



# **New Trade Facilitation obligations in the SPS area**

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syftar till att öka kunskapen om handelns betydelse för samhällsekonomin och för en global hållbar utveckling.

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I vår roll som handelsmyndighet ingår dessutom att ge stöd till utvecklingsländer genom handelsrelaterat utvecklings-samarbete. På kollegiet finns också kontaktpunkten Open Trade Gate Sweden som bistår exportörer från utvecklingsländerna i deras handel med Sverige och EU.

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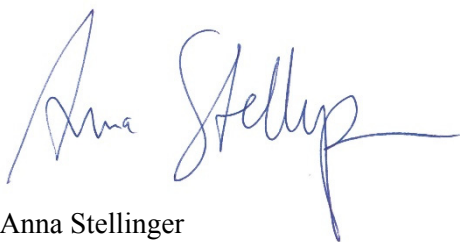
## Foreword

Trade facilitation emerged as an important issue for world trade in the years after the establishment of the WTO. Negotiations on the Trade Facilitation Agreement went on for many years, but finally led to the adoption of a new multilateral agreement, which entered into force this year. This landmark agreement contains provisions for movement, release and clearance of goods, and establishes the absolute necessity of cooperation between authorities at the border. Provisions for technical assistance in the area are also included in the agreement.

The National Board of Trade works for clear rules in international trade, and to simplify, harmonize and minimize unnecessary barriers to trade. We provide the Swedish Government with analysis and recommendations, in close cooperation with other government authorities, organizations and the private sector. We also participate in the global trade facilitation work at the WTO and other international organizations, and assist developing countries in building capacity for trade and trade facilitation.

Not all requirements and procedures in trade and at the border constitute barriers to trade. Measures that serve the purpose to protect against the spread of plant pests, contagious animal diseases and food safety risks are important and justified. However, they should be consistent with the WTO:s Agreement on Sanitary and Phytosanitary Measures.

This report analyses how the new Trade Facilitation Agreement develops WTO trade law in the SPS field. What does this the Trade Facilitation Agreement add to trade regulations in the SPS-field, and how does it affect SPS authorities at the border? The new agreement has the potential to boost trade in food and agricultural products, without compromising justified health protection. This way, we can have a high level of protection, with a minimum of trade complications, which benefits us all.



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## Executive Summary

The new Trade Facilitation Agreement (TF Agreement) of the World Trade Organization (WTO), is the first new multilateral trade agreement that has been adopted by the WTO for 22 years. It took almost ten years to negotiate, and came into force in February 2017. It now applies to all 164 Member countries of the WTO. The TF Agreement aims at reducing border inefficiencies and unmotivated transaction costs, as well as reducing the time it takes to move goods across borders. It mainly concerns customs authorities, but a significant part of the agreement applies to other border agencies, i.e. authorities in charge of sanitary and phytosanitary (SPS) controls at the border.

In this analysis, 25 components affecting SPS measures were identified, in 10 articles of the TF Agreement. Some of the components are directly binding requirements, stipulating what border agencies have to do, others state what border agencies should consider or strive to do. Some components reinstate principles and rules already found in the WTO:s Agreement on Sanitary and Phytosanitary Measures (SPS Agreement), but others are new to the field.

Trade facilitation has up to now been seen as resting on four pillars: Simplification, Transparency, Standardization and Harmonization. In this analysis, the 25 components are however grouped into five categories (pillars): Simplification, Transparency, Coordination, Standardization and Harmonization. The majority of the SPS components in the TF Agreement refer to Simplification and Transparency. Coordination is considered so central that it is suggested it should be seen as a fifth pillar of trade facilitation in the SPS area.

Coordination between border agencies, i.e. customs and SPS authorities at the border, is a new binding obligation in the TF Agreement. To ensure that this as well as the other new SPS obligations will be carried out efficiently, the cooperation may need to be formalised. A standing agenda for such cooperation could be a good starting point.

In summary, the TF Agreement complements the SPS Agreement and concerns trade in food and agricultural products. It has several implications for the work of SPS authorities present at the border. Implementation of the SPS components of TF Agreement is likely to benefit trading companies and boost trade in these products, without compromising with health protection. It can make trade take place in a more efficient but not less safe way.

## Sammanfattning på svenska

Avtalet om förenklade handelsprocedurer (Agreement on Trade Facilitation, TF-avtalet) trädde i kraft i februari 2017. Det är det första nya multilaterala handelsavtalet som har uppnåtts i världshandelsorganisationen WTO (World Trade Organization) på 22 år. Det tog nästan 10 år att förhandla fram, och nu när det trätt i kraft så gäller det för alla medlemsländer i WTO. TF-avtalet syftar till att minska krångel i samband med procedurer och dokumentationskrav vid gränsen, så att det kan gå snabbare och mer friktionsfritt att flytta varor över gränsen. Avtalet rör i huvudsak tullmyndigheter, men en stor del av innehållet rör även andra myndigheter som är närvarande vid gränsen, och utför kontroller för att hindra spridning av växtskadegörare, djursjukdomar och andra livsmedelssäkerhetsrisker med handeln.

Kollegiets utredning analyserar TF-avtalet och har funnit 25 komponenter i 10 artiklar som rör SPS-åtgärder (Sanitary and Phytosanitary measures). En del handlar om sådant som myndigheterna vid gränsen *måste* göra. Andra komponenter är uppmaningar som fastslår vad myndigheterna bör överväga, försöka göra eller sträva mot. Vissa av komponenterna bekräftar principer och regler som redan finns i WTO:s SPS-avtal, medan andra innebär helt nya inslag på området. De 25 komponenterna grupperas här i fem olika kategorier: förenkling, transparens, koordinering, standardisering och harmonisering.

De flesta SPS-komponenterna i TF-avtalet har att göra med förenkling och transparens. Koordinering bedöms ändå som så centralt att området bör ses som en egen femte pelare, som kompletterar de fyra andra som tidigare ingått i definitionen av förenklade handelsprocedurer. Koordinering och samarbete mellan myndigheterna vid gränsen är ett av de nya bindande kraven i TF-avtalet. För att detta samarbete ska ske på ett effektivt sätt, liksom genomförandet av de övriga bindande SPS-kraven i TF-avtalet, kan samarbetet mellan myndigheterna behöva formaliseras.

TF-avtalet kompletterar numera SPS-avtalet, och gäller för internationell handeln med jordbruks- och livsmedelsprodukter. Att TF-avtalet har trätt i kraft har betydelse för arbetet i de myndigheter som är närvarade vid gränsen. Genomförandet av avtalet gynnar företaget som handlar, och kommer bidra till att handel mellan länder kan ske mer smidigt, utan att det påverkar skyddet av människors, djurs- och växters liv och hälsa.

