Manual for PACER Plus Contact Points

SANITARY AND PHYTOSANITARY (SPS) MEASURES
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1. What are the transparency obligations concerning SPS measures?

A Contact Point of Sanitary and Phytosanitary (SPS) Measures covers PACER Plus Chapter 5 SPS measures. The Chapter’s transparency obligations are summarized in Annex 1. Compliance Table 2 Pagers.

To simplify, there are four main transparency obligations.

1. **Publish** SPS legislation (SPS measures such as laws, decrees or ordinances which are applicable generally).
   - For proposed SPS legislation, publish a notice (except in urgent/emergency cases).
   - For adopted SPS legislation, publish at least 6 months before entry into force (except in urgent/emergency cases).

2. **Notify** SPS legislation.
   - For proposed SPS legislation, notify at least products, objective and rationale, and (if in urgent/emergency cases) the nature of the urgent problems; and on request, provide electronic copies.

3. **Provide an opportunity to comment** on proposed SPS legislation.
   - Allow reasonable time (except in urgent/emergency cases).

An example timeline of the three obligations is summarized in Annex 2. SPS timeline.
4. Provide a **Contact Point** and **Competent Authorities** for communication including notifications, covered by the Chapter 5.

**Entry into Force**

<table>
<thead>
<tr>
<th>P</th>
<th>Contact point &amp; Competent authorities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- John Smith</td>
</tr>
<tr>
<td></td>
<td>- <a href="mailto:sps_john@mofa.gov">sps_john@mofa.gov</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P</th>
<th>Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- John Smith -&gt; Anna Baker</td>
</tr>
<tr>
<td></td>
<td>- <a href="mailto:spsAnna@mofa.gov">spsAnna@mofa.gov</a></td>
</tr>
</tbody>
</table>

P: Publish / N: Notify / C: Provide an opportunity to comment
2. How can a Contact Point of SPS measures be chosen?

PACER Plus does not specify who should be a Contact Point of SPS measures, so it is up to a country.

UNCTAD suggests:

- Designate one high-level officer (e.g., CEO, Head, Minister) as a Contact Point; and
- Designate several operation-level officers who support day-to-day work of the Contact Point such as
  - Publish legislation and international agreements
  - Receive in cc, emails that are sent to the Contact Point and, when needed, draft a reply
  - Flag important issues to the Contact Point
  - Coordinate with other ministries

The Contact Point must cover every issue related to SPS measures, not just the issue related to his/her ministry. For example, an agriculture minister or a head of biosecurity department became a SPS Contact Point. As a Contact Point, he/she must take care of all the issues related to SPS measures vis à vis other countries, even though the issues are regulated by ministries of health, fisheries, forestry, etc.
3. I am a Contact Point of SPS measures. What should I do?

Suggestion 1: Check if published SPS legislation is correct.

SPS legislation (SPS measures such as laws, decrees or ordinances which are applicable generally) are published in the “SPS” category in the “Legislation” tab in the TIP.

How to check:

1. Go to the Trade Information Portal (https://country.tradeportal.org, <- substitute country with the name of your country, e.g., https://nauru.tradeportal.org).

2. Click “Legislation”. 

![Trade Information Portal Screenshot]
3. Click “Category” and then, click “SPS (Sanitary and Phytosanitary measure)”.

4. Now, the list is filtered to show only the SPS legislation. From the list, click the legislation to see its details.
5. Check details of the legislation.

