



Food and Agriculture
Organization of the
United Nations



International Federation
of Organic Agriculture
Movements



United Nations Conference
on Trade and Development

INTERNATIONAL TASK FORCE ON HARMONIZATION AND EQUIVALENCE IN ORGANIC AGRICULTURE

EquiTool

Final Version

Subject to copy editing and formatting for publication

Guide for Assessing Equivalence of Organic Standards and Technical Regulations

October 2008

An initiative of the

United Nations Conference on Trade and Development (UNCTAD), Geneva
Food and Agriculture Organization of the United Nations (FAO), Rome
International Federation of Organic Agriculture Movements (IFOAM), Bonn

Table of Contents

PREFACE	4
1. SCOPE AND USE	7
2. DEFINITIONS	7
3. ELEMENTS OF EQUIVALENCE ASSESSMENT	8
3.1 CHOICE OF BASE STANDARD.....	8
3.2 ROLE AND APPOINTMENT OF EXPERT ASSESSMENT PANEL	8
3.3 IDENTIFICATION OF REFERENCE OBJECTIVES	9
3.4 SPECIFICATION OF THE SCOPE AND LEGAL CONTEXT OF THE STANDARD	9
3.5 METHODOLOGY OF ASSESSMENT	9
3.6 EQUIVALENCE ASSESSMENT BASED ON SET CRITERIA	10
3.7 ACCEPTANCE OF EXPERT PANEL ASSESSMENT AND RESOLUTION OF OUTSTANDING ISSUES	11
3.8 TRANSPARENCY	11
4. PROCEDURES FOR EQUIVALENCE ASSESSMENT	11
4.1 INITIATION	11
4.2 CLARIFICATION OF OBJECTIVES.....	12
4.3 COMPARISON AND EQUIVALENCE ASSESSMENT OF REQUIREMENTS	12
4.4 RESOLUTION OF OUTSTANDING ISSUES.....	13
ANNEX 1: PROCEDURE	13
ANNEX 2: EXAMPLES OF COMMON OBJECTIVES FOR ORGANIC STANDARDS SYSTEMS	15
ANNEX 4: TEMPLATE FOR A COMPARISON, INCLUDING EQUIVALENCY ASSESSMENT AND CONCLUSION	17
ANNEX 5: FRAMEWORK REFERENCES FOR THE ITF EQUIVALENCE GUIDE	19
BIBLIOGRAPHY	21

Preface

The International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF) was convened from 2003 to 2008 by the Food and Agriculture Organization of the United Nations (FAO), the International Federation of Organic Agriculture Movements (IFOAM) and the United Nations Conference on Trade and Development (UNCTAD). It served as an open-ended platform for dialogue between private and public institutions involved in trade and regulatory activities in the organic agriculture sector. The overall objective of the ITF was to facilitate trade in organic products as a response to difficulties faced by organic producers and exporters due to the hundreds of different organic regulations, standards and labels worldwide.

Regional differences in standards and technical regulations for organic production and processing are often justifiable and even desirable due to diverse geography agronomic conditions, culture and stage of development for organic agriculture throughout the world. But on the other hand, variations in standards cause difficulties for governments and certification bodies to recognize and accept organic products certified in other systems or programs, and therefore also for organic producers to get certified organic products accepted in different markets.

To promote equivalence as a solution to this problem, the ITF developed a guidance document, “Tool for Equivalence of Organic Standards and Technical Regulations” (EquiTool). This guideline aims to facilitate and harmonize assessments of equivalence of organic production and processing standards and technical regulations. The scope of this guideline is limited to the equivalence assessment process. It does not include guidance for preparing and maintaining an equivalence agreement. Such agreements often cover both equivalence of conformity assessment and standards and technical regulations for organic production and processing. Equivalence may also be established in practice without the framework of a formal equivalence agreement.

EquiTool is a public document that can be adopted by governments and private sector organizations at their convenience, without need to request permission for use. Governments and private stakeholders may use all or portions of these guidelines as they see fit for non-commercial publication as a separate document. Reference to the EquiTool is expected for such use.