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# 1 Introduction

## 1.1 Introduction and outline of the study

In February 2017 a new Agreement on Trade Facilitation (the TF Agreement) came into force in the WTO World Trade organization). This is the first new multilateral trade Agreement that has been concluded in the WTO since the inception of the organization in 1995. The TF Agreement aims at reducing border inefficiencies and unmotivated transaction cost for companies and countries in trade, by facilitating movement, clearance and release of goods and thus reducing the time it takes to move goods across borders. The TF Agreement adds certain new obligations in the field of sanitary and phytosanitary (SPS) measures that complement the already existing WTO Agreement on Sanitary and Phytosanitary Measures, i.e. measures to ensure safe trade in food and agricultural products.

## 1.2 Purpose, delimitations and definitions

This study briefly explains the content of the SPS Agreement of the WTO, and specially looks at the parts that relate to control and inspection procedures taking place at the border. The study then analyses the new TF Agreement from an SPS perspective, and the articles that have a bearing on SPS measures are analysed and compared with the content of the SPS Agreement.

The purpose of the study is to answer the question “What does the new TF Agreement add in terms of new obligations on SPS trade procedures and SPS border controls?”. The study analyses which SPS components that are binding direct requirements (obligations), and which are formulated as encouragements, and how the SPS components of the TF Agreement can be categorized.

Hopefully, the study can contribute to spreading *knowledge on applicable obligations and principles in the SPS field, according to current WTO law*, now extended with the TF Agreement. The target group for this study is mainly technical experts in the areas of SPS, plant health, trade facilitation and trade policy. At the end some recommendations for border agencies are formulated.

According to the United Nations Economic Commission for Europe (UNECE) and the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT), “trade facilitation” is defined as the simplification, standardization and harmonization of procedures and associated information flows required to move goods from seller to buyer and to make payment<sup>1</sup>. Simplification means eliminating unnecessary elements and duplications in formalities, and harmonization is the alignment of procedures, operations and documents with international conventions, standards and practices.

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<sup>1</sup> Within the United Nations framework of the Economic and Social Council, the United Nations Economic Commission for Europe (UNECE) serves as the focal point for trade facilitation. The United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) is a subsidiary intergovernmental body of the UNECE Committee on Trade. Definition taken from UNECE, <http://tfig.unece.org/details.html>

Standardization involves developing guidelines that can be used to align and eventually harmonize practices and methods. The National Board of Trade has in earlier work<sup>2</sup>, suggested that transparency be added as a forth pillar in the definition of trade facilitation, referring to publishing information on laws, regulations, decisions, fees etc. prior to enforcement to allow for comments.

Trade facilitating measures can be undertaken by government agencies and by private sector actors both on the importing and the exporting side. However, when it comes to trade facilitation in a trade policy context, we deal only with government agencies' measures and activities on the importing side, i.e. *procedures and associated information flows required by the importing country's responsible authority, with the purpose of protecting animal and plant life and health as well as food safety in the importing country, in cross border trade.*



**Figure 1: Four pillars of trade facilitation, according to earlier work by National Board of Trade (2010).**

<sup>2</sup> National Board of Trade, 2010. "Trade Facilitation and Swedish Experiences".  
<http://www.kommers.se/publikationer/Rapporter/2010/Trade-facilitation-and-Swedish-experiences/>



## 2 The SPS Agreement of the WTO

### 2.1 Background and general principles

The Agreement on Sanitary and Phytosanitary Measures (the SPS Agreement)<sup>3</sup> aims at striking a balance between countries' interest in protecting people, animals, plants and natural resources in their territory from risks arising with trade in food and agricultural products, and in the same time having access to an open and predictable trading system. The Agreement was negotiated by WTO Members during the Uruguay Round (1986-1994) and it came into effect in 1995, at the time of the inception of the WTO<sup>4</sup>.

The SPS Agreement aims to facilitate trade by encouraging countries to use similar SPS measures (harmonization) and to use the least trade restrictive of alternative measures that can achieve the wanted level of protection. Any measure must be risk based, and as far as possible be based on the standards and guidelines developed by the three international organisations for standard setting in the area: the Codex, the OIE and the IPPC<sup>5</sup>. When basing measures on international standards, measures will be considered to have a scientific justification, as these organizations work according to scientific principles. If a country wants to deviate from international standards, it must perform its own risk assessment, based on scientific principles and taking the risk assessment techniques developed by the three sister organizations into account.

Moreover, the SPS Agreement obliges countries to inform each other about their measures, and changes to their measures. According to this provision, Members also have to ensure that the required notification procedures are taken care of by a national notification authority, and that questions on SPS measures are answered by a central SPS enquiry point. Moreover, countries should provide a commenting period for proposed new measures. In one of its final articles, the SPS Agreement installs the SPS Committee, which convenes three times a year at the WTO in Geneva, to facilitate the implementation of the SPS Agreement and provide a forum for members to discuss related trade concerns, or related technical issues.

In addition to its 14 articles, the SPS Agreement includes three annexes (Annexes A-C) which constitute an integral part of the Agreement.

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<sup>3</sup>World Trade Organization (WTO), 1995. "The WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)", [www.wto.org](http://www.wto.org)

<sup>5</sup> Codex Alimentarius is the international standard setting organization for food safety under the auspices of FAO. OIE, the World Animal Health Organization, is the standard setting organisation in animal health area. It formerly had the French name Organisation Internationale des Epizooties. IPPC is the international standard setting organisation in the plant health area, formally a convention under the FAO.

