

GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS MEASURES IN DEVELOPING COUNTRIES

CALL FOR INFORMATION

The Standards and Trade Development Facility (STDF) is carrying out work to analyse how Good Regulatory Practice (GRP) can be used to improve the quality and effectiveness of sanitary and phytosanitary (SPS) measures in developing countries, in order to ensure health protection and facilitate safe trade. This work is based on the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

Good regulatory practices are defined as internationally recognized processes, systems, tools and methods to improve the quality of regulations and ensure that regulatory outcomes are effective, transparent, inclusive and sustained (World Bank, 2015). Applying GRP means that SPS measures are effective and cost-efficient so that they achieve the intended outcomes. GRPs can include different processes and tools, such as consultations with the private sector and other stakeholders, Regulatory Impact Assessment (RIA), ex-post review of the implementation of SPS measures, etc.

The SPS Agreement confirms WTO Members' right to adopt SPS measures, based on science, to ensure that food is safe for consumers and to prevent the spread of pests or diseases among animals and plants, while seeking to prevent unnecessary trade disruptions. SPS measures include all relevant laws, decrees, regulations, requirements and procedures including, inter alia, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety (SPS Agreement, Annex A).

Several of the provisions of the SPS Agreement encourage the use of GRPs, including use of international standards (Codex, IPPC, OIE), risk assessment, transparency, advance notifications on draft measures, etc. This survey aims to gather information on if and how SPS agencies in developing countries are applying GRPs to strengthen the development, implementation and review of SPS measures. Information obtained will be compiled in a short document, which will be shared with respondents, as well as the STDF Working Group. The findings will complement regular data collection exercises and work on measuring regulatory performance within OECD countries.

Officials of government ministries/agencies/departments responsible for food safety, animal and plant health in developing countries are kindly requested to complete this survey, before 13 October 2017. In case of questions, please contact STDFSecretariat@wto.org

* 1. Please indicate whether you work for a government agency responsible for:

- Animal health
- Food safety
- Plant health
- Trade / Economy
- Other (please specify)

GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS
MEASURES IN DEVELOPING COUNTRIES

CALL FOR INFORMATION

Please complete the following questions from the viewpoint of the SPS area covered by your agency (i.e. food safety, animal or plant health).

* 2. Does your agency consult other government agencies in your country on the development of SPS measures?

This may include consultations on both primary and/or secondary legislation, as well as diverse types of SPS measures, such as adoption of international (Codex, IPPC, OIE) standards, adoption of appropriate levels of protection (e.g. maximum residue levels for pesticides or veterinary drugs, maximum levels for chemical residues in food or feed), inspection or certification, setting administrative requirements and/or procedures domestically and/or the border, etc.*

**Primary or principal legislation generally lays down policies and principles. Secondary legislation (also known as subsidiary, subordinate or ancillary legislation) generally sets out the details of implementation (i.e. it gives practical effect to the provisions of primary legislation) and is often collectively referred to by the term "regulations".*

- Yes
- No
- Don't Know

GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS MEASURES IN DEVELOPING COUNTRIES

CALL FOR INFORMATION

* 3. My agency shares draft SPS measures with other relevant parts of government:

- Systematically
- Occasionally
- Rarely

* 4. My agency shares draft SPS measures with other relevant parts of government for their (select as many boxes as relevant):

- Information
- Comment
- Review for coherence with existing legislation
- Review for consistency with other government guidelines
- Other (please describe)

* 5. My agency consults the following government agencies on the development of SPS measures (select as many boxes as relevant):

- | | |
|---|--|
| <input type="checkbox"/> Animal health | <input type="checkbox"/> Public health |
| <input type="checkbox"/> Food safety | <input type="checkbox"/> Environment |
| <input type="checkbox"/> Plant health | <input type="checkbox"/> Prime minister's office |
| <input type="checkbox"/> SPS Unit | <input type="checkbox"/> Finance |
| <input type="checkbox"/> Economy / trade / industry | <input type="checkbox"/> Justice |
| <input type="checkbox"/> Other (please specify) | |

* 6. Guidelines / procedures to consult and/or coordinate with other parts of government in preparation of SPS measures:

- | | |
|---|---|
| <input type="radio"/> Exist and are used systematically | <input type="radio"/> Are under preparation |
| <input type="radio"/> Exist and are used occasionally | <input type="radio"/> Do not exist |
| <input type="radio"/> Exist and are used rarely | |

7. Please provide any additional information related to consultation with other government authorities on SPS measures. For instance, provide specific examples, and if publicly available, provide web links to relevant guidelines / procedures.

GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS MEASURES IN DEVELOPING COUNTRIES

CALL FOR INFORMATION

* 8. To what extent, in your view, are international standards (Codex, IPPC, OIE) reflected in SPS measures in your area? This may include full or partial adoption of international standards in primary and/or secondary legislation.

- Largely [>70%]
- Moderately [40-70%]
- Insufficiently [<40%]
- Don't know

* 9. Is there a regulatory requirement to consider relevant international standards (Codex, IPPC, OIE) in the development of SPS measures?

- Yes
- No
- Don't Know

10. Please provide any other relevant information related to international standards (Codex, IPPC, OIE). For instance, describe any experiences or challenges related to the adoption, adaptation and/or implementation of international standards, with specific examples, if available.

**GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS
MEASURES IN DEVELOPING COUNTRIES**

CALL FOR INFORMATION

* 11. During the process of developing SPS measures (i.e. prior to their formal adoption and entry into force), does your government assess the risks to human, animal or plant life or health?

