

Committee on Sanitary and Phytosanitary Measures

EQUIVALENCE

Note by the Secretariat

1. Following the two informal meetings of the SPS Committee on the issue of equivalence in the context of developing country concerns, this note is intended to assist Members in advancing the discussion. The note draws on and summarizes information provided by Members and international organizations in the context of formal and informal meetings of the SPS Committee.¹ It identifies the specific concerns raised by developing country Members and endeavours to identify possible means of addressing these. The Annex summarizes the main points raised by Members in their submissions regarding equivalence.

INTRODUCTION

2. Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures ("SPS Agreement") states that:

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.

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 purpose of equivalence is to facilitate trade. As has been noted in the discussions, equivalence does not replace the need for the development and use of international standards and should not be used as an instrument for discrimination, or result in additional barriers to trade.

"SAMENESS NOT EQUIVALENCE"

4. A concern raised by several developing country Members is the perception that instead of recognizing the equivalence of a developing country's SPS measure, an importing country often requires "sameness", i.e. the developing country has to demonstrate that its sanitary or phytosanitary

¹ Including the reports of the Chairman of the SPS Committee to the General Council, G/L/423 and G/L/445.

measure is entirely the same as that of the importing country. This is considered to be a major impediment to entering into equivalence agreements.

"ADMINISTRATIVE BURDEN"

5. Some Members noted that formal equivalence determinations and/or agreements at the systems level are rare, and are resource intensive and time-consuming to negotiate. It was also pointed out that both the importing and the exporting country face administrative burdens associated with formal equivalence agreements. Moreover, equivalence agreements are not a necessary condition to gain access to another Member's market and recourse to other provisions of the SPS Agreement prior to a request for formal equivalence consultations may yield more immediate trade benefits.

6. However, other Members were concerned that although an importing country might consider that the administrative burden of an equivalence agreement is not justified, especially when the anticipated trade benefits are small, improved access through acceptance of equivalence could be very important to the exporting country. In this regard, it was also noted that a developing country's exports are often concentrated in a limited number of products and involve few enterprises.

7. At the same time, it was stressed that ad hoc acceptance of the equivalence of specific products, or of the equivalence of certain technical aspects related to SPS measures, is very commonplace. This acceptance of equivalence often occurs at the technical level, and is not necessarily reflected in any formal bilateral agreement.

8. At its meeting of March 2001, the Committee endorsed the following conclusion:

"While noting the concept of equivalence is not about "duplication" or "sameness of measures", the Committee recognized that equivalence may take many different forms, ranging from the acceptance of the equivalence of particular sanitary and phytosanitary measures to protect against specific risks in a specific product, to formal systems-wide or broad-ranging agreements on equivalence. The Committee also recognized that the more broad-ranging the equivalence agreement, the more difficult it may be to conclude."

Possible approach

9. A possible approach to address both the "sameness" concern and the "administrative burden" issue is the acceptance of equivalence at the technical level (i.e. equivalence for a specific product or of a particular sanitary and phytosanitary measure) as a first step, moving gradually, when necessary and appropriate, to more comprehensive and formal systems-wide or broad-ranging agreements on equivalence. In other words, instead of seeking a formal systems-wide or broad-ranging equivalence agreement, Members may wish to start with a more targeted approach and agree on the equivalence of a single product or measure (which may or may not require an equivalence agreement). If the need exists or arises, the Members may subsequently seek to broaden the recognition of equivalence and enter into a systems-wide agreement.

APPROPRIATE LEVEL OF PROTECTION

10. One of the critical elements in the process of recognition of equivalence is that the sanitary or phytosanitary measures used by the exporting country have to achieve the appropriate level of

protection of the importing country.² It is therefore essential that the importing country determines its appropriate level of protection and that the exporting country satisfactorily demonstrates that it can achieve this level. Some Members, however, have indicated that it is often difficult to identify the appropriate level of protection of the importing country.

Possible approach

11. An importing Member could, whenever possible, clearly identify the appropriate level of protection which its sanitary or phytosanitary measure is designed to attain. In doing so, Members should take into account the *Guidelines to Further the Practical Implementation of Article 5.5* adopted by the SPS Committee at its meeting of 21-22 June 2000.³

12. An importing Member could explain to the exporting country the objective of the sanitary or phytosanitary measure and identify the risks that the relevant measure is intended to address. Where appropriate, the explanation could be accompanied by a copy of the risk assessment underlying the sanitary or phytosanitary measure.

