

ANNEX B

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SPS or TBT? Which Agreement does a measure\* come under?

Does the measure relate to trade in goods?

NEITHER SPS OR TBT

Does the measure apply to either 1, 2, 3 or 4 below?

Additives,  
Contaminants,  
Toxins or  
Disease-causing  
organisms in foods,  
beverages or feedstuffs

Diseases carried by  
animals, plants or  
products thereof or  
Entry, establishment or  
spread of pests

Pests

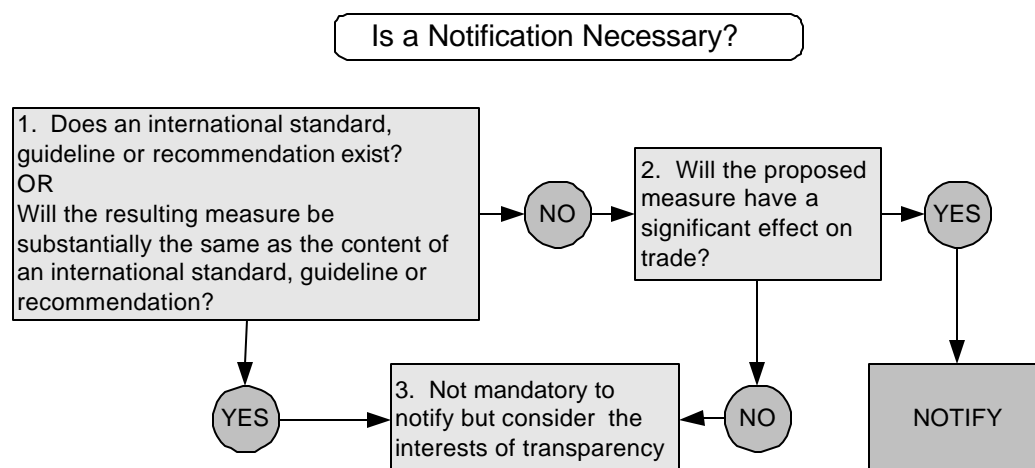
The SPS  
Agreement  
applies.

Is it a technical regulation, standard or  
conformity assessment procedure related  
to products or processes and production  
methods

The TBT  
Agreement  
applies

OTHER

## ANNEX C

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These requirements are detailed in Articles [2.9<sup>v</sup>](#) and [5.6<sup>viii</sup>](#) of the TBT Agreement, and Paragraph [5<sup>xv</sup>](#) of Annex B of the SPS Agreement.

#### Step 1: Check international standards, guidelines and recommendations

The first thing to consider is whether:

either

an (*equivalent*) international standard, guideline or recommendation exists

or

the content of the proposed measure is substantially the same as the content of an international standard, guideline or recommendation.

#### Step 2: Consider the effect on trade

If the answer to Step 1 is NO, and the regulation may have a significant effect on the trade<sup>38</sup> of other WTO Members, then the proposed measure must be notified. If not sure whether it will have a significant effect on trade, it is recommended that you notify the measure in the interests of increased transparency

#### Step 3: Consider the benefits of transparency

The underlying philosophy of the TBT and SPS Agreements is transparency of process. For the sake of improved transparency, some Members also notify measures, which conform to international standards, guidelines or recommendations. This has the effect of informing Members of measures that might affect their trade interests and providing them with the opportunity to comment.

<sup>38</sup>

When assessing whether the sanitary or phytosanitary regulation may have a significant effect on trade, the Member concerned should take into consideration, using relevant information which is available, such elements as the value or other importance of imports in respect of the importing and/or exporting Members concerned, whether from other Members individually or collectively, the potential development of such imports, and difficulties for producers in other Members to comply with the proposed sanitary or phytosanitary regulations. The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant. - G/SPS/7/Rev.1.