**AGRICULTURAL QUARANTINE ACT, 1999**

**STATUS**

- IN FORCE  
- PROPOSED  
- REPEALED

**CATEGORY**

Which one is this document?  
- DOMESTIC LEGISLATION  
- INTERNATIONAL AGREEMENT

Which one does this apply to? If both, click both.  
- SERVICE  
- GOODS

What is the objective of this? If both, click both. If neither, don’t click.  
- SPS (SANITARY AND PHYTOSANITARY MEASURE)  
- TBT (TECHNICAL BARRIERS TO TRADE)

What requirement does this have?  
- IMPORT LICENCE  
- QUOTA / PROHIBITION / EXPORT LICENCE  
- TRADE REMEDY  
- OTHER

**APPLICABILITY**

This legislation regulates  
- IMPORT  
- EXPORT

At which level does this legislation apply?  
- NATIONAL  
- LOCAL / REGIONAL

**LEGISLATION**

<table>
<thead>
<tr>
<th>Name</th>
<th>Commencement date</th>
<th>Expiry date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Quarantine Act, 1999</td>
<td>16/10/1999</td>
<td></td>
</tr>
</tbody>
</table>

6. If a detail on the legislation is wrong/missing,
   - Provide information (what should be corrected how) to the TIP team; or
   - Correct by yourself in the TIP admin page. See Annex 3, *How to log-in to the TIP*.

   If a whole regulation is missing,
   - See Suggestion 3.
Suggestion 2: When your country proposes to make or amend SPS legislation...

To simplify, there are 3 actions to take when your country proposes to make a new piece of SPS legislation (SPS measures such as laws, decrees or ordinances which are applicable generally) or amend its existing SPS legislation.

(a) Publish a notice on proposed SPS legislation (except in urgent/emergency cases).

(b) Notify proposed SPS legislation and an opportunity to comment, with reasonable time (except in urgent/emergency cases).

(c) (If requested) provide electronic copies of proposed SPS legislation.

The actions are explained in the next pages. Also, see Article 10.5 of Chapter 5 of PACER Plus.
(a) Publish a notice on proposed SPS legislation.

A notice concerning the proposal to introduce new or amended SPS legislation should be published in the “SPS” category in the “Legislation” tab in the TIP.

In urgent/emergency cases, it is possible to move to the next action directly. See Suggestion 2(b).

How to publish:

- Fill in the form to the extent possible and provide it to the TIP team; or
- Publish the form to the extent possible by yourself in the TIP admin page. See Annex 2. How to log-in to the TIP.

The form is in the next pages. Click a question mark 📗 to see explanation.
CREATE LEGISLATION

- PUBLISH IN THE PUBLIC SITE

STATUS

- IN FORCE
- PROPOSED
- REPEALED

CATEGORY

- DOMESTIC LEGISLATION
- INTERNATIONAL AGREEMENT

- SERVICE
- GOODS

- SPS (SANITARY AND PHYTOSANITARY MEASURE)
- TBT (TECHNICAL BARRIERS TO TRADE)

What requirement does this have?

- IMPORT LICENCE
- QUOTA / PROHIBITION / EXPORT LICENCE
- TRADE REMEDY
- OTHER

APPLICABILITY

This legislation regulates

- IMPORT
- EXPORT

This legislation applies also to domestic production

At which level does this legislation apply?

- NATIONAL
- LOCAL / REGIONAL

This is an urgent/emergency measure

LEGISLATION

- Name

- Proposed commencement date

- Proposed expiry date

- Description

- Institution(s) in charge

- Document

- Document from URL?

PRODUCTS AND COUNTRIES AFFECTED

- HS codes of "GOODS"

- Products description

- Partner countries (Export destination, Import origin)

- Countries description (optional)

SPS (SANITARY AND PHYTOSANITARY MEASURE)

OBJECTIVE AND JUSTIFICATION

- Objective and rationale

- Relevant international standard?

- Name and number of the relevant international standards

- Does this legislation deviate from the international standards?
In addition to contact points of other countries, the public can also make comments.

PACER Plus Contact Point in charge:

Start date for comments: DD/MM/YYYY

End date for comments: DD/MM/YYYY
(b) Notify proposed SPS legislation and an opportunity to comment.