This document was developed in a consultative process with stakeholders in the private and government sectors worldwide. Financial support for the development of EquiTool came from the Swedish International Development Cooperation Agency (Sida), Norwegian Agency for Development Cooperation (Norad) and the Government of Switzerland.

Further information on EquiTool, including contact information, is available on the ITF website, www.itf-organic.org.

Introduction

The concept of equivalence

Organic agriculture is a systems based approach that accounts for specific local agro-ecological conditions. Organic norms are generally set with respect to local, national or regional environment including the state of sector development and market conditions.

The acceptance that different standards or technical regulations on organic agriculture fulfill common objectives, otherwise known as equivalence, is a pathway to reduce rising trade barriers caused by the emergence of many organic standards and technical regulations worldwide. The concept of equivalence is common in international trade policy where several models of application exist. Application of the equivalence concept in organic agriculture provides opportunity to improve trade in organic products and spread the benefits of organic agriculture globally.

The use of common procedures and assessment tools by governments and private sector parties to establish and recognize equivalent standards will enhance access to markets for all legitimate parties operating in countries with as well as without regulations of organic production, processing and labelling.

The procedure and tools outlined in this document and corresponding annexes, is a proposed guide for determining equivalence between standards for organic production and processing. It is developed in line with the WTO TBT and Codex Alimentarius frameworks for equivalence (see annex 5) as well as in consideration of experience in equivalence assessment in the organic sector worldwide, in particular by the International Federation of Organic Agriculture Movements (IFOAM). It is applicable for government to government as well as private sector equivalence determinations, both multilateral and unilateral.

It is recognized that equivalence can be established in other ways than through the use of this guide, for example through regional or bilateral trade agreements (using procedures established for their negotiation) or through unilateral determination by one party without participation of other parties.

Use or reference to international standards

To have an international standard serve as the reference for determination of equivalence is recommended.

There are currently two international reference standards for organic agriculture, i.e. CAC/GL 32, Guidelines for the Production, Processing Labeling and Marketing of Organically Produced Food and the IFOAM Basic Standards (IBS).

Determination of equivalence based on common objectives.

Both WTO and Codex mention that determination of equivalence should be based on objectives. But many regulations and standards – organic or otherwise – have not stated specific objectives for the range of requirements set. However, implied objectives of organic standards and even “common” objectives can be deciphered from such standards or regulations.

Clear process including criteria for differences and verification

Key elements of an equivalence determination process include provision of relevant texts, comprehensive comparisons, criteria and process for considering differences in measures/requirements.

This document includes criteria to evaluate variations in specific requirements in organic standards or regulations. These can be individual requirements or sets of related requirements.

Finally, it offers provisions for exclusion where problematic requirements may be excluded from the scope of equivalency, to isolate or mitigate their effect.

Provision for exclusions

Full equivalence may not always be achievable. When consensus on certain elements proves elusive and is blocking progress, a possibility to specify exclusions should be allowed. For example, inputs for organic agriculture accepted in one regulation may not wholly be accepted in another. Such inputs may be treated as exclusions while establishing equivalence¹. It is also possible that parties may later review the merits of such provisions and may amend or revise such provisions.

Provision for transparency

Trust building in the market place is essential for market acceptance of an equivalence agreement. Transparency is a key component for trust and should be maintained throughout the equivalence assessment process.

¹ The exclusion of a certain input, category or technology from equivalence doesn't necessarily mean that the affected products can't be traded. They might be granted market access in other ways, e.g. by complementary labelling.

Guide for equivalence of organic standards and technical regulations

1. Scope and use

This guide provides common procedures and assessment tools to establish and recognize equivalence among standards for organic production, processing and labelling.

This guide can be used for government-to-government or private sector purposes. It is designed for use in bilateral or multilateral negotiations and can be adapted to be employed in a unilateral equivalence assessment of one standard to another.

This guide is also a resource for further development of regulations and procedures to foster equivalence.

