



**Asia-Pacific
Economic Cooperation**

2018/SOM2/SCSC/FSCF/EM/006

Equivalence in Food Safety Regulation

Submitted by: New Zealand



**Second Expert Meeting on Trade
Facilitation Through an APEC Framework
on Food Safety Modernisation
Port Moresby, Papua New Guinea
21-22 May 2018**

Equivalence In Food Safety Regulation

May 2018

Bruce Burdon

Growing and Protecting New Zealand



Opening Remarks

- Recap international drivers for equivalence/ systems recognition
- Look at why we pursue equivalence and what are the challenges
- Look at some examples and solutions gained from equivalence/ systems recognition arrangements
- Discuss our experience and offer what would make achieving equivalence/ systems recognition easier and how our work will support this



What is Equivalence?

Ministry for Primary Industries
Manatū Ahu Matua



International Definitions

- Codex – “the capability of different inspection and certification systems to meet the same objectives”
- WTO SPS Agreement - “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”



International Definitions

- Key words are “**different inspection and certification systems**” and “**even if these measures differ from their own**”
- Control measures for managing food safety risks are expected to have differences and countries need to develop measures that best manage risks from their local situation
- Ultimately differing food safety systems achieve objective – safe food



International Definitions

Equivalence agreements are NOT generally intended as a condition for trade, but rather as a

“means for ensuring that importing country requirements are met with minimal trade impediments”



Form

In broad terms can take many forms

- Measure by measure
- Regulatory cohesion
- Systems recognition
- Mutual Recognition
- Can be in full or part



International Drivers

Ministry for Primary Industries
Manatū Ahu Matua



Key International Drivers

SPS Agreement - Article 4 - Equivalence

- We already said the agreement states members shall accept the SPS measures of other Members as equivalent ...

Key International Drivers

SPS Agreement - Article 4 - Equivalence

- For this purpose, reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures
- 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

Key International Drivers

Principles and Guidelines for National Food Control Systems (CAC/GL 82-2013) - Equivalence

- “Competent authorities should recognise that food control systems or their components although designed and structured differently may be capable of meeting the same objective.....
- “The concept of recognition of systems, including equivalence, should be provided for in the national food control system

Key International Drivers

- Codex provides supporting guidance
- Latest is the development of “Guidelines on recognition and maintenance of system equivalence of National Food Control Systems” through Codex Committee on Food Import and Export Inspection and Certification Systems
- Codex also provides useful guidance on the exchange of information and assessment which are essential components of assessing equivalence or systems recognition: CAC/GL 89-2016

Why have equivalence? (New Zealand's Experience)

Ministry for Primary Industries
Manatū Ahu Matua



The problem we are solving is increasing

- Trade is increasing - our governments want it to increase more
- New methods of trade - e-commerce
- Food safety systems being modernised
- Traditional Import and Export systems are being challenged with increased volumes and complexities and resourcing constraints
- At the same time Governments and consumers are expecting food safety (and biosecurity) outcomes to be met
- As New Zealand exports most the food it produces to over 120 economies we are faced with complying with multiple, often different and overlapping import requirements



Challenge

- How we ensure that our consumers are being supplied with food that is safe to eat — "safe" by the standards we consider appropriate?
- And at the same time, how can we ensure that import and safety regulations are addressed given increasing volumes, complexities, new pathways and limited inspection and testing resources



Solutions

New Zealand resolves these types of problems by taking an evidence, risk and performance based approach

This enables us to target our limited resources to those areas that pose the greatest risk

Where we have knowledge and confidence that our safety requirements are being consistently met border clearances are streamlined and costs are lower



Use of Equivalence/ Systems Recognition provides a solution

New Zealand has found that the use of equivalence/systems recognition enables importing country competent authorities to recognise exporting countries systems as meeting importing country requirements

Where such agreements are in place we have found this reduces reduce the burden on resources and of unnecessary restrictions on trade while maintaining food safety standards

Have a range of agreements with many economies from mutual recognition, full system or part system equivalence/recognition



Use of Systems Recognition

Wording illustration

“Systems Recognition Assessment” means an evaluation of each country’s overall food safety system , or sub-components of it to assess whether the countries’ respective systems provide for a comparable degree of food safety assurance.

Use of Systems Recognition

“Systems recognition is acknowledged when

- (1) a country’s food safety system provides a similar, though not identical, system of protections as another, and
- (2) the country’s food safety authority (or authorities) provides similar oversight and monitoring activities for food produced under its jurisdiction

Existing knowledge, confidence and experience may form a substantive component of an assessment

Use of Systems Recognition

“This systems recognition decision allows for a more efficient and effective use of resources

This includes reductions in the type and frequency of further reviews of each other’s regulatory systems, the type and frequency of border checks when foods are offered for entry into their respective countries, and the level and type of verification activities expected by the Participant’s importers and exporters of food and feed products from either country

Outcome

Provides “means for ensuring that importing country requirements are met with minimal trade impediments”

Reductions/illumination in the type and frequency reviews and registration/listing of premises

Reductions in the type and frequency of border checks, testing and verification

Results in an importing country control measure that may be a “non-tariff barrier” for some economies not being a barrier to other economies who can address those requirements through recognised systems



So how do we get to that point?

- Willing partners
- Ability to participate, legal, systems “the concept of recognition of systems, including equivalence, should be provided for in the national food control system”
- Systems Recognition Assessment Easier if -
 - food control systems are developed using a common framework
 - standards and processes under those systems adopt internationally agreed standards and guidelines
 - performance of those systems can be assured
 - there is existing knowledge, confidence and experience



So how do we get to that point?

- Clearly the work of this Expert Working Group in
 - Supporting modernization of food safety systems
 - Encouraging the adoption of agreed international frameworks and standards

Will support the creation of an enabling environment
equivalence/ systems recognition



Thank you

