



**DEVELOPING GUIDANCE ON CONSIDERATION OF SYSTEMS APPROACHES
AS EQUIVALENT TO EXISTING MEASURES**

COMMUNICATION FROM AUSTRALIA

The following communication, dated 1 June 2018, is being circulated at the request of the delegation of Australia.

The proposed topic

1. The acceptance of equivalence as a concept, and implementation of the concept, is a fundamental obligation of the Agreement on the Application of Sanitary and Phytosanitary Measures (the Agreement) (Article 4).
2. The SPS Committee adopted an initial decision regarding the implementation of Article 4 on equivalence in October 2001, which included a commitment to develop a work programme to further the implementation of Article 4 of the Agreement.¹ This resulted in the SPS Committee adopting equivalence guidelines in July 2004.²
3. There has been limited subsequent reporting to the SPS Committee, with only two issues of equivalence consideration being brought to the SPS Committees attention.³
4. To manage a specified pest risk and achieve a Member's appropriate level of protection, equivalence may be applied to: an individual measure, a combination of measures, or integrated measures in a systems approach.
5. As the options for either new or alternate individual measures (for example, fumigation) have decreased, and are likely to further decrease in the future, as a result of Members reviewing their import measures, treatments and/or chemicals are no longer available or registered for a specific use, or maximum residue limits (MRLs) are lowered and are no longer be achievable. The application of systems approaches may be the only option available to exporting Members to maintain existing trade.
6. The use of the guidance developed by International Standard-Setting Bodies (ISSBs) has been limited, and additional specific guidance from the SPS Committee may result in increased numbers of systems approaches being recognised as equivalent, with resultant improvements in trade, while maintaining importing Members' plant, animal and human health status.
7. The International Plant Protection Convention (IPPC) recognizes equivalence as one of the IPPC basic principles⁴ and has developed guidance on the issue of equivalence in a number of their adopted International Standards on Phytosanitary Measures (ISPMs).⁵

¹ G/SPS/62.

² G/SPS/19/Rev.2.

³ G/SPS/62.

⁴ ISPM 1 (Phytosanitary principles for the protection of plants and the application of phytosanitary measures in international trade).

8. Under IPPC guidance, a systems approach is a pest risk management option that integrates different measures, at least two of which act independently, with cumulative effect⁶ and may range in complexity. The ISSBs have all developed some guidance on the implementation of systems approaches to address pests, diseases and human health concerns.

9. The OIE standards relevant to the principle of equivalence are contained in the *Terrestrial Code* (mainly in Section 5) and the OIE provides guidelines and recommendations relevant to equivalence (and a number of other issues) in the publication *International trade: Rights and obligations of OIE member countries*.

10. Codex recognises equivalence as the state wherein sanitary measures applied in an exporting country, though different from the measures applied in an importing country, achieve, as demonstrated by the exporting country, the importing country's appropriate level of protection.

11. Codex members have developed guidelines on the judgement of the equivalence of sanitary measures associated with food inspection and certification systems.⁷ In addition, the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) has commenced examining the issue of equivalence, in relation to import and export certification systems.

What the Review would do

12. Within the framework of the Fifth Review, the SPS Committee would explore the impediments to the application of the concept and practices of equivalence to manage SPS risks in trade. Where it would assist Members to expand their use of equivalence to facilitate safe trade, the SPS Committee could expand on existing guidance on recognition of equivalence in relation to systems approaches for achieving equivalence in achieving the importing Members' appropriate level of protection of plant, animal and human health while permitting trade to begin, continue or resume.

13. The Review would expand on guidance provided to Members in the *Decision on the Implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures*⁸ specifically in relation to the determination of equivalence of a systems approach.

14. The Review would draw on existing and ongoing work of the ISSBs, in relation to systems approaches that may be used in determining if a systems approach could be considered as equivalent to existing measures and achieve the importing Member's appropriate level of protection.

⁵ ISPM 14 (The use of integrated measures in a systems approach for pest risk management, 2002); ISPM 24 (Guidelines for the determination and recognition of equivalence of phytosanitary measures, 2005); and ISPM 35 (Systems approach for pest risk management of fruit flies (Tephritidae), 2006).

⁶ IPPC ISPM 5 (Glossary of Phytosanitary terms).

⁷ CAC/GL 53-2003 (Guidelines on the judgement of equivalence of sanitary measures associated with food inspection and certification systems).

⁸ G/SPS/19/Rev.2.