



DETERMINATION AND EQUIVALENCE OF PHYTOSANITARY MEASURES

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Scope

- Based on ISPM 24 – *guideline for the determination and recognition of the equivalence of Phytosanitary measures*
- This standards describes the principles and requirements that apply for the determination and recognition of equivalence of Phytosanitary measures
- It also describes a procedure for equivalence determinations in international trade
- In addition, the standard provides guidelines for situations where an importing contracting party has a Phytosanitary measure in place, or is proposing a new measure, and/or an alternative measure to achieve the importing contracting party's appropriate level of protection. The alternative measure is then evaluated for equivalence



General consideration

- Equivalence is described as general principle No. 7 in ISPM No. 1 (*Principles of plant quarantine as related to international trade, 1993; Basic principles no 1.10 in Revised ISPM No.1 of 2006*): *'Equivalence: Countries shall recognize as being equivalent those Phytosanitary measures that are not identical but which have the same effect'*
- Furthermore, the concept of equivalence and the obligation of contracting parties to observe the principle of equivalence is an essential element in other existing ISPMs
- In addition, equivalence is described in Article 4 of the WTO-SPS Agreement



Sovereign authority

- **Contracting parties:**
 - have authority, in accordance with applicable international agreements, to apply Phytosanitary measures to protect plant health within their territories and to determine their appropriate level of protection to plant health
 - has sovereign authority to regulate the entry of plants, plant products and other regulated articles Article (VII.1 of the IPPC, 1997)
 - has the right to make decisions relating to determinations of equivalence. In order to promote cooperation, an importing contracting party evaluates the equivalence of Phytosanitary measures



Other relevant principles of the IPPC

- In equivalence evaluations, Contracting parties should take into account the following principles:
 - minimal impact (Article VII.2g of the IPPC, 1997)
 - modification (Article VII.2h of the IPPC, 1997)
 - transparency (Articles VII. 2b, 2c, 2i and VIII.1a of the IPPC, 1997)
 - Harmonization (Article X.4 of the IPPC, 1997)
 - risk analysis (Articles II and VI.1b of the IPPC, 1997)
 - managed risk (Articles VII.2a and 2g of the IPPC, 1997)
 - non-discrimination (Article VI.1a of the IPPC, 1997)



Technical justification for equivalence

- Assessment of equivalence should be risk-based, using an evaluation of available scientific information, either through PRA or by evaluation of the existing measures and proposed measures
- Exporting contracting party has the responsibility for providing the technical information to demonstrate that the alternative measure reduce the specified pest risk and that they achieve the appropriate level of protection of the importing contracting party.



Non-discrimination in the application of the equivalence of Phytosanitary measures

- The principle of non-discrimination requires that when equivalence of Phytosanitary measures is granted for one exporting contracting party, this should also apply to contracting parties with the same commodity or commodity class and / or pest
- Therefore, an importing contracting party which recognizes the equivalence of alternative Phytosanitary measures of an exporting contracting party should ensure that it acts in a non discriminatory manner
- Applies both to application from third countries for recognition of the equivalent of the equivalence of the same or similar measures, and to the equivalence of any domestic measures



Non-discrimination in the application of the equivalence of Phytosanitary measures cont.

- It should be recognized that equivalence of Phytosanitary measures does not, however, mean that when a specific measures is granted equivalence for one exporting contracting party, this applies automatically to another contracting party for the same commodity or commodity class or pest
- Phytosanitary measures should always be considered in the setting of the pest status and Phytosanitary regulatory system of the exporting contracting party, including the policies and procedures



Information Exchange

- **Contracting parties:**
 - have obligation under the IPPC to provide and exchange information, which should be made available for equivalence determination this includes making available, on request, the rationale for Phytosanitary requirements (Article VII.2c of the IPPC, 1997) and cooperate to the extent practicable in providing technical and biological information necessary for pest risk analysis (Article VIII of the IPPC, 1997)
 - should aim to limit any data requests associated with an evaluation of equivalence to those which are necessary for this evaluation



Information Exchange cont.

- In order to facilitate the discussion on equivalence the importing contracting party should, on request, provide in either quantitative or qualitative information describing
 - how its existing measures reduce the risk of the specified pest and,
 - how they achieve its appropriate level of protection
- Such information assist the exporting contracting party in understanding the existing measures, and also help the exporting contracting party to explain how its proposed alternative measures reduce the pest risk and achieve the importing contracting party's appropriate level of protection



Technical assistance

- In accordance with Article XX of the IPPC (1997), contracting parties are encouraged to consider providing technical assistance for the development of measures based on equivalence if requested by another contracting party



Timeless

- Contracting parties should try to determine the equivalence of Phytosanitary measures and to resolve any differences without undue (unnecessary) delays

Specific pest and commodities

- The process of comparing alternative Phytosanitary measures for the purpose of determining their equivalence usually relates to a specified export commodity and specified regulated pests identified through pest risk analysis



Existing measures

- Equivalence generally applies to cases where the importing contracting party has already existing measures for the current trade concerned, however, it may also apply where new measures are proposed by the importing contracting party
- Where new commodities or commodity classes are presented for importation and no measures exist, contracting parties should refer to ISPM No. 11 (*Pest risk analysis for quarantine pests including analysis of environmental risks and living modified organisms, 2004*) and ISPM No. 21 (*Pest risk analysis for regulated non-quarantine pests*) for the normal PRA procedure

Entry to consultation

- When requested, contracting parties are encouraged to enter into consultations (sessions) with the aim of facilitating a determination of equivalence



Agreed procedures

- Contracting parties should agree on a procedures to determine equivalence. This may be based on the procedure recommended or another bilaterally agreed procedure



Factors considered in determining equivalence

- The determination of the equivalence of Phytosanitary measures depends on a number of factors. These may include:
 - The effect of the measure as demonstrated in laboratory or field conditions
 - The examination of relevant literature on the effect of the measure
 - The results of experience in the practical application of the measure
 - The factors affecting the implementation of the measure (e.g. the policies and procedures of the contracting party)

Non-disruption in trade

- A submission of a request for recognition of equivalence should not in itself alter the way in which trade occurs; it is not a justification for disruption or suspension of existing trade of existing Phytosanitary import requirement

Provision of Access

- In order to support an importing contracting party's consideration of an equivalence request, the exporting contracting party should facilitate access by the importing contracting party to relevant sites to conduct any reviews, inspections or verification for an equivalence determination when technically justified



Review and Monitoring

- After the recognition of equivalence, and to provide continued confidence in the equivalence arrangements, contracting parties should implement the same review and monitoring procedures as for similar Phytosanitary measures, E. g. assurance procedures such as audits, periodic checks, reporting of non-compliances (see also ISPM No. 13: *guidelines for the notification of non-compliance and emergency action*) or other forms of verification



Implementation and transparency

- To achieve the required transparency, amendments of regulations and related procedures should also be made available to other interested contracting parties



THANK YOU FOR YOUR ATTENTION



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