2. Definitions

Terms	Definitions
Base standard	The standard or regulation that constitutes the basis of the equivalence assessment
Base standard party	The principal party representing the standard or technical regulation that constitutes the basis of the equivalence assessment.
Evaluated standard	The standard or regulation for which a determination of equivalence with the base standard is sought
Evaluated standard party	The party representing the standard or technical regulation for which a determination of equivalence with the base standard is sought.
Principal parties	The parties seeking an equivalence agreement with each other
Standards	Document approved by a recognized body, that provides for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.
Technical Regulation	Document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.
Conformity Assessment	Any activity concerned with determining directly or indirectly that relevant requirements are fulfilled
Harmonization	The process by which standards, technical regulations and conformity assessment on the same subject approved by different bodies establishes inter-changeability of products and processes.

	The process aims at the establishment of identical standards, technical regulations and conformity assessment requirements.
Equivalence	The acceptance that different standards or technical regulations on the same subject fulfil common objectives
Recognition	Arrangement (either unilateral, bilateral, or multilateral) for the use or acceptance of results of conformity assessments.

3 Elements of equivalence assessment

3.1 Choice of base standard

Principal parties involved should identify the choice of a base standard, where equivalence of other standards/regulations to the base standard forms the basis of the equivalence assessment.

The following scenarios may be considered in choosing a base standard.

a. Multilateral equivalence assessment scenario

Choice of base standard may be an international standard or one of the many participating standards/regulations. Equivalence assessment is done for each of participating standards against the base standard. Equivalence to selected base standard constitutes equivalence to all other participating standards/regulations.

b. Bilateral equivalence assessment scenario

Choice of base standard may be an international standard, or one of the two participating standards/regulations. In case of the latter, equivalence assessment will be conducted twice with one of the applicable standards against the other in turn.

c. Unilateral equivalence agreement scenario

Choice of base standard may be an international standard (preferable), or the standard/regulation against which equivalence is sought.

3.2 Role and appointment of expert assessment panel

An impartial assessment of equivalence increases the credibility of the process and acceptance of results by principal parties and other sector stakeholders. Besides appointment of their respective negotiating representatives, principal parties should consider a joint appointment of an independent expert assessment panel to offer expert opinion to support their respective decision on equivalence.

The members of such a panel should be agreed upon by the principal parties.

If principal parties prefer not to appoint an independent expert assessment panel, the panel can be composed of representatives of the principal parties to the equivalence negotiation.

3.3 Identification of reference objectives

Clarification and agreement on a common set of specific reference objectives should be established before proceeding with the assessment of specific requirements. Objectives of the base standard, including specific objectives for different aspects of organic production and processing covered, should be specified at the onset of the process by the base standard party and agreed to by the evaluated standard party.

Where specific objectives are elaborated in the base standard, they should take preference as reference objectives. Where no specific objectives are elaborated in the base standard or if they are unclear, the principal parties should come to agreement on a common set of specific reference objectives. If an expert panel is appointed, it should facilitate clarification and agreement between the principal parties. The “common objectives” for production and processing in Annex 2 may be used for such purposes (see also bibliography).

This guide is developed for determining if requirements in one set of standards/regulations meet the objectives of organic production and processing in another set of standards/regulations. Some organic standards and regulations include or are accompanied by stated objectives for having the standard/regulation in the first place (for example, to protect consumers). Before commencing with the equivalence assessment, principal parties should decide whether objectives relevant to the assessment also include objectives of having the applicable base standard/regulation.

3.4 Specification of the scope and legal context of the standard

The scope of the equivalence assessment should be established by the principal parties at the onset of the process. The scope should include geographical area of application, and the range of products and processes covered.

Other legal texts relevant to the implementation of the base and evaluated standards should be disclosed by the respective principal parties e.g. applicable phytosanitary requirements that are not described in the standards and their relationship to the application of the base and evaluated standards.

3.5 Methodology of assessment

The equivalence assessment of the expert panel should form the basis for decision by the principal parties for the purpose of concluding an equivalence determination.

The expert panel may request clarification and interpretation of specific requirements from one or more of the principal parties as necessary for its assessment.

The expert panel should consider inviting public comment on their assessment.

Assessment by the expert panel should be made by consensus, or if consensus can't be reached by noting the different opinions.