1. Make sure to publish at least the following details in the form in Suggestion 2(a).
   - “Products description”
   - “Objective and rationale”
   - “Start date for comments” and “End date for comments”
     - Allow reasonable time between the start and end dates (c.f., 60 days in the WTO) except in urgent/emergency cases.
   - “PACER Plus Contact Point in charge”
   - In urgent/emergency cases, the nature of the urgent problem should be entered in “Legislation description”

   How to publish:
   - Fill in the form in Suggestion 2(a) and provide it to the TIP team; or
   - Publish the form in Suggestion 2(a) by yourself in the TIP admin page. See Annex 2. How to log-in to the TIP.

2. Send a notification email to Contact Points of SPS measures in other countries.

   A notification email containing details on proposed SPS legislation and an opportunity to comment should be sent through the “Legislation” tab in the admin page in the TIP.

   A notification email is automatically generated based on the details published in the “SPS” category in the “Legislation” tab in the TIP, as well as the information additionally entered for the email.

   A notification email is sent from an email address of your country’s SPS Contact Point to
   - The email address of your country’s SPS Contact Point;
   - The email addresses of receiving countries’ SPS Contact Points; and
   - The email addresses of operational-level officers that are registered in the CC List of receiving countries’ SPS Contact Points

   How to send a notification email:
   - Confirm that all the details in the form are correct and provide information needed in Step 6 and Step 7 below to the TIP team; or
   - Confirm that all the details in the form are correct and notify by yourself in the TIP admin page. See Annex 2. How to log-in to the TIP.

   The steps to send a notification email are explained in the next pages.
1. Log in to the TIP. See Annex 2, *How to log-in to the TIP*.

2. Click “Legislation”.

3. Click the pen button of the legislation to notify.

4. Click the envelope button.
5. Click “Subject” and then, click “Sanitary and phytosanitary measures”.

6. If any, enter additional information in “Additional information”.  
   * e.g., “As per Article 10.5 of Chapter 5 SPS Measures of PACER Plus, your country notifies information on proposed SPS legislation and an opportunity to comment.”
7. Tick “Contact points” and then, click the blank box and one or multiples countries, SPS Contact Points of which will receive a notification email.
   * “All countries” mean all 11 signatory countries, not ratifying countries.

8. Click “SEND AND NOTIFY”
Dear PACER Plus Contact Point for Sanitary and phytosanitary measures,

On 5/19/2021, PACER Plus Contact Point(s) for Sanitary and phytosanitary measures in your country notifies through this email, Tobacco Control Act as below:

- **Title:** Tobacco Control Act

- **Description:** This legislation states that no person shall manufacture, sell, distribute, import or export any tobacco product except with a licence issued under this section (Clause 15). Any tobacco product should be correctly labelled and fulfil hygiene requirements.

- **Institution:** Ministry of Health and Medical Services

- **Affected Product:** Goods: Tobacco and tobacco products; Toxic constituent ‘Toxic constituent’ means any substance prescribed by regulations to be a toxic constituent, and includes any substance found in a tobacco product or in its smoke.

- **HS code of Affected product:** 2401, 2402, 2403

- **Additional Information:** As per Article 10.5 of Chapter 5 SPS Measures of PACER Plus, your country notifies information on proposed SPS legislation and an opportunity to comment.

Tobacco Control Act is also published in http://your country.tradeportal.org/Regulations/Details/?lawId=40 with more details.

For any enquiries please contact:
**Contact Point’s name** Contact Point’s email address

Best regards,
(c) (If requested) provide electronic copies of proposed SPS legislation.

On request, electronic copies of proposed regulation should be provided to other countries. It could be done by uploading the electronic copies in the form in Suggestion 2(a) and sending a notification email as in Suggestion 2(b)2.

How to provide electronic copies:

- Provide a pdf file of the proposed legislation and information needed in Step 6 and Step 7 in Suggestion 2(b)2 to the TIP team; or
- Upload a pdf file of the proposed legislation and notify by yourself in the TIP admin page. See Annex 2. How to log-in to the TIP.
Suggestion 3: When your country adopts SPS legislation...

New or amended SPS legislation which is adopted should be published in the “SPS” category in the “Legislation” tab in the TIP.

