

**COMMENTS ON THE PROPOSED CLARIFICATION OF PARAGRAPH 7
OF THE DECISION ON EQUIVALENCE**

Submission by Argentina

With respect to the proposed clarification of Paragraph 7 of the Decision on Equivalence circulated in document G/SPS/W/128, Argentina suggests to move part of paragraph 7 (relative to the Codex Draft Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems) to the Recommendation section of the document, replacing paragraph 10. The proposed text would read as follows:

7. At its meeting on 2-6 December 2002, the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) forwarded draft Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems to the Codex Alimentarius Commission for final adoption in June/July 2003.¹

8. The OIE draft paper on the Judgement of Equivalence of Sanitary Measures Relating to International Trade in Animals and Animal Products (G/SPS/W/119) takes a similar approach. The sequence of steps to be taken in judgement of equivalence includes that "the importing country explains the reason for the measure(s), in terms which would facilitate comparison with an alternative sanitary measure(s) ...".

Recommendation

9. It is recommended that the Committee note that conscientious implementation of guideline A.1. of the Guidelines to Further the Practical Implementation of Article 5.5 (G/SPS/15) will assist Members in determining equivalence. Guideline A.1. reads: "A Member should indicate the level of protection which it considers to be appropriate with respect to risks to human life or health, to animal life or health or to plant life or health in a sufficiently clear manner so as to permit examination of the extent to which any sanitary or phytosanitary measure achieves that level."

10. It is recommended that the Committee agree on the following clarification of paragraph 7.²

"Since the sanitary measures applied by an importing country have the purpose of achieving its ALOP, an exporting country may demonstrate achievement of the importing country's ALOP by demonstrating that the measures it proposes as equivalent have the same effect,

¹ See the Report of the Eleventh Session of the Codex Committee on Food Import and Export Inspection and Certification Systems, contained in ALINORM 03/30A, available from the Codex website (<http://www.codexalimentarius.net>).

² Codex Draft Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems (step 8).

relative to the achievement of the importing country's ALOP, as the corresponding sanitary measures applied by the importing country by using an objective basis of comparison.

"The importing country should, at the request of the exporting country, specify as precisely as possible an objective basis for comparison of the sanitary measures proposed by the exporting country and its own measures. Dialogue between the exporting and importing country will assist in the development of understanding and, desirably, agreement on the objective basis for comparison. Supporting information to be provided by the importing country may include:

- (a) the reason/purpose for the sanitary measure, including identification of the specific risks that the measure is intended to address;
- (b) the relationship of the sanitary measure to the ALOP, i.e., how the sanitary measure achieves the ALOP;
- (c) where appropriate, an expression of the level of control of the hazard in a food that is achieved by the sanitary measure;
- (d) the scientific basis for the sanitary measure under consideration, including risk assessment where appropriate;
- (e) any additional information that may assist the exporting country in presenting an objective demonstration of equivalence."

11. The Committee requests the Interim Commission on Phytosanitary Measures (ICPM) to implement the Decision on Equivalence and this clarification in its future work on judgement of equivalence with regard to measures to address plant pests and diseases, and to report to this Committee.