3.6 Equivalence assessment based on set criteria

Whether or not the evaluated standard meets the agreed reference objectives is the primary focus of the equivalence assessment. The process and basis for equivalence should include consideration of the following:

a. Equivalence or compliance to an international standard as basis of equivalence to the base standard, i.e.

Accept equivalence or compliance of the evaluated standard to one or both international standards, i.e. Codex Alimentarius and IFOAM, as basis for equivalence to the base standard as a whole.

b. Equivalence of individual and/or sets of related requirements

If the above is considered insufficient, principal parties involved can resort to assessing equivalence of requirements within the relevant standards. These can be individual requirements or sets of related requirements.

A comparison of specified requirements will be necessary. If agreed by the principal parties, the comparison may be based on concise and/or paraphrased versions of the relevant standards/regulations and related legal texts, not the actual full texts. Consolidated/paraphrased versions that emphasize outcomes rather than prescriptive details of the standards/regulations can greatly facilitate the assessment process.

Where the evaluated standard requirements differ, they should be accepted as equivalent based on a similar level of fulfilment of the relevant objectives of the base standard.

Where an individual requirement in the evaluated standard is assessed as not equivalent or where there is no requirement in an evaluated standard corresponding to one in the base standard (omission), equivalence may be determined on the basis that a set of related requirements in the evaluated standard (including related legal texts) fulfill the relevant objectives of the base standard, e.g. for soil fertility management.

c. Criteria for variations of requirements

Equivalence assessment of requirements (either individual requirements or sets thereof) should include acceptance of variations in requirements of the evaluated standard based on the following criteria:

- *Legitimate reasons including conditions such as climate, geography, technical problems as well as economic, regulatory or cultural factors that rationalize the difference as an equivalent variation from the base standard.*
- *Evidence that the evaluated standard reflects the consensus of the organic sector on the issue, where it is applicable.*
- *Variant standards maintain practices that distinguish organic from non-organic practices.*

See Criteria for variations [annex 3] for further elaboration.

3.7 Acceptance of expert panel assessment and resolution of outstanding issues

The expert panel assessment provides the basis for decision by the principal parties. Principal parties should accept the equivalence assessment of the expert panel and focus on resolving outstanding issues to conclude their equivalence agreement.

Outstanding issues may be resolved through the following means:

- a. *Revision of specific requirement(s) and/or addition of other provisions by the evaluated standard party(ies) to address outstanding issue(s).*

Proposals of revision or additional provisions may be accepted by base standard party without involving additional assessment by the expert panel.

- b. *A waiver or amendment of requirement(s) related to outstanding issue(s) by the base standard party.*

On the appeal of the evaluated standard party(ies), the base standard party may waive or amend specific requirement(s) related to outstanding issue(s) in consideration of conditions where the evaluated standard applies.

- c. *Exclusion or reduction of scope*

Where resolution and agreement on full equivalence is not possible the option of specifying exclusions such as exclusion of certain requirements or production inputs or product categories from the equivalence agreement or reducing the scope (such as limiting the equivalence to only crop production) should be considered.

3.8 Transparency

Principal parties should ensure that the process for determining equivalence is as transparent as possible, while reflecting legitimate constraints of diplomacy and commercial confidentiality where appropriate. Public notification of key events, including at least a description of the process in the beginning and the rationale of the outcome of the final agreement at the end, should be made public. Public notifications should be issued in at least all the official language(s) of the principal parties, and it is recommended to include other languages (such as English) that would enhance transparency for non-principal parties.

Where possible, opportunity for stakeholder input in the equivalence assessment should be facilitated.

Government principal parties may need to issue notifications of resolution prior to final agreement in line with WTO TBT requirements (see bibliography).

4. Procedures for Equivalence Assessment

4.1 Initiation

The initiation phase includes the following steps to be taken by the principal parties:

- a) Make known to each other their interest in seeking equivalence determination.
- b) Specify and agree on whether a multilateral, bilateral or unilateral equivalence determination is desired.