## FACTBOX 1: THE SPS AGREEMENT IN BRIEF

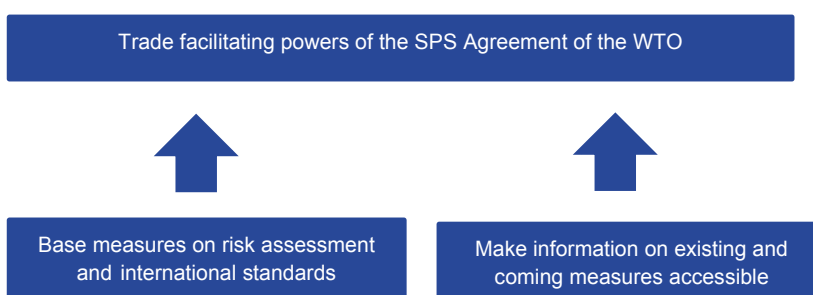
1. Countries have the right to protect themselves: Each country has the right to decide its own appropriate level of protection regarding food safety, animal and plant life and health.
2. Non-discrimination: Trading partners with the same or similar conditions shall not be treated differently, i.e. SPS measures must not be discriminatory.
3. Harmonization of measures: SPS measures shall primarily be based on international standards, as it becomes easier to trade if many countries apply the same or similar regulations. Countries are encouraged to use the standards adopted by Codex Alimentarius (food safety); OIE (animal health) and IPPC (plant health).
4. Scientific evidence and risk assessment: If a country wishes to uphold a higher level of protection than what would result from using international standards, the measure must be based on scientific evidence and a risk assessment.
5. Temporary measures are allowed on certain conditions: If there is not enough scientific data, or in cases of emergency, temporary SPS measures can be implemented based on the information available as long as more information is sought actively and the measure is revised within a reasonable period of time.
6. Minimizing trade distortions: SPS measures should not be more trade-restrictive than necessary. The least trade restrictive of alternative measures that can achieve the same level of protection should be chosen. Technical and economic feasibility can be taken into account when choosing the measure.
7. Equivalence of measures: Countries shall recognize that different measures can achieve equal protection. If an exporting country applies measures that differ from those applied by the importing country, imports shall be allowed if the exporting country can objectively demonstrate that the measures achieve the same level of protection.
8. Concept of regionalization: Countries shall recognize that imports can be allowed from a region that is free from a disease or plant pest, even if the disease or pest is present in other parts of the exporting country. The exporting country needs to objectively demonstrate how the disease or pest free area is distinguished from other parts and how the origin of exports can be ensured.
9. Transparency provisions: Any proposed SPS measure that may have a significant effect on trade and which differs from international standards shall be notified to the SPS Secretariat of the WTO so that other countries have the opportunity to comment on the proposed SPS measure, before it is adopted. To ensure this, countries must designate a national notification authority. Moreover, countries need to have an SPS Enquiry Point to which anyone can turn in order to have information on the country's SPS measures.
10. Special needs of developing countries: The special needs of developing countries shall be taken into account when preparing and applying SPS measures. If possible longer time-frames for compliance with measures shall be provided for products of interest to developing countries. Technical assistance in the SPS area to developing countries shall be facilitated.

SPS measures are defined in Annex A as any measure applied:

- “ (a) to protect animal or plant life or health within the territory of the Member from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
- (b) to protect human or animal life or health within the territory of the Member from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs;
- (c) to protect human life or health within the territory of the Member from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or
- (d) to prevent or limit other damage within the territory of the Member from the entry, establishment or spread of pests.

Sanitary or phytosanitary 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.”

The trade facilitating powers of the SPS Agreement can be seen as based on two blocks. These two blocks represent complementary ways to make necessary SPS measures as least trade restrictive as possible: Basing measures on risk assessment and international standards, and making information on existing and coming measures accessible (transparent).



**Figure 2: Trade facilitating powers of the SPS Agreement, resting on two complementary blocks.**

## 2.2 Base measures on risk assessment and international standards

According to the SPS Agreement, SPS measures should not be arbitrary, but based on the best available scientific knowledge. Hazards and risks of spread or exposure should be analysed in a systematic and scientific way, and alternative measures to handle the risk should be identified and compared in an equally systematic way, so that the least trade restrictive alternative can be chosen. The underlying reason is that SPS measures should be motivated by health risks, and not used for other purposes, such as disguised protectionism or a way of taxing imports.

The three standard setting organizations analyse risks and methods to handle them, and develop guidelines i.e. for various additives, diseases, pests etc. All WTO member countries are represented in these organizations, gathering technical expertise in the respective areas from all around the world. In that way, by following international standards and basing national measures on these, countries automatically ensure that their measures are based on scientific risk assessments, and their measures cannot be challenged by trading partners. In the same time, as countries base their measures on the international standards, their SPS measures become more alike, which facilitates cross-border trade for companies.

In some cases, new risks arise or thorough scientific evidence is lacking. The SPS Agreement takes this into account emphasizing the use of best available scientific evidence, the use of scientific principles in evaluating risk, and also by allowing countries to install temporary measures while actively searching for more information on the actual risk. Temporary measures should be re-evaluated within a reasonable period of time, whereby they can be removed, changed or permanently installed depending on the new information found.

## 2.3 Make information on measures accessible

The obligation to make information on existing and planned measures accessible is central in most trade policy agreements of the WTO. The idea is that any regulation affecting trade should be made easily accessible to companies involved in trade. To formalize this, the SPS Agreement contains obligations on mandatory early publication and communication of proposed new or changed measures, and allowing for a commenting period. Any new or changed measure should be notified to the WTO, after which it is being circulated to all member countries for comments. The SPS Agreement also contains an obligation on an enquiry point, a central point to which other WTO Member countries can turn, if they have questions on an importing country's SPS measures. This obligation, as the rest of the SPS Agreement, stems from 1995, and was negotiated in years before that. This was the time before the breakthrough of internet, but even though information possibilities have developed enormously since that time, the central challenge is still valid – it can

still be difficult for companies to find out about import requirements. Many times requirements are imposed by several authorities and information can be spread out on several webpages, untranslated or not explained clearly enough. By providing an enquiry point, trade is facilitated for companies as there is one central contact point that you can turn to, if you have questions on applicable SPS measures in a country.

#### Fact box 2: What are SPS border controls all about?

SPS border controls are meant to inform the importing country's authority on whether to accept, detain or reject a consignment, or whether further laboratory analysis or any disease control measures are required. Guidance for border controls and measures upon arrival have been developed by Codex Alimentarius, OIE and IPPC.

Basically, border controls are composed of documentary checks, verification of consignment identity and integrity and visual examination. Documentary checks are performed for all consignments. Inspectors verify that documents for the consignment are complete, consistent and not fraudulent, and also ensure that the consignment is accurately described by its documents. Verification of identity and integrity includes checking seals and other safety conditions of the packaging, and is performed for all consignments.

Visual or clinical examination serves to verify compliance with regulations and to look for yet unknown plant pests or signs of epizootic disease. If a sample needs to be taken, the method, size and frequency should be applied in a consistent and transparent manner. The frequency of visual examination varies for different commodities, risks and countries of origin. However, all import requirements and border inspections shall be justified, based on risk assessment and international standards.

## 2.4 Guidance on control, inspection and approval procedures

In Annex C of the SPS Agreement, additional guidance is found on control, inspection and approval procedures. Case law developed within the WTO has settled that procedures covered by Annex C should be seen as covering a subset of the wider array of measures, defined as SPS measures by the Agreement. As such, control, inspection and approval procedures, whether performed to verify compliance of other substantive measures or being a measure of their own, are subject to both the obligations of the whole of the SPS Agreement, *and* to the obligations specifically pointed out in Annex C<sup>6</sup>.

