notifications, grant notification drafting rights and/or submission rights to other domestic users registered in the [ePing SPS&TBT Platform](#), as well as update enquiry points and notification authorities contact details. Users that already have a WTO account can use these credentials to register on the ePing Platform and benefit from the single sign-in across WTO websites.

While Members can also submit notifications by email to the Central Registry of Notifications (CRN) (crn@wto.org), this channel results in significantly longer circulation delays, as the notifications must be manually processed by the WTO Secretariat.

Further information and the notification templates can be found in the [Recommended Transparency Procedures](#) page.

The WTO Secretariat has developed a [Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points – 2018 Edition](#). The manual is meant as a practical guide for Members to facilitate the implementation of the transparency provisions of the SPS Agreement.

Any questions regarding the [ePing SPS&TBT Platform](#) can be sent through the "Contact us" on the homepage of the Platform.

⁵ Members submit notifications to CRN through the ePing SPS&TBT platform as indicated in document [WT/INF/25/Rev.2](#).

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

	WHAT MUST BE NOTIFIED?		WHICH MEMBERS MUST NOTIFY?	WHEN TO NOTIFY?		HOW TO NOTIFY?			
	Transparency obligations	Type of measure	Members notifying	Periodicity	Comments on Periodicity	Format	To whom ⁶	Notification Symbol	
1.	Publication of sanitary and phytosanitary regulations (Annex B, paragraphs 1 and 2).	Sanitary/ phytosanitary regulations.	All WTO Members	<i>Ad-hoc</i>	Promptly.	National publication requirements	–	No specific symbol	
2.	Notification of draft sanitary and phytosanitary regulations (Article 7 and Annex B, paragraph 5).	Sanitary/phytosanitary regular draft regulations (whenever an international standard, guideline or recommendation does not exist, or the content of a proposed SPS regulation not substantially the same as international standards, and if the regulation may have a significant effect on trade of other Members).	All WTO Members	<i>Ad-hoc</i>	At an early stage, well before the entry into force of the relevant measure, when amendments can still be introduced, and comments be taken into account.	Yes (SPS Regular Notification template)	WTO Secretariat	G/SPS/N/*	

⁶ Members submit notifications through the ePing SPS&TBT Platform, where the Central Registry of Notifications (CRN) is the first point of contact as indicated in document [WT/INF/25/Rev.2](#).

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

	WHAT MUST BE NOTIFIED?		WHICH MEMBERS MUST NOTIFY?	WHEN TO NOTIFY?		HOW TO NOTIFY?			
	Transparency obligations	Type of measure	Members notifying	Periodicity	Comments on Periodicity	Format	To whom ⁵	Notification Symbol	
3.	Notification of emergency sanitary and phytosanitary regulations (Article 7 and Annex B, paragraph 6).	Emergency actions sanitary/ phytosanitary regulations in response to urgent problems.	All WTO Members	<i>Ad-hoc</i>	Immediately.	Yes (SPS Emergency Notification template)	WTO Secretariat	G/SPS/N/*	
4.	Designation of a national enquiry point (NEP), Annex B, paragraph 3 .	When a Member's NEP has been designated, or changed, the WTO Secretariat should be informed of the contact details. Each Member shall ensure that one NEP exist, which is responsible for the provision of answers to all reasonable questions as well as the provision of relevant documents.	All WTO Members	One time	As appropriate, (subject to updates).	No. Users with notification admin rights in the ePing SPS&TBT Platform are responsible for updating their NEP's contact details.	WTO Secretariat	No specific symbol	

⁶ Members submit notifications through the ePing SPS&TBT Platform, where the Central Registry of Notifications (CRN) is the first point of contact as indicated in document [WT/INF/25/Rev.2](#).

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

	WHAT MUST BE NOTIFIED?		WHICH MEMBERS MUST NOTIFY?	WHEN TO NOTIFY?		HOW TO NOTIFY?			
	Transparency obligations	Type of measure	Members notifying	Periodicity	Comments on Periodicity	Format	To whom ⁵	Notification Symbol	
5.	Designation of a national notification authority (NNA), Annex B, paragraph 10 .	When a Member's NNA has been designated, or changed, the WTO Secretariat should be informed of the contact details. Each Member shall designate a single central government authority as responsible for the national implementation, on the national level, of the provisions concerning notification procedures.	All WTO Members	One time	As appropriate, (subject to updates).	No. Users with notification admin rights in the ePing SPS&TBT Platform are responsible for updating their NNA's contact details.	WTO Secretariat	No specific symbol	

⁶ Members submit notifications through the ePing SPS&TBT Platform, where the Central Registry of Notifications (CRN) is the first point of contact as indicated in document [WT/INF/25/Rev.2](#).