- c) Specify and agree on the use of this guide and/or other protocol(s) as means of reaching equivalence determination.
- d) Specify whether additional consideration besides meeting objectives of organic production and processing standards is necessary for an equivalence determination.
- e) Review this guide and agree to amendments or alternative procedure and tools, including
 - choice of base standard (section 3.1)
 - applicable scope of equivalence assessment (section 3.4)
 - basis for equivalence including criteria for variation (section 3.6 & annex 3)
 - specific amendments to procedure and guides (section 4) or alternatives
 - projected dates of commencement and completion
 - how cost of process will be covered
 - responsible representative(s) of each party
- f) Specify and agree on the degree of transparency including which steps and information in the equivalence assessment will be made public and which will not.
- g) Appoint an expert assessment panel (section 3.4). The panel could be composed of independent experts or representatives of the principal parties.

4.2 Clarification of objectives

On concluding the above principal parties, with or without the support of an expert panel, should proceed to

- a) Specify objectives of the base standard (see 3.3), including specific objectives for the different aspects of organic production and processing covered in the standard.
- b) Disclose all related legal texts and documents (see 3.4)
- c) Clarify and agree on a common set of specific reference objectives before proceeding with the assessment of specific requirements.

4.3 Comparison and equivalence assessment of requirements

Equivalence assessment between individual and/or sets of requirements should be conducted on an agreed basis for equivalence and criteria for variations.

After establishing a common set of specific reference objectives, principal parties should either prepare or delegate to the expert panel to prepare a comprehensive standards comparison (including related legal texts) which identifies requirements of the evaluated standard that are different, omitted or additional to the requirements of the base standard. *Note: See Annex 4 for a template for preparing a comparison.*

The expert panel should then:

- a) Assess the equivalence of the evaluated standard with the base standard (see 3.6),
- b) Issue a preliminary equivalence recommendation.
- c) Invite comments, including supplemental information, from the evaluated standard party(ies) and the base standard party.

Note: Consideration should be given at this point to make the preliminary assessment available for public comment

- d) Revise the equivalence assessment and equivalence recommendation as appropriate relative to the comments received.
- e) Submit revised assessment and recommendation to the principal parties.

A submission from a principal party should be copied to all other principal parties.