<sup>6</sup> Scott, 2007. "The WTO Agreement on Sanitary and Phytosanitary Measures. A Commentary". Oxford Commentaries on the GATT/WTO Agreements. Oxford University Press. Pages 218-219. For example, a

The first paragraph of Annex C contains six principles that countries need to follow when using control, inspection and approval procedures. Countries shall ensure that

- Controls, inspections and approval procedures are undertaken and completed *without undue delay*.
- Standard *processing period is published*, or anticipated processing period is communicated upon request
- There is *no discrimination* between imported and domestic goods, neither as regards control procedures, fees or confidentiality of information
- *Information requirements are limited* to what is necessary for appropriate control, inspection and approval procedures
- *Confidentiality* of business information derived or supplied is respected
- There is *a procedure to review complaints* on control, inspection and approval procedures and to take corrective action when justified

The last two paragraphs of Annex C point at controls performed at the site of production in the exporting country, or controls carried out within the importing country's own territory, and are thus not further analysed here<sup>7</sup>.

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measure being fully reasonable, risk based and justified might be accompanied by control or inspection procedures which are not risk based, and thus unnecessarily burdensome. In such a case, the control or inspection procedure taking place would be inconsistent with the SPS Agreement.

<sup>7</sup> Paragraph 2 settles that where an SPS measure specifies control at the production level, the exporting country shall facilitate such controls by the importing party. Paragraph 3 settles that nothing shall prevent countries from carrying out reasonable inspections within their own territory.

## 3 The Trade Facilitation Agreement of the WTO

### 3.1 Background

Trade facilitation - to move goods across borders more efficiently - became a topic already in the discussions at the WTO's Singapore Ministerial Conference in December 1996<sup>8</sup>. After some years of further exploratory work, Members of the WTO formally agreed to launch negotiations on a trade facilitation agreement in July 2004<sup>9</sup>. Negotiations set out the aim to clarify and improve GATT Article V (Freedom of Transit), GATT Article VIII (Fees and Formalities connected with Importation and Exportation), and GATT Article X (Publication and Administration of Trade Regulations).

The negotiations on the Trade Facilitation Agreement (TF Agreement) were concluded at the WTO's 9th Ministerial Conference in Bali, Indonesia, in December 2013<sup>10</sup>, and in February 2017 the new agreement came into force<sup>11</sup>. It is now binding to all WTO Members. Most articles are specifically related to customs, but there are also several articles that apply to all border agencies. However, not all articles contain binding direct requirements. Some of the articles and paragraphs contain so called "best-endeavour-clauses", such as encouragements to try and provide for something. Therefore, the parts of the TF Agreement that relate to the SPS area will be called "components" in this analysis, which then includes both obligations and encouragements.

The TF Agreement consists of three sections: Section I sets out the substantive obligations on facilitating customs and other border procedures in twelve articles; Section II contains special and differential treatment provisions for developing and least-developed country Members<sup>12</sup>, and Section III settles the institutional arrangements and final provisions. The articles that will be analysed in this study all belong to Section I.

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<sup>8</sup> World Trade Organization (WTO), 1996. Paragraph 21 of "Singapore WTO Ministerial 1996. Ministerial Declaration; WT/MIN(96)/DEC."

<sup>9</sup> World Trade Organization (WTO), 2004. Annex D of "Doha Development Agenda: Doha Work Programme. 1 August 2004. Text of the 'July package' — the General Council's post-Cancún decision; WT/L/579."

<sup>10</sup> World Trade Organization (WTO), 2013. "Agreement on Trade Facilitation. Ministerial Decision of 7 December 2013; WT/MIN(13)/36, WT/L/911".

<sup>11</sup> World Trade Organization (WTO), 2014. Annex of "Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization. Decision of 27 November 2014; WT/L/940".

<sup>12</sup> Developing countries have flexibilities in implementing the TF Agreement, and were obliged by 31 July 2014, to designate which commitments they could implement immediately, and which they would only be able to implement with more time and/or technical assistance.

**Fact box 3: Information requirements as transaction costs**

Transaction costs are costs that a company involved in trade has to bear when goods, services or payments are being forwarded from one actor to another in the supply chain. Transaction costs typically arise from the need to submit information to another actor, which can be a government agency. Costs can be direct in the form of fees for applications, certificates or inspections, or costs for preparation and submission of documents. It can also be indirect costs in the form of delays in handling, uncertainty about procedures, contradictory requirements or difficulties to access information. Although the underlying wanted protection, or information requirement, embedded in an SPS measure may be well justified, it is important that the practical application of the measure is as efficient as possible, i.e. that transaction costs are not higher than necessary<sup>1</sup>.

The twelve articles in Section I of the TF Agreement are follows:

Article 1: Publication and availability of information

Article 2: Opportunity to comment, information before entry into force and consultations

Article 3: Advance rulings

Article 4: Procedures for appeal or review

Article 5: Other measures to enhance impartiality, non-discrimination and transparency

Article 6: Disciplines on fees and charges imposed on or in connection with importation and exportation and penalties

Article 7: Release and clearance of goods

Article 8: Border agency cooperation

Article 9: Movement of goods intended for import under customs control

Article 10: Formalities connected with importation, exportation and transit

Article 11: Freedom of transit

Article 12: Customs cooperation

It is important to underline that even though there are areas of overlap between the TF Agreement and the SPS Agreement, it is clearly stated in the TF Agreement that nothing it contains should be interpreted as diminishing the rights and obligations under the SPS Agreement<sup>13</sup>. This provision is a safeguard in areas where the TF Agreement goes beyond the SPS Agreement. It makes clear that efforts to streamline and improve efficiency of SPS controls does not diminish the right of countries to take risk based protective measures.

The provisions that concern transit in the TF Agreement do not add much to the SPS area. Measures concerning transit for food, agricultural products and live

<sup>13</sup> Article 24 Final Provisions § 6 of the TF Agreement.



animals are already covered by the SPS Agreement, as a measure with the purpose to protect animal and plant life and health in connection with transit is an SPS measure. Recommendations for transit procedures are found in the international standards, i.e. the ISPM:s developed by IPPC and the Terrestrial and Aquatic Codes by the OIE. For example, the obligation in paragraph 6 of article 11 that formalities and documentation requirements shall not be more burdensome than necessary to fulfil transit requirements, is already found in the SPS Agreement<sup>14</sup>. However, there is one new transit obligation that concerns SPS authorities, and that is to provide a description of the procedure (see below).

## 3.2 TF articles containing SPS components

### 3.2.1 Description of procedures

In the SPS Agreement, transparency obligations are found in article 7 and Annex B, and deal to a large extent with notification of new or changed SPS measures in advance, and allowing for comments from other Members. However, elaboration on the SPS transparency obligations are also found in a decision by the SPS Committee – the recommended procedures for implementing the transparency obligations (G/SPS/7/Rev.3)<sup>15</sup>, and in a Doha-round decision (WT/MIN(01)/17)<sup>16</sup>. In the latter, for example, the “reasonable interval” between publication and entry into force of SPS regulations is interpreted as six months at least. These documents can be understood as a development of the SPS Agreement, although their legal status is not binding but rather to be seen as recommendations. In (G/SPS/7/Rev.3), making SPS regulations available on the internet is encouraged, as well as providing websites or hyperlinks to regulations in notifications. Developed countries are also encouraged to provide translations of notifications upon request. Article 1 of the TF Agreement, Section I, adds the obligation that Members *shall make available through the internet a description of procedures - importation, exportation and transit procedures* - and if practicable in one of the WTO

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<sup>14</sup> See article 2 § 2, article 3 § 2, article 5 § 6 and Annex C of the SPS Agreement.