13. In order to enable the importing Member to decide whether the alternative measure of the exporting country provides the adequate level of protection against a given risk, the exporting Member could provide appropriate, science-based technical information to support its application for recognition of equivalence.

14. In accordance with Article 9 of the SPS Agreement, the importing country could provide technical assistance requested by the exporting country to help identify and implement measures which are recognized to be equivalent.

INTERNATIONAL HARMONIZATION

15. Several Members stressed the need for the elaboration of international guidelines on equivalence which would allow the systematic application of the principle. Guidelines should deal with recognition and judgement of equivalence. The Codex Alimentarius Commission has developed guidelines for the design, operation, assessment and accreditation of food import and export inspection and certification systems. Codex has also developed guidelines for the development of equivalence agreements regarding food import and export inspection and certification systems. Codex is currently developing guidelines on the judgement of equivalence of sanitary measures associated with food inspection and certification systems.

16. Although neither the Office international des épizooties (OIE) nor the International Plant Protection Convention (IPPC) have yet addressed the issue of systems-wide equivalence agreements, both are in the process of examining the work of the Codex in this regard. For animal health and plant protection, ad hoc acceptance of equivalence of specific products or of certain technical SPS aspects is widespread.

² In *Salmon*, the Appellate Body noted that the determination of the appropriate level of protection is a prerogative of the Member concerned, and that there is no obligation to determine the appropriate level of protection in quantitative terms. The Appellate Body continued: "This does not mean, however, that an importing Member is free to determine its level of protection with such vagueness or equivocation that the application of the relevant provisions of the SPS Agreement, such as Article 5.6, becomes impossible." (WT/DS18/AB/R, paras. 199 and 206).

³ G/SPS/15

Possible approach

17. Members could actively participate in the ongoing work in Codex on the issue of equivalence, and in any related work in the OIE and IPPC. In this regard, it is worth recalling that at the request of the General Council, the Director-General is exploring with the relevant international standard-setting organizations and relevant intergovernmental organizations financial and technical mechanisms to assist the participation of developing countries in standard-setting activities.⁴ The recent initiative by FAO to establish a "Food Safety and Quality Facility for Least Developed Countries" is an important step in this regard.

18. The Committee could formally request the OIE and IPPC to consider the need for the elaboration of guidelines on equivalence of sanitary and phytosanitary measures and equivalence agreements in the animal health and plant protection areas.

TRANSPARENCY AND CONFIDENCE

19. Several Members expressed concern with regard to the lack of transparency in relation to equivalence agreements. The notification of such agreements is not mandatory under the transparency provisions of the Agreement, and developing countries raised the concern that they have not been provided with an opportunity to participate in the existing bilateral and multilateral agreements between developed countries. On the other hand, it was pointed out that it is within the scope of Enquiry Points to provide information on recognition of equivalence or equivalence agreements, and to provide copies of all relevant documents upon request.

20. At its meeting of March 2001, the Committee endorsed the following conclusions:

"The provision and exchange of data and information is critical for the recognition of equivalence. Therefore, Members reaffirm their commitment, in accordance with Article 7 and Annex B, paragraph 3, of the SPS Agreement, that their SPS Enquiry Point will provide requested information on recognition of equivalence, as well as on their participation in any bilateral or multilateral equivalence agreements, including the texts of such agreements.

"To further enhance transparency, Members will inform the SPS Committee of their recognition of the equivalence of the sanitary and phytosanitary measures of other Members."

21. The importance of trust-based dialogue was also emphasized in terms of the communication and transparency between parties negotiating recognition of equivalence or equivalence agreements. This is critical not only for the negotiation of recognition of equivalence or equivalence agreements but also for their implementation.

Possible approach

22. In the light of Committee's conclusion, the recommended notification procedures⁵ could be revised to encourage the notification of recognition of the equivalence of sanitary and phytosanitary measures of other Members, as well as to provide information on their participation in any bilateral or multilateral equivalence agreements.