4.4 Resolution of outstanding issues

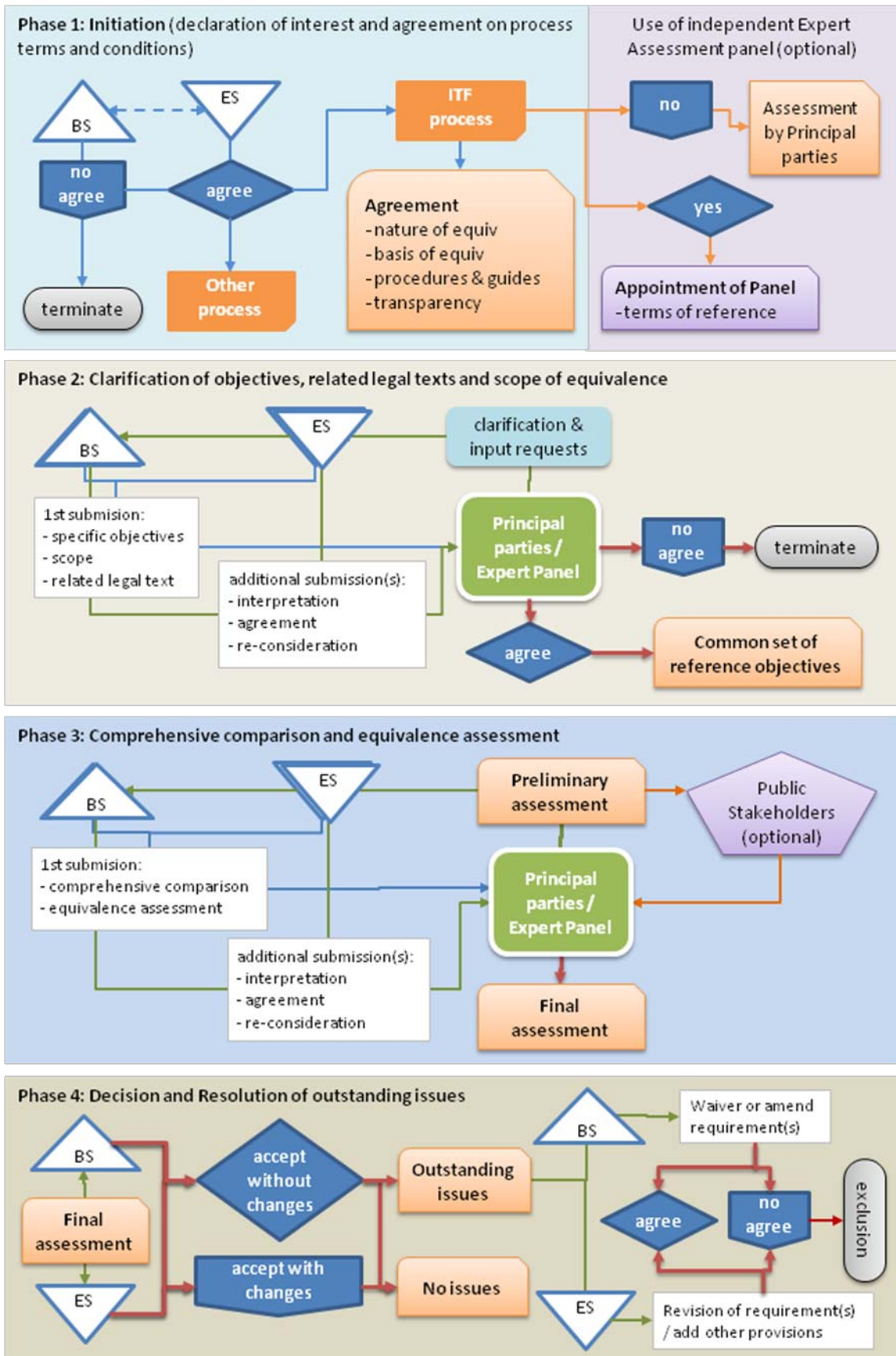
Based on the expert panel's final assessment, the evaluated standard party(ies) may choose to resolve outstanding issues, if any, by one or more ways below (see 3.7):

- a) Revision of specific requirement(s) and/or addition of other provisions by the evaluated standard party(ies) to address outstanding issue(s).*
- b) A waiver or amendment of requirement(s) related to outstanding issue(s) by the base standard party.*
- c) Exclusion or reduction of scope*

Resolution discussion, including face-to-face meeting between parties, may continue for as long as necessary until agreement or decision to terminate process is reached.

The final decision on equivalence or decision to terminate process should be notified to the public, including a summary of the process and rationale for the final outcome of the process.

Annex 1: Flow chart of Procedure



Annex 2: Examples of Common Objectives for Organic Standards Systems

- Protecting and enhancing soil quality
- Avoiding use of synthetic chemical fertilizers, pesticides and fungicides
- Protecting and enhancing biodiversity
- Avoiding pollution
- Responsible use of resources (e.g., soil water and air)
- Responsible treatment of farm animals
- Prohibiting use of certain technologies (genetic engineering/modification and ionizing radiation),
- Planning for (management plan) organic production,
- Verifying (certifying to) all of the above (this includes use of organic seeds, auditing, traceability of products and labeling for the market), and
- Maintaining organic integrity in the processing systems used for organically produced products

Adapted from: “Common Objectives of Organic Standards Systems” (ITF 6th meeting). This is an example derived from research, but not formally established through a stakeholder consultation process.

Annex 3: Criteria for Variations in Standards

There may be conditions where climate, geographical, technical problems as well as economic, regulatory or cultural factors rationalize a variation from the base standard.