<sup>15</sup> World Trade Organization (WTO), 2013 “Recommended procedures for implementing the transparency obligations; G/SPS/7/Rev.3”.

<sup>16</sup> World Trade Organization (2001) “Doha WTO Ministerial 2001: Ministerial Declarations and Decisions, WT/MIN(01)/17, 20 November 2001.”  
[https://www.wto.org/english/thewto\\_e/minist\\_e/min01\\_e/mindecl\\_implementation\\_e.htm](https://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_implementation_e.htm)

languages. Forms and documents required should be published, as well as fees imposed by government agencies<sup>17</sup>.

**Fact box 4: How can an import procedure be visually described?**

In Sweden, a visual description of an import procedure for plant products was developed by the National Board of Trade during 2016. The work was inspired by a real case on direct imports of cut flowers from East Africa, where the importer – a small company – had found it difficult to get an overview of the procedure at the border. The mapping was departing from the question: What does a company need to know on beforehand when starting up an import activity, about direct requirements and indirect de-facto requirements?

It was found that a visual description of the procedure from a business perspective was useful, including a kind of checklist before entering into international trade with goods subject to phytosanitary controls. The visual description was also found useful to authorities, as it provided a map of border procedures, and described the pathway of the goods, the various actors involved and all the information flows. The map could also be useful in the authorities' common trade facilitation work, i.e. in analysing where bottlenecks arise<sup>1</sup>.

### 3.2.2 Consultations between border agencies and private sector

Article 2 of the TF Agreement settles that Members should provide opportunities to comment on proposed or changed regulations related to movement, release and clearance of good. The corresponding obligations on notifications of regulations is much more elaborated in the SPS Agreement (article 7 and Annex B), as well as in (G/SPS/7/Rev.3)<sup>18</sup>, than in the TF Agreement.

However, in paragraph 2 of article 2 in the TF Agreement, a new component is added. It is stated that Members shall, as appropriate, provide for regular *consultations between border agencies and traders or other stakeholders* in its territory, i.e. on the subject of regulations that affect the movement, release and clearance of goods. Cooperation between border authorities is furthermore developed in article 8 of the TF Agreement, see below.

<sup>17</sup> Article 1, §1 (a), (c), and §2 (a)-(b) of the TF Agreement.

<sup>18</sup> In G/SPS/7/Rev.3 it is clarified that the “reasonable time” for comments should be at least 60 days.

### 3.2.3 Voluntary advance rulings on SPS controls

Article 3 of the TF Agreement deals with advance rulings. An advance ruling is a written decision, provided by the importing country's Customs authority to the importer or exporter, on which tariff classification and origin of the good<sup>19</sup> that will apply. The article contains several paragraphs of which most are not related to SPS measures. Members are however encouraged in paragraph 9 of article 3 to provide *advance rulings on any additional matters* it considers appropriate. Interpreted from an SPS perspective, this could be information on beforehand to the applicant on a number of matters. For example, possibility to submit SPS documents prior to arrival, inspection frequency (percentage of consignments that will be subject to physical control and sampling), possibility for release at storage facility, operating hours of SPS border controls etc. In some countries this kind of information is already communicated to the importer or exporter, but how it is done can differ.

### 3.2.4 Appeal or review procedure

According to article 4 of the TF Agreement, Members are required to provide for administrative and/or judicial appeal of administrative decisions issued by customs, to an authority higher than or independent of the office that issued the decision. Members are also encouraged to provide for the same *appeal or review possibilities for administrative decisions issued by other relevant border agencies*. These can include agencies in charge of SPS controls. In the SPS Agreement, this question is addressed in Annex C. Here it is stated that Member shall ensure that a procedure exists to review complaints concerning the operation of control, inspection and approval procedures, and to take corrective action when a complaint is justified<sup>20</sup>. It does not specifically say that the appeal shall be made to a higher or independent authority. However, it is likely that many countries still fail to provide a possibility to appeal decisions on SPS measures at the border, at all. In that sense, it can be considered that the obligation to provide for a procedure to review complaints, found in the SPS Agreement, is reinforced by the TF Agreement, as it encourages Members to even provide for possibilities to appeal to a higher or independent authority.

The appeal procedure need not be very formalistic. It might for example be a good start to just publish information on how to go about in order to apply for a review of a decision, and which decisions that can be reviewed. For example, inspection frequency might not be possible to appeal, but perhaps actions taken on consignments where non-compliance has been identified can be appealed.

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<sup>19</sup> The advance ruling on origin is an assessment of which country of origin the goods should be ascribed, for the purpose of applying the rules of the Agreement on Rules of Origin of the WTO.

<sup>20</sup> Annex C, article 1 (i) of the SPS Agreement.

### 3.2.5 Inform on suspension of increased control frequency

Article 5 in the TF Agreement deals with a few different so called other measures to enhance impartiality, non-discrimination and transparency. The article concerns i.e. issuing and suspending enhanced control levels, informing traders on detention of goods and possibilities to allow for a second test in cases on non-compliance. Many of the provisions in this article are expressed as voluntary, i.e. the Members *may* grant an opportunity for a second test.

According to this article, Members *shall* however immediately suspend increased control frequency when circumstances giving rise to it no longer exist, and Members shall *publish information on the suspension, or inform the importer or the authorities in the exporting country*. Another binding component of article 5 is the obligation to *inform the trader (carrier or importer) in case of detention of goods*, i.e. for further inspections by customs or other competent authority such as SPS authorities. Should a consignment with plant products become subject to phytosanitary inspection, due to a regulation on increased inspection frequency, the importing country's authority in charge of the inspection need to inform the trader in advance.

Suspending increased control frequency when circumstances giving rise to it no longer prevail are implied by the SPS Agreement, as it follows from the principles of scientific justification and least trade restrictive measures. Publishing information on suspension of increased control frequency, or informing traders directly on this, is not however explicit in the SPS Agreement. Neither is it an explicit obligation in the SPS Agreement to inform traders on detention of goods, even if this might be something some countries' authorities do in practice anyway. These parts of article 5 thus consist of new obligations in the SPS field.

### 3.2.6 Disciplines on fees and charges for SPS controls

Article 6 of the TF Agreement requires that Members shall *publish information on fees and charges levied at the border*, other than import and export duties or other taxes, i.e. fees for phytosanitary inspections. Members shall also allow an adequate time between the publication of fees and their entry into force, and *periodically review fees and charges*.