⁴ WT/GC/42 & WT/GC/45

⁵ G/SPS/7/Rev.1

23. Members could also be requested to provide additional information on any experiences they have had in the recognition of equivalence.

FUTURE WORK

24. At its meeting of March 2001, the Committee also endorsed the following conclusion:

"The Committee agreed to continue its work with regard to equivalence to develop concrete guidance, based on contributions from Members and in close cooperation with the relevant standard-setting bodies, that will enhance the opportunity for all Members, and in particular developing country Members, to benefit from the recognition of equivalence, including through equivalence agreements."

Possible Approach

25. The Committee could develop a specific programme for further work designed to clarify the current practices and difficulties faced by Members in efforts to achieve recognition of equivalence, with particular consideration of the problems encountered by developing country Members.

ANNEX

Summary of the information provided by Members and international organizations

Argentina (Job(01)/31)

1. According to the Argentine paper, the central issue is the equivalence of control systems at the national level based on the correct interpretation of three basic concepts: sanitary measures, appropriate level of protection and safety objective. Until now, when an exporting country sought access to another market, it had to comply with the demands of the importing country both as regards actual requirements and verification of effective compliance of the product exported with such requirements.

2. The issue of determining when a measure is equivalent to another and how that "judgement" relates to the adequate level of protection and safety objective is still open to discussion. The issue of equivalence is relevant to market access negotiations at the regional, hemispheric and multilateral levels.

3. The Argentine paper identifies the following as the essential criteria for the determination of equivalence involve: (a) the need for the importing country to identify the appropriate level of protection; (b) the objective demonstration by the exporting country; and (c) the need for an objective response to equivalence. It is essential that the exporting country satisfactorily demonstrates that its sanitary measures achieve the appropriate level of protection of the importing country.

4. Effective trade facilitation is key to the adoption of a procedure for the determination of equivalence since market access for the developing countries largely depends on what is agreed in this respect. Requirements for achieving equivalence must not turn into disguised restrictions on trade of developing countries. This subject must be raised in other fora, essentially in conjunction with trade facilitation and market access.

5. Priority objectives for a procedure for the determination of equivalence include: (a) trade facilitation; (b) elimination of duplication of controls; (c) assurance that implementation costs do not exceed profits in order to guarantee product competitiveness in foreign markets; (d) transparency; (e) adoption of WTO/SPS procedures; (f) assurance of quality and confidence in negotiated products; (g) achievement of the appropriate level of protection at minimum cost, avoiding cost transfers to the price of the product; and (h) guarantee of reasonable access levels.

6. The Argentinean paper proposes the following criteria and context for the development of an international standard for the determination of equivalence:

- The guiding principles of the process of determining equivalence should be gradualness, reciprocity, non-discrimination, and special consideration of historical trade;
- the equivalence analysis must be conducted on the product or products that are being exported without seeking general equivalence covering the totality of the national control system;
- the importing country should analyse the sanitary and phytosanitary measures of the exporting country, comparing them with its own sanitary and phytosanitary measures, with a view to achieving the appropriate level of protection;

- equivalence should be based on bilateral agreements, with a general part establishing overall principles, objectives and long-term targets, and with specific annexes for the products traded;
- the national lists of products that could potentially be exported between the two countries involved should be analysed at the bilateral level, with special emphasis on historical trade and previous refusals;
- special consideration should be given to historical trade, ensuring that it is not interrupted during the negotiation of an equivalence agreement;
- there should be a fast-track procedure involving automatic recognition of historically traded products, especially where there has been no previous refusal;
- distinctions should be drawn between the risk categories of products under analysis;
- low-risk products should be considered eligible for immediate equivalence;
- in the case of new products which are being exported for the first time, the procedure for determining equivalence should be applied in its totality, leaving open the possibility, where feasible, of using the information contained in the risk analyses carried out by a given importing country;
- the correct information should be supplied so that the exporting country can meet the requirement of demonstrating that its product is equivalent;
- the importing country should cooperate technically in the process of determining equivalence;
- a standstill clause should be included in all cases, i.e. the initiation of the negotiation of an equivalence agreement must not aggravate the situation that prevailed at the time of initiation.