The need and necessity for a variation should be established on at least one of the following:

- a. Climatic, geographical and/or structural conditions, where the evaluated standard applies, prevent effective application of the base standard requirement;
- b. Compliant methods to the expectation of the base standard requirement are not achievable or feasible for operators where the evaluated standard applies;
- c. Application of the base standard requirement would prevent further development of organic agriculture where the evaluated standard applies;
- d. Application of the base standard requirement seriously contradicts generally accepted religious or cultural beliefs as opposed to the evaluated standard where applicable;
- e. Application of the base standard requirement would prohibit compliance with prevailing legal requirements or legitimate sector regulations where the evaluated standard applies;
- f. Application of the base standard requirement does not meet established consensus or 'state of the art' understanding of the organic sector due to a different historical development of organic practices where the evaluated standard applies

Further considerations for acceptance

The evaluated standard should be set through a documented standard setting process that includes open stakeholder consultation. Compliance to WTO TBT agreement or ISEAL² code for standard setting should be favorably considered.

The evaluated standard can demonstrate equivalence to international standards and/or acceptance by other private standard setters or government authorities.

The evaluated standard including variations maintain practices that clearly distinguish organic from non-organic production and processing practices.

The evaluated standard including variations does not contradict specified objectives of the Base standard.

Acceptance of variation does not unduly prejudice fair competition, consumer trust in organic and international harmonization necessary for international trade.

Adapted from IFOAM policy 42: "IFOAM Policy for Recognition of Certification Standards Based on the IFOAM Basic Standards"

² International Social and Environmental Labeling Alliance

Annex 4: Template for a comparison, including equivalency assessment and conclusion (ref. Section 3.6)

The template below is based on the matrix tool for IFOAM recognition of other standards. The actual template is an excel file. The objective is to provide an overview of how the evaluated standard compares to the Base standard. (*Note: The standard example is from IFOAM Basic Standards.*)

Although this example is for comparison of individual requirements, the template can be adapted for comparison of concise and/or paraphrased requirements.

1	2	3	4	5					6
BS ref.	Base Standard (BS) content according to published format or concise version in order of <ul style="list-style-type: none"> - section heading - specific objectives - sub-heading - requirements - additional legal text 	Evaluated Standard (ES) or related legal text content In order of matching content to Base Standard	ES ref.	Assessment					Assessment party's comment
				E	N	A	O	U	
	Objectives specified <i>Protecting and enhancing biodiversity</i>								
2.	Section heading: Organic Ecosystems	<i>matching Evaluated Standard content</i>							
2.1	Sub-heading Ecosystem management (2) <i>figure in brackets indicates the number of requirements in the sub section</i>	<i>matching Evaluated Standard content</i>							
2.1.1	Specific requirement Operators shall take measures to maintain and improve landscape and enhance biodiversity	<i>matching Evaluated Standard content</i>							Rationale for assessment of specific requirement
	Further explanation, interpretation or additional legal text <i>None</i>	<i>matching Evaluated Standard content</i>							
2.1.2	Clearing of primary ecosystem is prohibited	<i>matching Evaluated Standard content</i>							Rationale for specific assessment
	<i>Further explanation, interpretation or legal text</i> <i>None</i>	Additional explanation, interpretation or legal text if any							
		Additional Evaluated Standard requirements if any							
Do the Evaluated standard requirements and related legal text in this section as a whole provide equivalent fulfilment of the applicable specified objectives of the Base standard?									Rationale for equivalence assessment of set of requirements

Columns

1	Reference number of Base Standard content
2	Base Standard content according to published format or concise version in hierarchical order of - section heading - specific objectives - sub-heading - requirements - further explanation, interpretation or additional legal text (where applicable)
3	Matching Evaluated Standard content according to published format or concise version to Base Standard for comparison
4	Reference number of Evaluated Standard content
5	Status of equivalence assessment of Evaluated Standard against Base Standard. The different statuses are marked with different colors for easy identification. E: Equivalent including equivalence based on criteria for variation N: Not equivalent requirements that are judged not to be equivalent A: Additional for Evaluated Standard requirements that are not addressed in the Base Standard. The corresponding Base standard slot will be empty O: Omission for Base Standard requirements that are not addressed in the Evaluated Standard. The corresponding evaluated standard slot will be empty. U: Undecided indicating inability of the assessment party to decide equivalence at the time The different statuses are split into separate columns for easier sorting and counting of numbers.
6	Assessment party's comment related to assessment made

The columns presented in the sample template represent the basic set. More columns can be added as need arises to track additional comments, proposed revisions of objectives and/or requirements as well as change in assessment or standards/regulations over time.