Control procedures, such as phytosanitary inspections at the border, strictly fall under the definition of SPS measures<sup>21</sup>. As such, all the provisions of the SPS Agreement are in theory applicable to border inspections, including the obligation to notify and publish any proposed new or changed measure, and allow time for comments before new regulations enter into force. In Annex C of the SPS Agreement it is stated that fees for control, inspection and approval

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<sup>21</sup> Annex A in the SPS Agreement states that SPS measures include "all relevant laws, decrees, regulations, requirements and procedures including, inter alia, end product criteria; process and production methods; testing, inspection, certification and approval procedures; quarantine treatments" etc.

procedures imposed on imported products must be equitable to those charged on domestic products, and that they should not be higher than the actual cost.

Thus, it can be argued that article 6 of the TF Agreement does not add any new SPS requirements, apart from the requirement on periodic review of fees and charges. However, it is somehow a grey zone whether decisions on fees for inspections carried out to verify compliance with import requirements should actually be treated as standalone measures or not, according to the SPS Agreement. In that sense, article 6 of the TF Agreement adds specificity regarding the obligation to publish information on fees and charges for SPS border controls, reinforcing already existing obligations on transparency in the SPS Agreement. It also adds the new SPS obligation to periodically review fees for SPS border controls, which could be seen as standardizing how fees are put in place.

### 3.2.7 Releasing goods as quickly as possible

Article 7 of the TF Agreement on release and clearance of goods contains several paragraphs which are not applicable to the SPS-field. However, some paragraphs have a bearing on the SPS-field: paragraphs 1-2, 4 and 7-9 of article 7. In the first two paragraphs, it is settled that countries shall allow for the *pre-hand submission of import documentation and "other required information"* in order to begin processing prior to the arrival of goods. It does not specifically say submission of SPS documents such as health certificates, but it seems near at hand to consider such documentation as "other required information". In the next paragraph it is settled that countries shall, at least to the extent practicable, *allow for electronic payment of "duties, taxes, fees, and charges collected by customs"*. Fees for SPS controls at the border are commonly administered by customs, and even in cases where they are not, this sentence can still be interpreted as an encouragement to allow for electronic payment also of SPS border controls.

Paragraph 7.4 points at the principle of *basing border controls on risk*, i.e. concentrate controls on high-risk commodities and expedite the release of low-risk commodities. This principle is already central to the SPS Agreement, as well as to the ISPMs dealing with phytosanitary border controls, so this paragraph adds no new obligations.

In paragraph 7.7, authorized operator schemes are handled. The idea is that operators who can meet specific criteria and display a good record of compliance, reliability and guarantees for supply chain control and efficient internal management shall be granted facilitated measures. Such additional facilitation can be, as appropriate, i.e. less documentary requirements, lower inspection frequency, clearance at the premises of the operator or deferred payments. Consideration of additional facilitating measures covers also trade in agricultural products and plant products, subject to SPS regulations. The paragraph contains an *encouragement to develop authorized operator schemes*

**Fact box 5: How can duplication of control measures be avoided?**

According to the principle of equivalence in the SPS Agreement, an importing country should accept the SPS measures of an exporting country as equivalent, even if the measures differ from the ones in place in the importing country, as long as the measures can achieve the level of protection that has been deemed appropriate by the importing country. In practice, however, this has proven to be very difficult. Only in a few cases have countries been able to discuss, compare and agree that two different ways to handle the very same risk can be equivalent.

Another way to facilitate trade and reduce duplicative inspections can be to agree on so called authorized trader schemes. Simplified procedures or reduced control measure can be granted to traders who can provide enough assurance by means of certification by a third party. That is, if an accredited, independent third party can certify that specific requirements are met, inspected for and verified, then the importing country's authorities should not have to control for that again, and the authorized trader should be able to benefit from a more smooth and fast flow of goods.

(in 7.7.4), but does not consist of a mandatory requirement. In paragraph 7.8, it is stated that countries must have procedures for *expedited release of goods under certain conditions* in place. Paragraph 7.8.1 states that Members shall adopt or maintain procedures allowing for the expedite release of at least goods entered through air cargo, to persons who apply for such treatment, and who fulfil certain criteria. Still, nothing in this article shall affect the right of members to examine, detain, seize, confiscate or refuse entry of goods (in 7.8.3). All of the mentioned provisions in article 7 add new SPS obligations, apart from paragraph 7.4. on risk based measures that is already well developed in the SPS Agreement.

### 3.2.8 Priority shall be given to perishable goods

Article 7.9 introduces special obligations relating to perishable goods. Such goods are the goods that rapidly decay due to their natural properties in particular in the absence of appropriate storage conditions, i.e. fruits, vegetables, cut flowers or other plant products. The article obliges countries *give priority to perishable goods when scheduling inspections*. Perishable goods shall be released within the shortest possible time, and in exceptional circumstances - if appropriate - even outside the business hours of customs and other relevant authorities.

Authorities in the importing country shall also either *arrange for, or allow the importer to arrange for, the proper storage of perishable goods*, while awaiting release. Such storage facilities and the operators moving good to these facilities may be subject to an approval procedure by the authorities. If practically feasible and consistent with the domestic legislation, it should also be made possible to *release the goods at those storage facilities*, in case the importer wants that. If there would be a significant delay in the release of perishable goods, the importing country's authorities shall, to the extent practicable, *provide an explanation for the delay* to the importer. All of the provisions relating to perishable goods are new, and not found in the SPS Agreement.

### 3.2.9 Border agencies shall cooperate and coordinate activities

Article 8 of the TF Agreement stipulates that countries must ensure that its *authorities involved in border controls cooperate and coordinate their activities* in order to facilitate trade. To the extent possible, *countries that share a common border shall also pursue cooperation* among their authorities involved in border procedures. This kind of cooperation and coordination may include alignment of opening hours; alignment of procedures and formalities; developing and sharing facilities; joint controls or establishing a one stop border post control. Both these components of article 8 are adding new SPS obligations, since they are not found in the SPS Agreement.

### 3.2.10 Streamlining formalities and handling of documents

Article 10 paragraph 1 basically states that countries' authorities shall *review formalities and document requirements*, with a view to release goods - especially perishable goods - as quickly as possible, as appropriate to circumstances. Streamlining formalities and document requirements can be seen as pursuing standardization of what takes place at the border.

Moreover, according to paragraph 10.2, countries shall *endeavour to accept paper or electronic copies* of documents. If one government agency holds the original, other agencies shall accept copies. Copies of export declarations provided to customs in the exporting country shall not be requested. However, it is made clear that nothing in the article shall prevent member countries from requiring certificates, permits or licenses for regulated goods, i.e. phytosanitary

health certificates. Thus, the paragraph aims at simplification and flexibility of procedures.