Publication should be made at least 6 months before entry into force of the legislation except in urgent/emergency cases.

How to publish:

- Fill in the form and provide it with a pdf file of the legislation to the TIP team; or
- Publish the form by yourself in the TIP admin page. See Annex 2. How to log-in to the TIP.

The form is in the next page. Click a question mark (?) to see explanation.

How to notify:

- See Suggestion 2(b)2.
**Suggestion 4: Update information on a Contact Point of SPS measures**

Information on a Contact Point of SPS measures should be always up-to-date because communication including notifications will be made through the Contact Point.

How to update:

- Provide information (what should be updated how) to the TIP team; or
- Update by yourself in the TIP admin page. See Annex 2. *How to log-in to the TIP*.

Creation/modification of a Contact Point is in the next page. Click a question mark (?) to see explanation.

A Contact Point can register email addresses of operation-level officers to a “CC List” so that the operation-level officers can receive notification emails in cc.
How to create/modify a Contact Point?

1) On the Admin main site, click on “Contact Points”, to access the contact points management section page.

2) The following overview will show a database of existing contact points on the left-hand side.
3) To **create a new contact point**, click on “create” on the left-hand side. Then you simply need to fill in all the details of the contact point. Make sure to save your changes by clicking the red disk button on the right of the screen.

4) If you want to **modify the details** (e-mail, topic, institution, etc.) of the respective contact point, click on the name of one of the contact points on the list on the left side of the screen. Then amend the information in the different boxes. To save your changes, click on the red disk button on the right of the screen.

5) Enjoy your updated list of contact points.
4. What else should I do?

Below are the cases where a country should communicate with another.

- **When a change in animal or plant health status** may affect existing trade, a country should provide information to all other countries.

- **When an exporting country identifies after exportation a significant SPS risk** associated with an export consignment, the exporting country should provide information to an importing country of the consignment.

- **When a country has determined a significant, sustained or recurring pattern of non-compliance with a SPS measure**, the importing country should notify the exporting country of non-compliance and if requested, provide information on non-compliant consignments from the exporting country.

- **When an importing country does not recognize an exporting country as pest- or disease-free areas, or areas of low pest or disease prevalence**, the importing country should provide the rationale to the exporting country.
### Topics (reference provisions of PACER Plus): definition and explanation