Rows

Each component of the Base Standard should occupy separate rows, i.e. separate rows for each heading, objective, sub-heading and requirement. Interpretations, explanations and legal text related to a particular requirement should occupy the row just below the requirement or the bottom rows within the related sub-heading if not related to any requirement.

At the bottom of each section or sub-section is the conclusion row where equivalence of the section or sub-section is noted.

Different row colors are used for headings, objectives, requirements and additional explanation and legal text for easy identification.

Annex 5: Framework references for the ITF equivalence guide

WTO TBT agreement

The Agreement on Technical Barriers to Trade states in Article 2.4 that “*Where technical regulations are required and relevant international standards exist or their completion is imminent, Members shall use them, or the relevant parts of them, as a basis for their technical regulations except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfillment of the legitimate objectives pursued, for instance because of fundamental climatic or geographical factors or fundamental technological problems.*”

Where it is not appropriate for a country to adopt an international standard, or base their technical regulations on an international standard, Article 2.7 of the WTO-TBT agreement states that “*Members shall give positive consideration to accepting as equivalent technical regulations of other Members, even if these regulations differ from their own, provided they are satisfied that these regulations adequately fulfill the objectives of their own regulations.*”

Codex Alimentarius

Although the CAC/GL 34 *Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems* refers to conformity assessment and agreements between governments, many of its provisions offer applicable guidance for judging equivalence of standards and making agreements within the private sector as well.

The CAC/GL 34 Foreword mentions that ‘*Import requirements should be based in the principles of equivalence and transparency as set out in Principles for Food Import and Export Inspection and Certification.*’

Sections of CAC/GL 34 include the following applicable provisions:

<u>Section</u>	<u>Provision</u>
5.7	The importing country considers and determines whether the country’s measures meet the importing country’s requirements. Any decision must, however, be made on the basis of objective criteria.
5.10	A country entering into discussion towards an equivalence agreement should be prepared to facilitate assessment and verification activity both before and after conclusion of the agreement.
7.16	As a first step in the consultative process, the importing country should make readily available the text of its relevant control measures and identify the objectives of these measures.
7.17	The exporting country should provide information that demonstrates that its own safety control system achieves the importing country’s objectives and/or level of protection as appropriate.
18.	The development of equivalence agreements is facilitated by the use of Codex standards, recommendations and guidelines by both parties.
19.	To facilitate the consultative process, information should be exchanged as appropriate, on (a) legislative framework, including the texts of all

relevant legislation, which provides the legal basis for the uniform and consistent application of the food control system that is the subject of the agreement.

20. Countries may wish compare side-by-side tables to organize the above-mentioned information and identify differences in measures/requirements.
21. The importing and exporting countries should identify a process for jointly considering differences in measures/requirements.
22. Participants in the agreements should be able to a) satisfy themselves and verify that equivalence continues to exist after conclusion of an equivalence agreement, and b) resolve any problems identified during audit and verification.
28. Participants in the agreement should agree to procedures for terminating the agreement, in case either party is not satisfied that the terms of the agreement are being met.

Bibliography

Codex	CAC/GL 32: Guidelines for the Production, Processing, Labeling and Marketing of Organically produced foods.
	CAC/GL 34: Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems
IFOAM	IFOAM Basic Standards
	IFOAM policy 42: IFOAM Policy for Recognition of Certification Standards Based on the IFOAM Basic Standards
ITF	Experiences of Equivalence and Recognition Mechanisms in the Regulation of Organic Agriculture (5 th ITF meeting)
	Common Objectives of Organic Standards Systems (6 th meeting). <i>This is an example derived from research, but not formally established through a stakeholder consultation process.</i>
	International Requirements for Organic Certification Bodies
WTO	WTO TBT agreement
Others	Letter from Ministry of Agriculture, Forestry and Fisheries, Japan to the USDA, 6 February 2001.