Paragraph 10.3 encourages the *use of international standards*, but this principle is already well developed in the SPS Agreement and the paragraph adds nothing new from an SPS perspective. The concept of *single window – a digital joint entry point for information and documentation to several authorities* – is encouraged in paragraph 10.4.

In paragraph 10.5, it is stated that pre-shipment inspections are not allowed for the purpose of tariff classification or customs valuation. However, it is clarified that the paragraph does not preclude pre-shipment inspections for SPS purposes, i.e. so called *pre clearance inspections of food or agricultural products for SPS purposes are still allowed*. Thus, this paragraph can be seen as an obligation to accept pre clearance inspections for SPS purposes.

Finally, paragraph 10.7 and 10.8 also refer to SPS procedures. In 10.7 it is stated that *procedures and document requirements shall be applied in a consistent and uniform manner throughout a country*, i.e. not differ at different points of entry for like goods. Yet, the paragraph makes clear that countries do have the possibility to differentiate procedures and document requirements for SPS purposes, as long as it is still in line with the SPS Agreement. This provisions adds certain clarity to the SPS Agreement, as it explicitly states that requirements shall not differ at different points of entry, if there is no scientific justification for that.

When it comes to rejected goods that have been found to be non-compliant with SPS regulations, paragraph 10.8 states that *countries shall allow the importer to return the consignment, or send it onwards* to another destination. This must take place within a reasonable period of time, after which the competent authority may decide otherwise. This paragraph adds new provisions in the SPS field, as the issue of how to handle rejected goods is not dealt with in the SPS Agreement.

Thus, article 10 of the TF Agreement adds both new obligations and encouragements.



**Fact box 6: Research on trade facilitation in SPS area in developing countries**

In 2014 two regional studies on trade facilitation in the SPS area in Southern Africa and Southeast Asia were produced by the STDF (Standards and Trade Development Facility)<sup>1</sup>.

The studies pointed to the importance of using risk based measures, providing better information on measures, developing digital services (i.e. for application forms and payments), developing coordination between authorities and between authorities and the public sector. Clarity and awareness of the different roles can reduce the risk for overlapping requirements. Better and systematic cooperation with the private sector can help authorities to prioritize when resources are scarce. The importance of periodically reviewing regulations, procedures and cooperation mechanisms was also stressed, as a means to ensure that measures are motivated, efficient and well adapted to the purpose.

Applying SPS capacity evaluation tools of the standard setting organisations<sup>1</sup>, or the PIMA-tool<sup>1</sup> developed by the STDF, are all processes whereby cooperation and coordination can be improved. One of the studies suggested that Good Regulatory Practices for SPS measures should be developed.

## 4 Findings and discussion

### 4.1 Findings

In this study, the SPS-related components of the TF Agreement have been analysed. 25 different components were found, under 10 articles of the TF Agreement. Some components are obligations (direct requirements), others are formulated as encouragements (best-endeavour-clauses). Some add new obligations in the SPS area, whereas others reinstate and/or clarify already existing obligations in the SPS Agreement. The findings are summarized in Table 1 below.

When analysing the 25 components, it was found that they could be categorized into *five* different categories: Transparency, Simplification, Harmonization, Standardization and Coordination. It is thus suggested that Coordination is added as a fifth pillar to the model of trade facilitation in the SPS area.

Coordination is seen as encompassing cooperation, since it would be difficult i.e. for authorities to coordinate formalities without cooperating. The Simplification category includes measures such as eliminating unnecessary elements and duplications in formalities, but also measures that provide more flexibility. Providing alternate way of fulfilling a requirement that will result in the same level of protection, i.e. through digital solutions is an example of this.

The category simplification stand for most of the SPS components (11) in the TF Agreement, see Figure 3. Improved transparency stand for the next largest share (6), followed by coordination (3), standardization (3) and harmonization (2). Of course, these shares say nothing about the relative importance of the categories (pillars), but it shows were WTO Member countries have found room for development of new trade facilitation obligations.

As illustrated in Figure 4, trade facilitation in the SPS area can thus be seen as resting on *five pillars*, as a result from identifying coordination as a missing pillar.

### Categorization of 25 SPS components in the TF Agreement

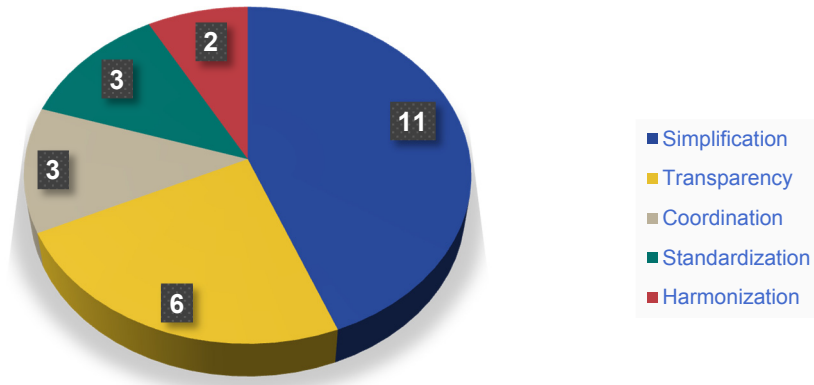


Figure 3: Categorization of 25 SPS components in the TF Agreement into five categories (pillars).

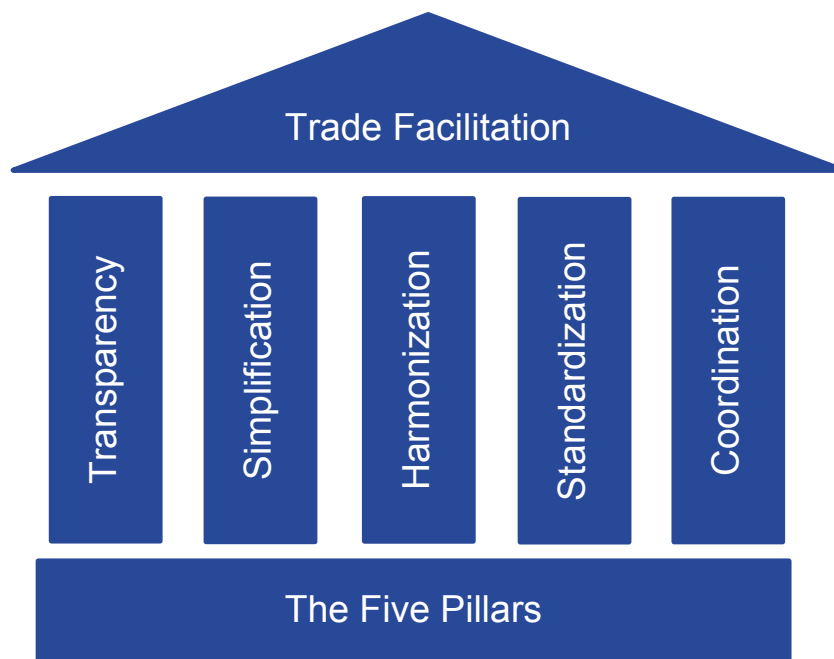


Figure 4: Five pillars of Trade Facilitation, rather than four pillars.

