

## **Notification Practices: Determining the necessity to notify and completing the notification formats**

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**TBT Special Meeting on Procedures for Information Exchange, Geneva**

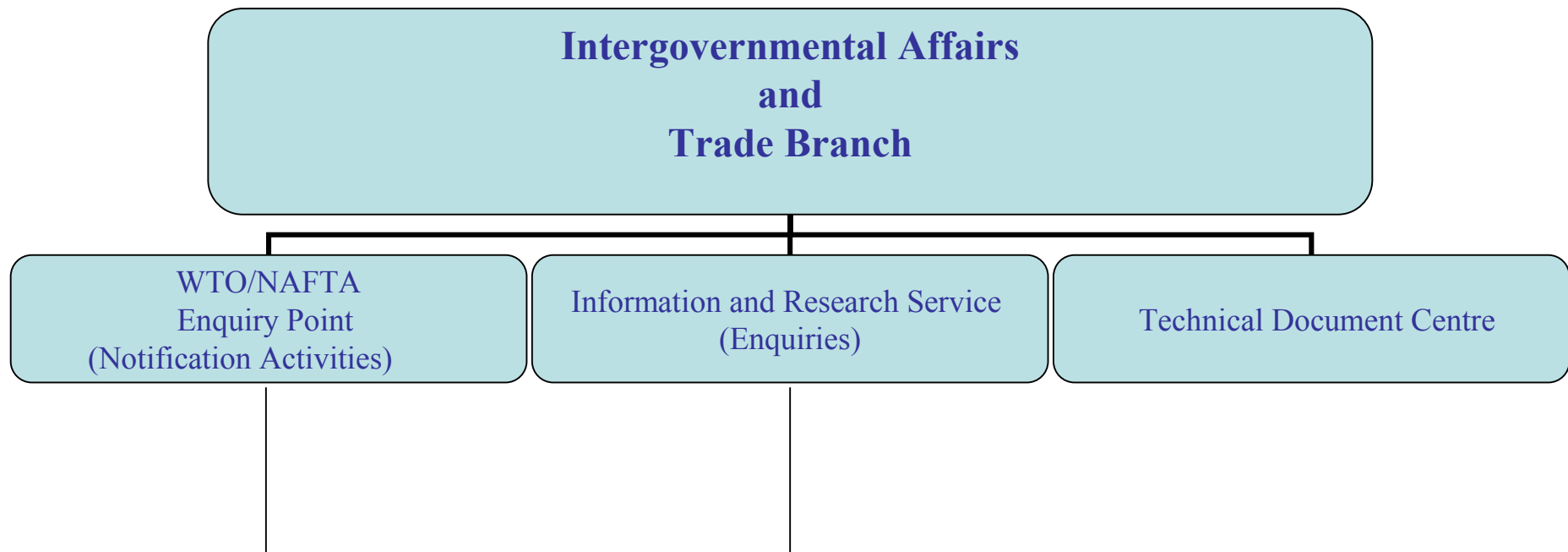
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# The Canadian Enquiry Point

- Primary responsibility for implementing all of the WTO Agreements in Canada lies with the Department of Foreign Affairs and International Trade (DFAIT).
- Requirement under WTO TBT/SPS Agreements for each Member country to have a National Notification Authority (NNA) and National Enquiry Point (NEP).
- Under contract to DFAIT, the Standards Council of Canada (SCC) operates *both* the Canadian SPS & TBT Notification



# Operation of the Enquiry Point



# Fulfilling the Transparency Obligations of the TBT Agreement

## TBT Agreement

- Whenever a relevant international standard **does not exist** or the technical content of a proposed technical regulation or conformity assessment procedure is **not in accordance** with the technical content of relevant international standards, and
- If the technical regulation or conformity assessment procedure may have a significant

# Transparency Obligations

- **publish** a notice in a publication at an early appropriate stage;
- **notify** other Members through the Secretariat of the proposed regulation;
- Upon request, provide **copies** of the proposed regulation; and

# Determining the Necessity to Notify

- **What to Notify?**

- Technical regulations
- Conformity Assessment Procedures
- Mandatory labeling requirements

- **How to find about new or amended measures?**

- Review government gazettes or departmental web sites for proposed legislations
- Advised by regulator of proposed legislations

- **Determine which Agreement the measure falls under (SPS, TBT or both)**

# Determining the Necessity to Notify

- **Necessary to Notify?**

Consider:

- Whether international standard exists or the content of the proposed measure is substantially the same as the content of an international standard
- Effect on trade
- Interests of transparency

- **When to notify?**

- When a DRAFT with the complete text of a proposed technical regulation and conformity assessment procedure is available, and when amendments can still be introduced and taken into account.

- In the case of technical regulations and conformity assessment

**WORLD TRADE  
ORGANIZATION**

G/TBT/N/

(01-0000)

**Committee on Technical Barriers to Trade**

**NOTIFICATION**

The following notification is being circulated in accordance with Article 10.6.

<b>1. Member to Agreement notifying: If applicable, name of local government involved (Articles 3.2 and 7.2):</b>
<b>2. Agency responsible: Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b>
<b>3. Notified under Article 2.9.2 [ ], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b>
<b>5. Title, number of pages and language(s) of the notified document:</b>
<b>6. Description of content:</b>
<b>7. Objective and rationale, including the nature of urgent problems where applicable:</b>
<b>8. Relevant documents:</b>
<b>9. Proposed date of adoption: Proposed date of entry into force:</b>
<b>10. Final date for comments:</b>
<b>11. Texts available from: National enquiry point [ ] or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body:</b>



# Completing the notification format...

## Section 1:

- Member notifying
- If applicable, local government involved (Articles 3.2 and 7.2)

## Section 2:

### Agency responsible:

- Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above

# Completing the notification format...

## Section 4:

- Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable)

## Section 5:

- Title, number of pages and language(s) of the notified document

## Section 6:

# Completing the notification format

## Section 8:

- Relevant documents

## Section 9:

- Proposed date of adoption  
date of entry into force
- Proposed

## Section 10:

- Final date for comments

## Section 11:

# Preparation and Submission of Notifications in Canada...

- Criteria for notification includes assessment of:
  - Whether international standard exists or technical content differs from international standards
  - impact of regulation on trade
  - countries affected by regulation
  - whether regulation deals with technical requirements or SPS measures for a product/group of products (relevance under the TBT and SPS Agreements)

# Preparation and Submission of Notifications in Canada

## PREPARATION:

- Complete notification format pursuant to recommendations cited in G/TBT/1/Rev.8, as well as any other recommendations made by the TBT Committee since the issuance of G/TBT/1/Rev.8.
- Clear and descriptive outline of the regulatory proposal
- Copy and paste the content from the electronic gazette or departmental web site into the notification format
- Include URL of full text in notification format - box #11
  - significant reduction in requests for full text

# Four Types of TBT Notifications

- **Statement of the Implementation and Administration of the TBT Agreement**

*(G/TBT/2/Add.#)*  
➤ Article 15.2

- **Technical Regulations and Conformity Assessment Procedures** *(G/TBT/N/Country Symbol/#)*

➤ Draft: Articles 2.9.2 and 5.6.2

➤ Urgent adopted: Articles 2.10.1 and 5.7.1

➤ Sub-national: Articles 3.2 and 7.2

- **Bilateral and Multilateral Agreements**

*(G/TBT/N/10.7)*  
➤ Article 10.7

- **Adherence to, or withdrawal from, the Code of Good**

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