7. Argentina concludes that equivalence of control systems must be a mechanism which guarantees market access and does not constitute an additional difficulty for developing countries. From the point of view of the developing countries, the problem of equivalence of control systems, presented as a matter of great technical and scientific complexity, should be kept within the confines of the reality of bilateral trade. The bulk of exports of a developing country is concentrated in few products and involves very few enterprises.

Australia (G/SPS/GEN/243)

8. The Australian paper provides an example of practical recognition of equivalence. The Australia New Zealand Food Authority (ANZFA) received an application from the Swiss Federal Veterinary Office to amend the Australian *Food Standards Code* Standard for Cheese and Cheese Products to permit the use of raw milk in the making of some speciality cheeses for export to Australia. Although the Australian appropriate level of protection for food safety has not been articulated in a detailed statement, a recognised long history of safe food use associated with consumption of cheese in Australia is a well-accepted community standard. The requirement to use pasteurisation or thermisation plus storage has contributed to assuring this level of protection to date.

9. The Swiss application sought to demonstrate the equivalence of applied risk management measures in achieving a level of safety in its cheese products comparable to the current Australian domestic standard. In the absence of a Codex standard for the determination of equivalence, the application was addressed through the use of risk assessment. The risk assessment concluded that hard cheeses made according to the manufacturing process in the Swiss application attained at least the same level of pathogen destruction as those subject to pasteurisation, while the semi-hard cheeses

did not. On this basis, the Emmental, Sbrinz and Gruyere cheeses were recognised as being as safe as those cheeses produced using pasteurised or thermised milk. Similar permissions could be granted to any manufacturer of raw milk cheeses, domestic or international, if they are able to demonstrate a system that provides an equivalent level of food safety.

Chile (G/SPS/R/10)

10. In its statement, Chile reported that the trade agreement between Mercosur and Chile includes a chapter on SPS measures and addresses detailed harmonization procedures between members' regulations, as well as risk analysis procedures, with the appropriate references to the WTO SPS Agreement. Negotiation of a bilateral SPS agreement with the European Communities is expected to be concluded shortly. Bilateral consultations with selected Asian countries were successfully completed and included key provisions on transparency and equivalence.

11. The Economic Cooperation Agreement between Chile and Mexico includes a chapter on the application of many of the SPS Agreement provisions, providing bilateral implementation of concepts of harmonisation, equivalence and risk analysis in the areas of human, animal and plant health protection.

Egypt (supported by Brazil, India, Mexico and the Philippines) (G/SPS/R/15)

12. Egypt stressed that the principle of equivalence is a key component of the SPS Agreement. A number of difficulties are encountered by developing countries due to the inadequate implementation of this provision. Recognition of equivalence by technologically advanced countries has become quite demanding and in some cases serves as a sanitary trade barrier to exports from developing countries. Furthermore, in practice, a number of developed countries require "sameness" rather than "equivalence" of measures, a source of concern to many developing countries. An evaluation of the means for the effective implementation of this provision is necessary.

European Communities (G/SPS/GEN/101)

13. Exports to the European Communities are required to meet standards at least equivalent to the EC ones. Recognition of equivalence is (also) necessary for the application of a regionalization policy. A Member operating a regionalization policy may seek to negotiate an equivalence agreement which will avoid having to renegotiate access with trading partners each time a regionalization decision is applied. Where equivalence is acknowledged and embodied in an agreement, special standardised sanitary and phytosanitary certificates may be used.

14. In the absence of an agreement, it is necessary to determine whether an SPS measure implemented and maintained by an exporting Member achieves the importing Member's appropriate level of protection. The EC paper outlines general steps which provide a structured approach based on risk assessment: (a) request from the exporting Member and identification of the SPS measure for which recognition of equivalence is sought; (b) explanation by the importing Member of the objective of its SPS measure, including an assessment, as appropriate to the circumstances, of any risks that the relevant measure is intended to address, and identification by the importing Member of its appropriate level of protection; (c) provision of information by the exporting Member supporting its view that its sanitary or phytosanitary measure achieves the importing Member's appropriate level of protection; (d) evaluation by the importing Member of whether the SPS measure of the exporting Member achieves the appropriate level of sanitary protection of the importing Member.