<table>
<thead>
<tr>
<th>PACER Plus chapters</th>
<th>Compliance</th>
<th>Before/Upon the entry into force</th>
<th>After the entry into force</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2. Trade in goods</strong></td>
<td>Import licensing procedures (11.2-4, 14.1c, 14.2b, 14.3, 14.4, 2-C): Procedures requiring the submission of an application or other documentation (other than those required for customs purposes) to the relevant body as a prior condition for importation of goods</td>
<td>Notify and publish</td>
<td>Notify any changes (11.3) – publish no later than the effective date</td>
</tr>
<tr>
<td></td>
<td>Quantitative restrictions (12): Prohibitions or restrictions through quotas, import or export licences or other measures, on imports and exports of goods. E.g., import quota on agricultural and fishery products to restrict the quantities of a products in domestic market or import prohibition of foodstuffs and other products temporarily to prevent or relieve critical shortage of a product that is essential to the country</td>
<td>Provide information</td>
<td>Notify quantitative restrictions (12) E.g., notify import restrictions on agricultural or fisheries product, specifying total quantity or value of permitted import during a specified future period</td>
</tr>
<tr>
<td></td>
<td>Customs duties, fees and charges (14.1ab, 14.2a, 14.4)</td>
<td>Provide information</td>
<td>Provide information on any changes (14.2a) – no later than the effective date</td>
</tr>
<tr>
<td></td>
<td>Trade and tariff-related laws, regulations and rulings (13.1)</td>
<td>Publish any changes (13.1)</td>
<td>Publish any changes (13.1) – (for more burdensome import measures) in advance</td>
</tr>
<tr>
<td></td>
<td>International agreements affecting international trade policy (13.2, 2-B)</td>
<td>Publish agreements affecting international trade policy that is in force (13.2)</td>
<td>Publish any changes (13.2) * Also, notify if a country requests an exemption from the MFN obligation based on such agreement</td>
</tr>
<tr>
<td></td>
<td>Anti-dumping measures (7.4-6): measures against an imported product on which lower price than its home market price is charged and which is found to be hurting domestic producers</td>
<td>Notify and publish</td>
<td>Notify and publish any changes or establishment of legislation and competent authorities (7.5, 7.6a)</td>
</tr>
<tr>
<td></td>
<td>Countervailing measures (7.4-6): measures against a subsidized imported product that is found to be hurting domestic producers</td>
<td>Notify and publish that a country has or does not have legislation containing anti-dumping or countervailing measures and competent authorities (7.4-5)</td>
<td>Notify and publish determination, undertaking and termination of anti-dumping or countervailing measures (7.6b)</td>
</tr>
<tr>
<td></td>
<td>Global safeguard measures (7.10-12, 7.14): Import restriction of a product from all the countries up to 4 years and cumulatively up to 8 years, if domestic industry is injured or threatened with injury caused by a surge in imports</td>
<td>Notify and publish</td>
<td>Notify and publish any changes or establishment of legislation and competent authorities (7.10-11)</td>
</tr>
<tr>
<td></td>
<td>Provisional global safeguard measures (7.13-14): Provisional import restriction of a product from all the countries up to 200 days, if domestic industry is injured or threatened with injury caused by a surge in imports</td>
<td>Notify and publish decision</td>
<td>Notify and publish decision to apply a provisional global SG measures and detailed report (7.13-14) – in advance</td>
</tr>
<tr>
<td></td>
<td>(Provisional) transitional safeguard measures (8.15-17): Import restriction of a product from a particular country up to 2 years and cumulatively up to 5 years (in case of provisional measures, up to 200 days), if domestic industry is injured or threatened with injury caused by a surge in imports.</td>
<td>Notify: Initiation of (provisional) transitional SG investigation (8.15a)</td>
<td>Initiation of (provisional) transitional SG investigation and detailed report (8.15b, 8.16)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Finding of (provisional) transitional SG investigation and detailed report (8.15c, 8.16-7)</td>
<td>Decision to apply or extend a (provisional) transitional SG measure and detailed report (8.15d, 8.16)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Decision to modify a (provisional) transitional SG measure and detailed report (8.15e, 8.16)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contact points (15)</td>
<td>Provide a contact point (15)</td>
<td>Provide information on any changes (15)</td>
</tr>
</tbody>
</table>

### Existing sanitary and phytosanitary measures (8): food safety, animal and plant health standards applied to protect human, animal, plant life, health

- Publish SPS measures such as laws, decrees or ordinances which are applicable generally (8)

### Proposed or adopted sanitary and phytosanitary measures (8, 10.1a-b, 10.5)

- Publish and Notify proposed SPS measures such as laws, decrees or ordinances (10.1a-b, 10.5) – and allow other countries to comment on proposed SPS measures (especially if measure deviates from international standards)