**Table 1: SPS components of the TF Agreement**

	Component	Already in SPS Agreement - possibly reinforced by TF Agreement	New or more detailed in TF Agreement	Obligation (direct requirement) or Encouragement (best-endeavour-clause)	Categorization of component
1	Description of procedures		X	OBLIGATION	TRANSPARENCY
2	Consultation between border agencies and private sector		X	OBLIGATION	COORDINATION
3	Voluntary advance rulings on SPS measures at border		X	ENCOURAGEMENT	TRANSPARENCY
4	Appeal or review procedure on SPS border measures	X		ENCOURAGEMENT	TRANSPARENCY
5	Inform on suspension of increased inspection frequency, and detention of goods	X		OBLIGATION	TRANSPARENCY
6	Disciplines on fees and charges: -Publish information on fees and charges, and allow time between publication and entry into force	X		OBLIGATION	TRANSPARENCY
	-Periodically review fees and charges		X	OBLIGATION	STANDARDIZATION
7	Releasing goods as quickly as possible: -Allow for submission of SPS documentation prior to arrival		X	OBLIGATION	SIMPLIFICATION
	-Allow for electronic payment of fees		X	ENCOURAGEMENT	SIMPLIFICATION
	-Risk based border controls	X		OBLIGATION	HARMONIZATION
	-Consider facilitated measures for authorized operators		X	ENCOURAGEMENT	SIMPLIFICATION
	-Procedure to apply for expedite release of at least air cargo		X	OBLIGATION	SIMPLIFICATION
8	Priority shall be given to perishable goods: -Priority when scheduling inspections		X	OBLIGATION	SIMPLIFICATION
	-Allow for proper storage facilities		X	OBLIGATION	SIMPLIFICATION
	-If possible allow for release at storage facility		X	ENCOURAGEMENT	SIMPLIFICATION
	-Provide explanation for delay of inspections to extent practicable		X	OBLIGATION	TRANSPARENCY

9	Cooperation and coordination of border agencies:  -cooperation and coordination of activities		X	OBLIGATION	COORDINATION
	-cooperation with neighbouring country's authorities to extent possible		X	OBLIGATION	COORDINATION
10	Review and streamline formalities and handling of documents:  -Regular review of formalities and documentary requirements		X	OBLIGATION	STANDARDIZATION
	-Strive to accept paper copies or digital copies of documents		X	ENCOURAGEMENT	SIMPLIFICATION
	-Base measures on international standards	X		ENCOURAGEMENT	HARMONIZATION
	-Strive to use single window for all involved border authorities		X	ENCOURAGEMENT	SIMPLIFICATION
	-Pre shipment inspections for SPS purposes are allowed	X		OBLIGATION	SIMPLIFICATION
	-Not apply different requirements at different points of entry		X	OBLIGATION	STANDARDIZATION
	-Allow for return or onward transport of rejected consignments		X	OBLIGATION	SIMPLIFICATION

**Table 2: SPS obligations in the TF Agreement – directly binding requirements that concern what SPS border authorities shall do**

Obligation	Category
Ensure that SPS border controls are risk based	HARMONIZATION
Perform regular review and streamlining of formalities and documentary requirements	STANDARDI-ZATION
Perform periodical review of fees and charges	
Ensure that procedures and document requirements are applied in a consistent and uniform manner throughout the country	
Consult with traders or other stakeholders regulations that affect movement, release and clearance of goods	COORDINATION
Cooperate and coordinate customs and SPS border authorities' activities	
Cooperate with neighbouring country's customs and SPS border authorities to extent possible, if shared border	
Provide through the internet a description of procedures taking place at the border	TRANSPARENCY
Publish information on fees and charges, and allow time between publication and entry into force	
Provide explanation to importer for delay of inspections of perishable goods to extent practicable	
Publish information on suspension of increased inspection frequency, or inform importer or authorities, and inform importer on detention of goods	
Allow for submission of SPS documentation prior to arrival of consignments	SIMPLIFICATION
Establish procedure whereby trading companies can apply for expedite release of at least air cargo	
Ensure that priority is given to perishable good when inspections are scheduled	
Arrange for or allow importer to arrange for proper storage facilities at the border for perishable goods	
Pre shipment inspections for SPS purposes should be accepted	
Allow importer to return rejected consignments, or send them to other destination, within reasonable period of time	

## 4.2 Discussion

This study has found and analysed 25 SPS components in the TF Agreement. The components that go further than the SPS Agreement are components that refer to the categories Transparency, Simplification, Standardization and Coordination.

As regards transparency, the new obligations underline the business perspective. The information provided by SPS border authorities needs to be adapted to the target group, i.e. trading companies. New information requirements deal with describing approval procedures, informing in advance on SPS border measures and on existing appeal possibilities, informing on detention of goods and suspension of increased inspection frequency. Moreover, authorities need to inform on fees and charges for SPS border measures, and commit to reviewing fees and charges in place regularly.

New obligations for standardization require regular review of formalities, documentary requirements, fees and charges and also that the same requirements shall apply at all entry points.

Obligations that aim to simplify and provide more flexibility for trading companies deal to a large extent with encouraging more efficient, streamlined and digitalised handling of documents. It also deals with allowing priority treatment for perishable goods under certain conditions and considering facilitated procedures for authorized operators. A certain amount of increased flexibility comes with the obligation to allow returning or forwarding onward rejected consignments.

New obligations on coordination between Customs and SPS authorities, between authorities in neighbouring countries and between authorities and the private sector should be established in the TF Agreement. Such coordination should be carried out in a cooperative way to strive for continuous improvement. Focus should be on risk management and achieving the purpose of measure in a way that is as smooth as possible for trading companies.

If the new SPS obligations of the TF Agreement can be successfully implemented it can lead to more predictability for businesses, and reduce costs related to limited access to information, or non-risk based requirements. In the same time, the new SPS obligations established with the TF Agreement have the potential to make more efficient use of government resources and to make the SPS import regulatory system more efficient and fit for its' purpose.

**Fact Box 7: Recommendations for border authorities on formalised coordination and cooperation for trade facilitation**

Coordination between i.e. Customs and SPS authorities regarding border measures might need to be formalised in order to be efficient and continuous. A standing agenda for such a cooperation could be established, in order to ensure

- regular review of various information provided to traders
- regular review of fees, charges, documentary requirements
- regular review of digital solutions in place
- ideas on additional measures simplify and to improve flexibility for traders
- consideration on views of business associations (private sector)
- consideration on shared interests with neighbouring countries' border authorities



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