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

OTHER RECOMMENDED NOTIFICATIONS⁷

	RECOMMENDED NOTIFICATIONS	OBJECTIVE	PERIODICITY	FORMAT	GUIDANCE	NOTIFICATION SYMBOL	
	Notification of determination of the equivalence of SPS measures.	To notify other Members, through the WTO Secretariat, of the measure(s) recognized to be equivalent and of the products affected by the recognition, in case a Member has made a determination recognizing the equivalence of sanitary or phytosanitary measures of another Member.	<i>Ad-hoc</i>	Determination of the Recognition of Equivalence notification template .	G/SPS/19/Rev.2 G/SPS/7/Rev.5	G/SPS/N/EQV/*	
	Information on requests for determination on the recognition of pest- or disease-free areas or areas of low pest or disease prevalence.	To inform the SPS Committee when (a) a request for recognition of pest- or disease-free area or area of low pest or disease prevalence is made, and/or when (b) a determination on whether to recognize a pest- or disease-free area or area of low pest or disease prevalence is made.	<i>Ad-hoc</i>	No specific format - could be done at the appropriate agenda item at SPS Committee meetings.	G/SPS/48	No specific symbol	
	Information on provision of special and differential treatment.	To inform the SPS Committee when an importing Member decides on whether and how special and differential treatment may be provided in response to a specific request. Should be done as addendum to the original notification concerning the measure, indicating (a) the names of the Members that requested special and differential treatment; (b) if special and differential treatment was provided and the form of such treatment; and (c) if not provided, indicate why not.	<i>Ad-hoc</i>	Addendum to the original notification concerning the measure S&DT notification as an addendum to regular notification template .	G/SPS/33/Rev.1 G/SPS/7/Rev.5	G/SPS/N/* /Add.*	
	Submission of unofficial translations of a document relating to a notification.	To inform the notifying Member of the existence of an unofficial translation of a document relating to a notification and to submit to the WTO Secretariat a supplement to the original notification submitted by a Member in case another Member possesses an unofficial translation.	<i>Ad-hoc</i>	Availability of translations notification supplement template .	G/SPS/7/Rev.5	G/SPS/N/* / Suppl.#	

⁷ These recommended notifications are adopted recommendations by the SPS Committee and are without prejudice to the position of Members or to their rights and obligations under the WTO.

PART 3

RELEVANT DOCUMENT(S) CONCERNING GUIDELINES AND FORMATS

TRANSPARENCY RESOURCES

The Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement, [G/SPS/7/Rev.5](#).

The [Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points – 2018 Edition](#).

The [SPS Members' Transparency Toolkit on the WTO website](#) contains information on transparency obligations, notification formats to be used, the decisions and recommendations adopted by the [SPS Committee](#) since 1 January 1995, handbooks, and other relevant resources.

[WTO Agreement Series – The SPS Agreement](#): The first section of the booklet outlines the basic structure of WTO agreements; the second section examines the key features of the SPS Agreement; the third addresses frequently-asked questions; and the fourth contains the legal text of the SPS Agreement.

PART 3

RELEVANT DOCUMENT(S) CONCERNING GUIDELINES AND FORMATS



[ePing SPS&TBT Platform](#): The platform facilitates the tracking of sanitary and phytosanitary (SPS) and technical barriers to trade (TBT) measures. As a user, you can, amongst others:

- Browse notifications on new and updated product regulations.
- Find information on trade concerns discussed in the WTO SPS and TBT Committees.
- Sign up to receive email alerts and to follow notifications on products and/or markets of interest.
- Locate information on enquiry points and notification authorities.
- Reach out to national and international counterparts.
- Additionally, users with the relevant rights can submit notifications through the ePing notification submission dashboard.



[WTO Trade Concerns Database](#) (TCD): Accessible through the ePing SPS&TBT Platform, the TCD allows users to search for trade concerns raised in the SPS and other WTO Committees, to view Members' profiles and to explore and visualize results according to different criteria.

PART 4

LIST OF NOTIFICATIONS SINCE 1995

LIST OF NOTIFICATIONS UNDER ARTICLE 7 AND ANNEX B OF THE SPS AGREEMENT

All SPS notifications can be found in the [ePing SPS&TBT Platform](#). Further information and the notification templates can be found in the [Recommended Transparency Procedures](#) page.

PART 5

TEXT OF THE AGREEMENT

Agreement on the Application of Sanitary and Phytosanitary Measures [LT/UR/A-1A/12](#).