- Yes
- No
- Don't Know

GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS MEASURES IN DEVELOPING COUNTRIES

CALL FOR INFORMATION

* 12. The specific risks to human, animal and/or plant life or health are assessed, e.g. when new legislation that is not based on an international standard or existing risk assessment is prepared, new health risks (including in relation to trade) become clear:

- Systematically
- Occasionally
- Rarely

* 13. Are risk assessment principles and guidelines developed by the relevant international organizations used in your area?

- Yes, fully
- Yes, to a moderate extent
- Yes, to a limited extent only
- No
- Don't Know

* 14. Who is responsible for assessing the risks to human, animal and/or plant life?

- My agency
- Another government agency or other specialized unit (please specify)

* 15. Written guidelines to assess the risks to human, animal and/or plant life:

- Exist and are used systematically
- Exist and are used occasionally
- Exist and are rarely used
- Are under preparation
- Do not exist

16. Please provide any additional information on how risks to human, animal and plant health are assessed in the development of SPS measures, with specific examples. If publicly available, provide web links to relevant guidelines or methodologies.

**GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS
MEASURES IN DEVELOPING COUNTRIES**

CALL FOR INFORMATION

* 17. During the process of developing SPS measures (i.e. prior to their formal adoption and entry into force), does your government assess the expected impact on trade in order to ensure that SPS measures are not more trade-restrictive than required to achieve the appropriate level of sanitary or phytosanitary protection?

- Yes
- No
- Don't Know

GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS MEASURES IN DEVELOPING COUNTRIES

CALL FOR INFORMATION

* 18. The potential impacts of SPS measures on trade are assessed:

- Systematically
- Occasionally
- Rarely

* 19. Who is responsible for assessing the potential impacts of SPS measures on trade?

- My agency
- Another government agency or other specialized unit (please specify)

* 20. Written guidelines / methodologies to assess the potential impacts of SPS measures on trade:

- Exist and are used systematically
- Exist and are used occasionally
- Exist and are rarely used
- Are under preparation
- Do not exist

21. Please provide any additional information on how the expected trade impacts are assessed in the development of SPS measures, with specific examples. If publicly available, provide web links to relevant guidelines or methodologies.

**GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS
MEASURES IN DEVELOPING COUNTRIES**

CALL FOR INFORMATION

* 22. Does your agency provide information and consult stakeholders (e.g. private sector, industry groups, consumer groups, general public) in your country or beyond on SPS measures in its area? For instance, consultations may take place through provision of information on new legislation, public hearings, and distribution of draft regulations for comments, etc.

- Yes
- No
- Don't Know

GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS MEASURES IN DEVELOPING COUNTRIES

CALL FOR INFORMATION

* 23. Public consultation takes place:

- Systematically
- Occasionally
- Rarely

* 24. My agency consults the following domestic stakeholders (select as many boxes as relevant):

- Importers/Exporters/Traders
- Industry associations
- Primary producers
- Consumer organizations
- Civil society organizations
- Other (please specify)

25. My agency consults the following foreign stakeholders (select as many boxes as relevant):

- Other governments
- Importers/Exporters/Traders/Industry
- Consumer organizations
- Civil society organizations
- Other (please specify)

* 26. Guidelines/procedures to consult stakeholders in your sector:

- Exist and are used systematically
- Exist and are used occasionally
- Exist and are rarely used
- Are under preparation
- Do not exist

* 27. Comments are received from stakeholders following consultations on draft SPS measures:

- Systematically
- Occasionally
- Rarely
- Never

* 28. Comments received from stakeholders on draft SPS measures are considered by my agency:

- Systematically
- Occasionally
- Rarely
- Never

* 29. Responses to comments received from stakeholders on draft SPS measures are published:

- Systematically
- Occasionally
- Rarely
- Never

30. Please provide any other relevant information below on experiences of consultations in practice, for instance addressing methods, challenges, results, with examples if possible. If publicly available, provide web links to relevant guidelines or procedures.

GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS
MEASURES IN DEVELOPING COUNTRIES

CALL FOR INFORMATION

* 31. After an SPS measure in your area enters into force, is a review or evaluation carried out to assess how the measure (individually or as a group) is being implemented, and whether it is achieving the intended objective?

- Yes
- No
- Don't Know

GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS MEASURES IN DEVELOPING COUNTRIES

CALL FOR INFORMATION

* 32. The implementation of SPS measures is reviewed and evaluated:

- Systematically (i.e. after a certain number of years)
- Occasionally
- Rarely

* 33. Who is responsible for reviewing or evaluating the implementation of SPS measures in your area and whether they are achieving the intended objectives?

- My agency
- Another government agency or specialized unit (please specify)

* 34. Guidelines or procedures to review and/or evaluate the implementation of SPS measures:

- Exist and are used systematically
- Exist and are used occasionally
- Exist and are rarely used
- Are under preparation
- Do not exist

* 35. The findings of work to review and/or evaluate the implementation of SPS measures are shared or published:

- Systematically
- Occasionally
- Rarely
- Never

* 36. How does your agency follow-up on work to review and/or evaluate the implementation of SPS measures?

37. Please provide any additional information below. For instance, describe how SPS measures are reviewed and indicate if stakeholders can request a review (with examples of the findings of any such reviews, experiences, challenges). If publicly available, provide web links to relevant guidelines or methodologies.

**GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS
MEASURES IN DEVELOPING COUNTRIES**

CALL FOR INFORMATION

* 38. Please indicate your country of work

39. If you would like to receive a short report documenting the findings of this survey, as well as other news from the STDF, please provide your name and email address.

**GOOD REGULATORY PRACTICE (GRP) TO SUPPORT THE IMPLEMENTATION OF SPS
MEASURES IN DEVELOPING COUNTRIES**

CALL FOR INFORMATION

THANK YOU VERY MUCH FOR YOUR FEEDBACK.

**If you would like any additional information on this survey or the STDF, please
visit www.standardsfacility.org or contact STDFSecretariat@wto.org**