15. Step (d) may include an evaluation of: (i) the risks identified by the importing Member and evidence provided by the exporting Member that its SPS measures effectively address those risks; (ii) the legislative authority, standards, practices and procedures including those of laboratories, as well as

the programmes in place to ensure that the domestic requirements of the exporting Member and the importing Member's requirements are met; (iii) the documented structure of the relevant responsible authorities, their command chain, their authority, their operational procedures and the resources available to them; and (iv) the performance of the relevant responsible competent authorities in relation to the control programme and assurances.

16. The importing Member may carry out audit and verification procedures, in accordance with Articles 4.1 and 6.3 of the SPS Agreement, to assist with the assessment. In carrying out the process described above, trading Members should consider experience and information already acquired.

Fiji (G/SPS/GEN/238)

17. In its paper, Fiji gives examples of positive and negative experiences dealing with equivalence of sanitary and phytosanitary measures. Fiji makes the following practical suggestions: (a) WTO and donor agencies could facilitate the enhancing of local capacity in areas such as pest risk assessment, laboratory analysis and testing in compliance with international standards and strengthening of local institutions in the understanding of Codex standards; and (b) importing countries should provide sound scientific evidence on analysis carried out to justify non-acceptance of Fiji products. This would facilitate recognition of equivalence where the exporting country carries out measures that will ensure exported products comply with scientifically-based importing country standards.

India (G/SPS/R/15)

18. India notes that not much progress has been made in respect of equivalence, whether through bilateral or multilateral agreements. Developing countries have to be provided with an opportunity to participate in the existing bilateral and multilateral agreements between developed countries. As a first step in this direction, Members should be obliged to notify to the SPS Committee of any bilateral agreements on equivalence of SPS measures. This would enable any developing countries who are in a position to comply with those conditions to become a party to the existing agreement or to enter into a similar bilateral agreement.

New Zealand (G/SPS/GEN/232)

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

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

21. 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. 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.

Philippines (on behalf of ASEAN countries) (G/SPS/R/15)

22. Many countries encounter problems with various standards on like products, as well as infrastructure problems. Although the Philippines and other countries have identified specific technical assistance needs, they have not received responses.

Thailand (G/SPS/GEN/242)

23. Determination of equivalence is considered by the Thai national SPS Committee to be of great importance to trade facilitation for the country. A wholesome equivalence process requires collective understanding and coordinated work of all agencies concerned. Thailand concluded one Recognition of Equivalence Audit with Canada on fish inspection and control systems and is at the initial steps of negotiation of equivalence agreements on fish inspection and control systems with several other countries.

24. The negotiation of equivalence agreements (on fish inspection and control systems) requires careful study and consideration of such difficulties as: (a) document review and comparison, which is time-consuming in both the document preparation and review on both sides; (b) different cultures and structures of law and difficulties in identifying a single authority for overall control of the system, especially where more than one regulatory body is involved; (c) differences in policy, procedures and methods often resulting from different inspection and control systems, especially since judgement of equivalence is still qualitative; (d) judgement of equivalence of food control systems in different countries (in this respect, Thailand notes the critical importance of international guidelines for a systematic application of judgement of equivalence and stresses that Codex principles and guidelines associated with the recognition of equivalence will facilitate this process); and (e) the fact that product standards are still being used to meet the appropriate level of protection, although there are not standards to deal with every hazard. Additionally, meeting standards does not always guarantee safety.

25. Thailand identifies the assessment of equivalence through audit as one of the most challenging areas in equivalence recognition. The success of an audit depends on consultation on the purposes, objectives, procedures and scope between the two countries, otherwise the exercise will only serve to assure compliance with the standard or procedures of the importing country. The Codex Committee on Food Import and Export Certification and Inspection System has developed guidelines for audit.

United States (G/SPS/GEN/212)

26. The United States has few equivalence agreements in effect, partly due to the resource commitments needed and the difficulty of pursuing such agreements. The United States recognizes that SPS measures of other Members may achieve its appropriate levels of protection. The practical implementation of the concept of equivalence is dependent upon a variety of factors, including: (a) the scope (single product or product sector); (b) the formality of any agreement reached between the parties, i.e., ranging from a simple exchange of letters to a formal memorandum of understanding; and (c) the number of parties involved, i.e. bilateral or multilateral.

