WORLD TRADE ORGANIZATION

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Committee on Sanitary and Phytosanitary Measures Original: English

EXPERIENCES IN RECOGNIZING EQUIVALENCE OF PHYTOSANITARY MEASURES

Submission by New Zealand

1. In response to the Chairman's request for Members to share their experiences on the implementation of equivalence (G/L/423), New Zealand submits this paper on its experience in recognizing equivalence of phytosanitary measures. It deals with recognition, on an *ad hoc* basis, of the equivalence of particular phytosanitary measures to protect against specific risks.

Background

2. The SPS Agreement, in Article 4, provides:

> "1. Members shall accept the sanitary or phytosanitary measures of other Members as equivalent, even if these measures differ from their own or from those used by other Members trading in the same product, if the exporting Member objectively demonstrates to the importing Member that its measures achieve the importing Member's appropriate level of sanitary or phytosanitary protection. For this purpose, reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures.
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> 2. Members shall, upon request, enter into consultations with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures."

3. The Glossary of Phytosanitary Terms (International Standard for Phytosanitary Measures, publication No. 5, 1999) defines equivalence as:

> "The situation of phytosanitary measures which are not identical but have the same effect."

4. In order to allow importation of arable or horticultural products and other regulated articles ("risk goods" under New Zealand's Biosecurity Act 1993) to occur without jeopardizing the life or health of plants in New Zealand, and to prevent other damage to the environment from pests, phytosanitary officials in New Zealand have developed and implemented an integrated biosecurity system. This biosecurity system involves the ongoing development and implementation of phytosanitary measures aimed at ensuring that regulated pests associated with imported commodities will not enter New Zealand at a rate above their establishment threshold. Depending on the consequences of establishment, a range of phytosanitary measures, including off-shore treatments, are deployed to meet this end.

Principles of equivalence

5. New Zealand encourages countries wishing to export goods to New Zealand that may constitute a phytosanitary risk to, where appropriate, propose equivalent phytosanitary measures as a means of meeting New Zealand's biosecurity requirements for imported risk goods. Equivalent treatments may be proposed either for the whole pest complex associated with the commodity or for a specified named pest or pests.

6. In protecting against the risks of certain fruit fly species establishing in New Zealand, a number of phytosanitary measures may be considered as providing equivalent protection if objective evidence can be provided of their efficacy, for example:

- heat treatment (e.g. high temperature forced air, vapour heat treatment, hot water dip);
- cold treatment (e.g. cold storage, both in-transit and in country of origin);
- chemical treatments (e.g. fumigants, dips, dustings, flood spraying);
- irradiation;
- physiology of commodity (e.g. stage of maturity, stage of ripeness);
- time of import;
- combination of one or more of the above (a systems approach).

7. The concept of equivalence relates to outcomes, not the methods used to achieve those outcomes. In other words, the phytosanitary measures proposed and recognized as equivalent must deliver the level of protection against risks that is considered appropriate by the importing country in the situation under consideration.

Examples of recognition of equivalent phytosanitary measures

8. In New Zealand the Ministry of Agriculture and Forestry (MAF) is responsible for developing and applying almost all phytosanitary measures to imported goods. This paper sets out several examples of how MAF has recognized specific phytosanitary measures as providing an equivalent level of protection to that achieved by measures originally required.

Acceptance of high-temperature forced air as an effective fruit fly disinfestation treatment

9. In 1994, changes in New Zealand regulations to the maximum residue limit for ethylene dibromide (EDB) effectively eliminated this fumigant as a viable post-harvest disinfestation treatment for fruit flies. The unavailability of EDB treatment resulted in the cessation of imports of mango, papaya and eggplant from several South Pacific countries, and initiated the search for an alternative disinfestation treatment for fruit flies.

10. With funding from New Zealand's Overseas Development Assistance Programme, a government-owned research institute (HortResearch) undertook extensive research to demonstrate the efficacy of high-temperature forced air (HTFA) as an alternative disinfestation treatment for a number of fruit fly species found in the South Pacific. This research resulted in the HTFA treatment being approved for use in several countries on various crops that are host to particular fruit fly species, prior to export to New Zealand.

Acceptance of a "winter window" for cucurbits imported from Australia

11. Cucurbits imported into New Zealand from Australia have traditionally been treated (with a post-harvest dip in dimethoate) against economically-important fruit fly species. In 1999, Australian authorities approached New Zealand MAF requesting that for cucurbits that were host to only *Bactrocera cucumis*, the post-harvest dip need not be applied as climatic data indicated the probability of the pest being able to establish in New Zealand was extremely low.

12. MAF was concerned that a summer population of *Bactrocera cucumis* could establish (with associated effects on production costs and market access), but recognized that the likelihood of a winter population establishing was virtually zero particularly when other mitigating factors such as field pest control and commercial grading undertaken in Australia were considered. Accordingly a winter import period (1 May-30 September each year) was recognized as being equivalent to a post-harvest chemical dip, and MAF has removed the requirement for this treatment during these (southern hemisphere) winter months.

Acceptance of tamper-proof official stickers for accompanied consignments of fresh orchids from Singapore

13. Unaccompanied commercial consignments of cut flowers exported from Singapore to New Zealand must be inspected and accompanied with a phytosanitary certificate. New Zealand had previously required that consignments of fresh cut flowers of the family Orchidaceae brought to New Zealand from Singapore by passengers also be accompanied by phytosanitary certification.

14. New Zealand has recently accepted the use of tamper-proof stickers (issued by the National Plant Protection Organisation of Singapore) affixed to such accompanied consignments. The use of this measure as equivalent to certificates to verify official inspection of the consignment was accepted on the basis of demonstrated history of compliance with the phytosanitary requirements and low pest interceptions associated with the pathway.

Conclusion

15. Recognizing equivalence of particular phytosanitary measures to protect against specified risks conforms with Article 4 of the SPS Agreement and the requirements of the International Plant Protection Convention. In practice, recognition of equivalence takes place only after considerable dialogue between two (or more) countries. The exporting country must provide robust technical information to support its application for an importing country to recognize alternative phytosanitary measures as providing protection against risks equivalent to that achieved by the prescribed import requirements.