

Committee on Sanitary and Phytosanitary Measures

**PROPOSED FORMAT FOR THE NOTIFICATION OF
AGREEMENTS OF EQUIVALENCE**

Note by the Secretariat

Revision

1. Article 4 of the Agreement on the Application of Sanitary or Phytosanitary Measures (SPS Agreement) states that "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". Paragraph 2 of Article 4 further provides that "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."

2. In its Decision on Equivalence (G/SPS/19, paragraph 11), the Committee agreed that it would revise its recommended notification procedures to provide for the notification of the conclusion of agreements between Members which recognize the equivalence of sanitary and phytosanitary measures. There is no indication in the text of the SPS Agreement itself as to the form that such agreements on the recognition of equivalence should take. In its Decision on Equivalence the Committee observed that:

"Equivalence can be accepted for a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis. Members shall, when so requested, seek to accept the equivalence of a measure related to a certain product or category of products. ... Members may further, where necessary and appropriate, seek more comprehensive and broad-ranging agreements on equivalence. The acceptance of the equivalence of a measure related to a single product may not require the development of a systems-wide equivalence agreement."

3. With the objective of increased transparency, it is suggested that a Member should submit this notification when, at the request of an exporting Member, they have made a determination that the measure proposed by the exporting Member achieves the level of protection of the importing Member and imports will be permitted on that basis. A notification need not be made unless the recognition of equivalence may have a significant effect on trade of the exporting Member which requested the determination or on trade of other Members.

4. Notification should be made for those situations where a Member recognizes the equivalence of SPS measures of another Member or Members, by formal agreement or by another less formal arrangement. Where a recognition of equivalence embraces a number of Members or products, a single notification specifying the relevant Members and/or commodities will suffice. A notification should also be made where a recognition of equivalence is substantially modified or is rescinded.

5. Attachment 1 is the proposed format for the notification of recognition of equivalence. The proposed format is based on the format used for the notification of agreements on issues related to technical regulations, standards or conformity assessment procedures under Article 10.7 of the Agreement on Technical Barriers to Trade, as modified on the basis of discussions in the SPS Committee.

6. Attachment 2 contains recommended procedures and further guidance on the completion of the various boxes of the proposed format.

ATTACHMENT 1

Proposed Format for the Notification of Recognition of Equivalence
of Sanitary or Phytosanitary Measures

The following notification of recognition of equivalence has been received.

1. Member notifying:
2. Title of the text stating the recognition of equivalence:
3. Parties to the arrangement:
4. Date of entry into force of regulations or procedures reflecting the recognition of equivalence:
5. Products covered (HS or CCCN where applicable, otherwise national tariff heading):
6. Brief description of the arrangement, including description of measures recognized as equivalent:
7. Further information available from: <input type="checkbox"/> National Enquiry Point <input type="checkbox"/> Other (specify)

ATTACHMENT 2**Recommended Procedures for the Completion of the Notification Format**

In accordance with the Decision on Equivalence (G/SPS/19), a Member which has recognized the equivalence of sanitary or phytosanitary measures of another Member or Members shall notify other Members through the Secretariat of the products covered by the arrangement and include a brief description of the measure(s) recognized as equivalent. A Member should submit this notification when, at the request of an exporting Member, it has made a determination that the measure(s) proposed by the exporting Member achieves the appropriate level of sanitary or phytosanitary protection of the importing Member and imports will be permitted on that basis. A notification need not be made unless the recognition of equivalence may have a significant effect on trade of the exporting Member which requested the determination or on the trade of other Members.

Notification should also be made of significant variations to existing equivalence arrangements, including their suspension or rescission.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification.
2. Title of text stating recognition of equivalence	Title of any formal or informal agreement, Memorandum of Understanding or other document establishing the recognition of equivalence.
3. Parties to the arrangement	Name of the exporting Member or Members whose measure has been recognized as equivalent.
4. Date of entry into force of regulations or procedures reflecting the recognition of equivalence	Date from which regulations or other measures based on the recognition of equivalence took effect.
5. Products covered (HS or CCCN where applicable, otherwise national tariff heading)	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO of the product(s) which are imported on the basis of the recognition of equivalence.
6. Brief description of the arrangement, including description of the measure(s) recognized as equivalent	Clearly indicate the nature of the recognition of equivalence, including which measure(s) of the exporting Member have been recognized as equivalent and which elements of the importing Member's usual requirements are to be met by these equivalent measures.
7. Further information available from:	The agency or authority from which an interested Member may request further information regarding the specific recognition of equivalence being notified. If this is the National Enquiry Point, check the box provided. If available from another body, give its address, fax number and (if available) E-mail address. Provide the world wide web address of the document, if available.