

WORLD TRADE ORGANIZATION

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**Working Party on the
Accession of Nepal**

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ACCESSION OF THE KINGDOM OF NEPAL

Checklist of Illustrative Sanitary and Phytosanitary (SPS) Issues for Consideration in Accessions

The following Checklist of Illustrative SPS Issues has been received from the Ministry of Commerce of the Kingdom of Nepal, with the request that it be circulated to Working Party members.

Commitments (by the time of accession)	WTO Reference	Domestic Provisions
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	1. Generally agreed principal in WTO accession negotiations.	1. All new S&P regulations will be in accordance with Codex Alimentarius.
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	2. Article 7 and Annex B.3.	2. Enquiry point will be established.
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, Also G/SPS/7.	3. - Section 10 of Animal Feed Act, 1976. - Section 7 of Food Act, 1966. - Sections 7, 11, 18 of Seed Act, 2045 (1988). - Section 3 of Plant Protection Act, 2029.
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5.(b) and Annex B.10.	(a) Authority responsible for making notifications to the WTO and implementation is to be declared after accession.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5(a).	(b) All laws and notifications have to be published in Nepal Gazette. -Section 10 of Animal Feed Act, 1976 -Section 7 of Food Act, 1966 -Sections 11, 18 of Seed Act, 1988 -Section 3 of Plant Protection Act, 2029.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5.(c).	(c) It will be arranged immediately after the accession.
(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.	(d) Annex B.5(d).	(d) It will be arranged immediately after the accession.

Commitments (by the time of accession)	WTO Reference	Domestic Provisions
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2.2.	4. - Sections 2(b), 2(c), 3, 8 of Food Act, 1966 - Sections 2(b), 3, 6(2), 11 of Animal Feed Act, 1976 - Sections 12, 13, 14, 9, 2(1)(6) of Seed Act, 1988 - Sections 3(h), 3(3), 6(c) of Plant Protection Act, 2029
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	5. Articles 2.2, 3.3 and 5.2.	5. - Sections 2(b), 2(c), 3, 8 of Food Act, 1966 - Sections 2(b), 3, 6(2), 11 of Animal Feed Act, 1976 - Sections 12, 13, 14, 9, 2(1)(6) of Seed Act, 1988 - Sections 3(h), 3(3), 6(c) of Plant Protection Act, 2029
6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	6. Articles 3.1, 3.3 and 3.4.	6. Nepal, to the extent possible, has followed international standards, guidelines, and recommendations in establishing SPS measures.
7. Equivalence: members shall recognize different measures that achieve the same level of protection.	7. Article 4.	7. No laws prohibit for equivalence.
8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	8. Article 5.1, 5.2 and 5.3.	8. - Sections 2(b), 2(c), 3, 8 of Food Act, 1966 - Sections 2(b), 3, 6(2), 11 of Animal Feed Act, 1976 - Sections 12, 13, 14, 9, 2(1)(6) of Seed Act, 1988 - Sections 3(h), 3(3), 6(c) of Plant Protection Act, 2029
9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	9. Article 6 and Annexes A.6 and A.7.	9. - Section 13(2) of Seed Act, 1988 - Sections 3(c), 3(h) of Plant Protection Act, 2029

Commitments (by the time of accession)	WTO Reference	Domestic Provisions
10.Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	10.Article 2.3, and Annex C.1(a) and (d).	10.MFN and National treatment is respected.
11.Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement.	11.Article 8 and Annex C.	11. There is no inconsistent provisions.
