

The Notification Message

Note: Please fill in and submit with every notification in terms of Directive 98/34/EC as amended by Directive 98/48/EC and send VIA EMAIL to Dr. Lorna Mifsud Cachia at lorna.cachia@msa.org.mt OR notification@msa.org.mt .

PRESENTATION AND CONTENT OF THE NOTIFICATION MESSAGE¹

- 1. Special Code**
- 2 Ministry Responsible**
Name and address (Telephone N° and fax N°) of the Ministry's portfolio within which the subject matter of the notification falls.
- 2B Originating Department**
Department responsible for preparing the draft.
- 3. Name of Contact Person effecting the notification**
- 4. Notification Number – leave blank**
Number allocated by the Commission, which forwards the information message in the original language to all the Member States, including the notifying party, thus informing everyone of the notification number (year/serial number/Member State, e.g. 99/0123/B).

This number should then be used in all messages or correspondence concerning the draft.

¹ Fill in information instead of instructions which are in italics

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5. Title

The notifying party must give the full formal title of the draft.

6. Products and/or Services Concerned

The notifying party must indicate the products and/or services concerned by the draft regulation in plain language.

7. Notification Under Another Community Act

The notifying party should specify whether it is also notifying the draft under any one (if any) of the following:

- a) **Directive 79/112/EEC on the Labelling, Presentation and Advertising of Foodstuffs (O.J.L 33/79) as amended.**
- b) **Directive 93/43/EEC on Hygiene of Foodstuffs (O.J.L 175/93).**
- c) **Regulation 315/93 on Contaminants in Food(O.J.L 37/93)**
- d) **Other please specify**

8. Main Content

The notifying party must summarise the content of the draft technical regulation not more than 20 lines. The length of the summary should be in keeping with the importance of the draft.

It is important for notifying parties to put forward at least a few keywords to summarise the text in order to facilitate computer retrieval.

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9. Brief Statement of Grounds

The notifying party must set out in not more than 10 lines the reasons and the necessity for preparing the draft. (Parties are requested not to repeat information already given under other points of the notification message.)

10. Reference Documents - Basic Texts

- a) The notifying party must supply **references to basic texts** necessary to assess the draft. Mentioning such a reference implies that the basic texts will be sent to the MSA at the same time as the draft.*
- b) If the basic texts have **already been transmitted in the framework of another notification**, the number of this notification has to be stated.*
- c) If the basic text **corresponds to a previous notification**, which entered in the meantime into force, and for which the party has transmitted the final text, the number of the previous notification has to be indicated.*
- d) In the case that **no basic text exists**, parties have to indicate this, so that unnecessary requests of basic texts can be avoided.*

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- 3) *Where the draft seeks to limit the **marketing or use of a chemical substance, preparation or product** on grounds of public health, or the protection of consumers or the environment, parties are required under Article 8.1.(4) of the Directive 98/34/EC to forward either a summary or the references of all relevant data relating to the substance, preparation or product concerned and to known available substitutes where such information may be available, and communicate the anticipated effects of the measure on public health and protection of the consumer and the environment, together with an analysis of the risk carried out as appropriate in accordance with the general principles for the risk evaluation of chemical substances as referred to in Article 10(4) of Regulation (EEC) 793/93 in the case of existing substances or Article 3(2) of Directive 67/548/EEC (as amended by Directive 92/32/EEC) in the case of a new substance.*

11. Invocation of the Emergency Procedure

*The notifying party must indicate whether **Yes** or **NO** it is having recourse to the emergency procedure*

12. Grounds for the Emergency

*If the party answers **Yes** it must give an exact and detailed justification of the grounds for the emergency.*

13. Confidentiality

a) The notifying party must indicate whether **Yes** or **No** it is requesting that the information supplied is to be treated as confidential

b) If the party answers **Yes** it must give reasons.

14. Fiscal Measures

a) **Yes**

b) **No**

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15. Impact Assessment

Please tick below as appropriate:

- a) Information on the impact assessment can be found on page...
The notifying party which has carried out an impact assessment and mentions its results in the explanatory part of the draft, has to indicate where in the transmitted documents this information can be found.

- b) The impact assessment is attached.
The notifying party which has carried out an impact assessment and has the intention to annex it as such to the draft, has to indicate the fact that such an assessment can be found in annex. The transmission of the impact assessment takes place at the same time as the transmission of the draft.

16. TBT and SPS Aspects

TBT Aspect

- a) *The notifying party has to indicate whether **YES** or **NO** the draft will be notified in the TBT framework (Agreement on Technical Barriers to Trade).*

- b) Should the party respond with **NO**, it indicates the reasons that have motivated its decision. Please tick below as appropriate:
 - i) The draft is not a technical regulation nor a conformity assessment procedure in the sense of Annex 1 of the TBT Agreement.

 - ii) The draft is in conformity with an international standard.

 - iii) The draft does not have a significant effect on international trade.

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SPS Aspect

- a) *The notifying party has to indicate whether YES or NO the draft will be notified in the SPS framework (Agreement on the Application of Sanitary and Phytosanitary Measures).*
- b) Should the party respond with **NO**, it indicates the reasons that have motivated its decision. Please tick below as appropriate:
- i) *The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.*
- ii) *The content of the draft is in essence the same as the one of an international standard, guideline or recommendation.*
- iii) *The draft does not have a significant effect on international trade.*