27. In the US view, constraining factors to the use of Article 4 include: (a) practical gains in product trade from an equivalence determination and any associated agreement may not be worth the costs of reaching such a determination; (b) conducting equivalence evaluations and negotiating equivalence agreements involves a substantial commitment of technical and trade specialists to review materials, exchange data and information, establish terms and conditions of discussions, meet with counterparts, and to conduct on-site visits and verification audits; (c) there is an inherent difficulty associated with linking measures to a country's ALOP (this problem is magnified when the scope of

the agreement is broadened to include multiple products and the concept of equivalence is applied to import and export control and inspection systems); and (d) addressing stakeholder concerns. It is critical that Members take every appropriate opportunity to inform stakeholders about their on-going and intended equivalence discussions with other Members to ensure stakeholder acceptance. The use of an open, public forum, which respects the need for direct government-to-government negotiations, appears to be an excellent tool to facilitate consideration of the merit of seeking an equivalence determination or agreement for particular products.

28. Equivalence agreements are not a necessary condition to gain access to another Member's market. Over 85 percent of all food products imported into the United States do not require a prior determination of equivalence and/or an export certificate. Meat and poultry products are the primary exceptions. An exporting country must obtain an equivalence determination before it can export meat or poultry to the United States.

29. The US paper suggests that the utilization of other provisions of the SPS Agreement prior to a request for formal equivalence consultations may yield more immediate trade benefits. WTO Members can request an explanation for the rationale for a specific measure in accordance with Article 5.8. Similarly, Members can request answers to all reasonable questions and the provision of documents regarding a country's existing and proposed measures under Article 7 and Annex B. Moreover, importing Members have additional obligations in accordance with Article 8 and Annex C to assure that their approval procedures are "undertaken and completed without undue delay" and that a procedure exists to review complaints and take corrective actions when a complaint is justified. Finally, developing countries may benefit more directly by requesting product-specific technical assistance in accordance with Article 9 in order "to adjust to, and comply with, sanitary or phytosanitary measures necessary to achieve the appropriate level of sanitary or phytosanitary protection in their export markets".

30. Equivalence determinations require a significant investment of technical and trade experts to address and resolve safety issues. Even in instances where the appropriate level of protection and governmental institutions of two WTO Members may appear to be similar, determinations of equivalence have taken several years of negotiations and a great deal of the time of technical and trade experts, and have not resulted in immediate new trade opportunities.

Codex (G/SPS/GEN/210 & G/SPS/GEN/211)

31. Codex developed guidelines for the design, operation, assessment and accreditation of food import and export inspection and certification systems. The guidelines deal with the recognition of equivalence of inspection and/or certification systems.

32. The application of equivalence principles may be in the form of agreements or letters of understanding established between governments either for inspection and/or certification of production areas, sectors or parts of sectors. Equivalence may also be established through the administration of a comprehensive agreement which would cover inspection and certification of all food commodity forms traded between two or more countries.

33. Agreements on the recognition of equivalence of inspection and certification systems may include provisions concerning: the legislative framework, control programmes and administrative procedures; contact points in inspection and certification services; demonstration by the exporting country of the effectiveness and adequacy of its enforcement and control programmes, including laboratories; where relevant, lists of products or establishments subject to certification or approval, accredited facilities and accredited bodies; mechanisms supporting continued recognition of equivalence, e.g. exchange of information on hazards and monitoring and surveillance.

34. Agreements should include mechanisms to provide for periodic review and updating and include procedural mechanisms for resolving differences arising within the framework of the agreement.

35. Codex also developed Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems. The guidelines provide practical guidance for governments desiring to enter into bilateral or multilateral equivalence agreements concerning food import and export inspection and certification systems. Such agreements may be binding instruments or other less formal arrangements.

36. Additionally, Codex is developing guidelines on the judgement of equivalence of sanitary measures associated with food inspection and certification systems. The draft guidelines note that importing and exporting countries often operate different food inspection and certification systems and that in such circumstances, and in order to facilitate trade, there is a need to determine the effectiveness of sanitary measures of the exporting country in achieving the appropriate level of protection of the importing country.