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**Sanitary and phytosanitary measures (c.f., WTO SPS agreement)**
<table>
<thead>
<tr>
<th>Area</th>
<th>Requirements</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Cooperation Terms of Trade (c.f., WTO TBT agreement)</td>
<td>• Publish adopted SPS measures such as laws, decrees or ordinances (8) - six months before effective date</td>
<td>• Provide information on change in animal or plant health status (10.1c)</td>
</tr>
<tr>
<td>Sanitary and phytosanitary risk or non-compliance of consignment (10.2-4)</td>
<td>• An exporting country provides information on SPS risk associated with its export consignments (10.2)</td>
<td>• An importing country notifies its import consignments’ non-compliance with SPS measures and if requested provides information (10.3-4)</td>
</tr>
<tr>
<td>Explanations for the decline of pest-, disease-free areas, areas of low pest and disease prevalence (7.3): It takes place when countries mutually agree to adapt sanitary and phytosanitary measures to regional conditions</td>
<td>• An importing country provides the rationale, if it does not recognize the pest- and disease-free areas, or areas of low pest and disease prevalence of other countries (7.3)</td>
<td></td>
</tr>
<tr>
<td>Contact points (9)</td>
<td>• Provide description and responsibilities of competent authorities, and contact point (9)</td>
<td>• Provide any changes (9)</td>
</tr>
<tr>
<td>Existing technical regulations and conformity assessment procedures (8.4): Mandatory technical requirements of a product for national security, health, safety, environment, etc. and procedures used to decide whether a product conforms with the requirements</td>
<td>• Publish technical regulations and conformity assessment procedures (8.4)</td>
<td></td>
</tr>
<tr>
<td>Proposed or adopted technical regulations and conformity assessment (8.1-2, 8.4)</td>
<td>• Publish and notify proposed technical regulations and conformity assessment procedures (8.1-2) – and allow other countries to comment on proposed ones (especially if measure deviates from international standards)</td>
<td></td>
</tr>
<tr>
<td>Information exchange on technical regulations, standards and conformity assessment procedures (6)</td>
<td>• Publish adopted technical regulations and conformity assessment (8.4) - six months before effective date</td>
<td></td>
</tr>
<tr>
<td>Contact points (9)</td>
<td>• Explain a country’s technical regulations, standards and conformity assessment procedures, if other countries request (6)</td>
<td>• Provide information on any changes (9.3)</td>
</tr>
<tr>
<td>Licensing, qualification, technical standards for services (17.3)</td>
<td>• Publish licensing, qualification, technical standards for services (17.3)</td>
<td>• Provide any changes (17.3)</td>
</tr>
<tr>
<td>International agreements affecting trade in services (17.2)</td>
<td>• Publish international agreements affecting trade in services to which a Party is a signatory (17.2)</td>
<td>• Publish any changes (17.2)</td>
</tr>
<tr>
<td>Emergency safeguard measures (14)</td>
<td>• Hold consultation on emergency SG measures, if other countries request, and notify agreed solutions (14)</td>
<td></td>
</tr>
<tr>
<td>Specific information on services measures (17.4)</td>
<td>• Respond, if other countries request for specific information on services measures (17.4)</td>
<td>• Provide information on any changes (9.3)</td>
</tr>
<tr>
<td>Contact points (4.2, 17.1)</td>
<td>• Provide details of contact point (17.1)</td>
<td>• Notify any changes (17.1)</td>
</tr>
<tr>
<td>Actual laws, regulations, procedures and rulings (2.1-2, 3.1-2)</td>
<td>• Publish (online), notify and, if other countries request, provide information on actual laws, regulations, procedures and rulings (2.1-2, 3)</td>
<td>• Provide an opportunity to comment on, and, if other countries request, provide information on proposed laws, regulations, procedures and rulings (2.3, 3.1-2)</td>
</tr>
</tbody>
</table>
Annex 2. SPS timeline

This is an example timeline in the WTO. Although minimum 60 days are allowed as reasonable time for comments in the WTO, it is not clear in PACER Plus. The timeline is for regular cases, not in urgent/emergency cases.

How to log-in to the trade portal?

1) If you access the page of your national trade portal (https://country.tradeportal.org, substitute “country” with the name of your country, e.g. https://nauru.tradeportal.org or https://kiribati.tradeportal.org), **click on the lock symbol** in the upper right hand corner to enter your user name and password:

2) Once you clicked on “Login”, you will see that different options appear on the top of the page. Click on “Admin Site”, and the internal admin site will open up in a new tab of your web browser.

3) Once you’re logged in you will see the following start screen with the different options that give you access to the different parts of the trade portal. (e.g. “Contact Points” where you can create or modify contact contact points)