

Committee on Sanitary and Phytosanitary Measures

**DECISION ON THE IMPLEMENTATION OF ARTICLE 4 OF THE
AGREEMENT ON THE APPLICATION OF SANITARY
AND PHYTOSANITARY MEASURES**

Decision by the Committee

Addendum

At its meeting of 24-25 June 2003, the Committee agreed on the following clarification with respect to paragraph 7 of the Decision, as foreseen in the Programme for Further Work adopted by the Committee in March 2002 (G/SPS/20), and in conformity with paragraph 3.3 of the Ministerial Decision on Implementation-Related Issues and Concerns (WT/MIN(01)/17).

Clarification relating to Paragraph 7

1. The Committee notes that conscientious implementation of the Guidelines to Further the Practical Implementation of Article 5.5 (G/SPS/15) will assist Members in determining equivalence.
2. The Committee further notes that the relationship between the level of protection provided by the importing Member's own measures and what it requires from imported products has been explicitly addressed in the draft Codex Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems.¹ The Committee notes that the OIE Guidelines for Reaching a Judgement of Equivalence of Sanitary Measures also recognizes the importance of facilitating comparison of the exporting and importing Members' measures. The Committee agrees that Members should consider the Codex approach of establishing an objective basis for comparison or the similar OIE approach when determining the equivalence of sanitary measures.
3. The Committee encourages the FAO/WHO Codex Alimentarius Commission and the Office International des Epizooties to ensure that the recognition of the importance of facilitating comparison of the exporting and importing Members' measures is maintained in any elaboration of guidance by these organizations.
4. The Committee requests that the Interim Commission on Phytosanitary Measures (ICPM) take into consideration 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.

¹ The Committee recognizes that the Codex Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems are also relevant in this regard.

5. The Committee agrees that where the objective basis for comparison, or a similar approach established by a relevant international organization, demonstrates that the level of protection achieved by the importing Member's sanitary or phytosanitary measure differs from its appropriate level of protection, the importing Member should resolve this difference independently of the procedure for determination of equivalence.

6. If the exporting Member demonstrates by way of an objective basis of comparison or similar approach established by a relevant international organization that its measure has the same effect in achieving the objective as the importing Member's measure, the importing Member should recognize both measures as equivalent.
