



**Sub Regional Consultation Workshop on  
'Equivalence & Mutual Recognition Agreements to facilitate trade of safe and quality  
food' for countries of South Asia,  
(Bangkok, Thailand, 28 - 29 September 2011)**

**Concept Note**

**Introduction**

The rules on the quality and safety of food in international trade that have been introduced through the WTO Agreements on Technical Barriers to Trade (TBT) and The Application of Sanitary and Phytosanitary Measures (SPS) serve to establish a clear and commonly agreed basis for official actions in regulating food safety and quality. The core objective of the WTO Agreements is to facilitate trade among the 153 WTO members while respecting the need of Governments to protect the health of their populations and to protect other legitimate national interests. The disciplines introduced through the SPS and TBT Agreements relate to transparency, harmonization of measures with international standards, recognition of equivalence of measures, the scientific justification for food safety measures, procedures for dispute resolution as well as other provisions.

The equivalence provisions within the SPS Agreement call upon WTO members to enter into consultations, upon request, with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary measures. Codex Alimentarius, the recognized reference for issues of food safety in international trade, has developed a number of guidelines in relation to equivalence and its application. The TBT Agreement also recognizes the equivalence provision and calls upon Members to give positive consideration to accepting as equivalent, technical regulations of other members even if different from their own, provided these fulfill objectives of their own regulations. It also goes on to add that Members shall ensure whenever possible, that results of CA procedures of other Members are accepted, even if these differ from their own, if satisfied that they offer an assurance of conformity with applicable technical regulations or standards equivalent to their own procedures

Mutual Recognition Agreements primarily involve conformity assessment procedures and indicate that the Parties mutually accept each other's conformity assessment procedures as equivalent to their own in order to ensure compliance with the regulatory requirements.

The experience so far with the application of the equivalence and mutual recognition provisions suggests that these are resource- intensive and their use has been limited, especially in the case of the food sector. In some cases, agreements have been negotiated but these have not been notified to the WTO.

## **Rationale for Organising the Consultation Workshop**

Although trade within the region has been gaining importance, the problems and challenges being faced with respect to food safety and quality issues due to different regulatory requirements in the countries, different conditions of production and processing, etc, have also been increasing. Whilst general understanding and agreement exists on the provisions of the SPS and TBT Agreements with regard to equivalence & mutual recognition, these have not been well utilized and equivalence and mutual recognition Agreements are limited. Further, some countries in the Region are not fully aware and in a state of preparedness to take advantage of the provisions for negotiating such Agreements. The Consultation is therefore, expected to create a Regional platform for not only identifying the issues and problems but also using this opportunity to learn from the experiences of countries who have already invested time and effort in exploring/ using equivalence/ mutual recognition for streamlining trade. This will help countries to make better informed decisions on how to optimize their regulatory approaches with trading partners - and to focus their resources for food control activities where they are most needed. The Consultation Workshop is also expected to identify opportunities to meet SPS and quality requirements of trading partners and thereby facilitate and strengthen trade in the Region.

## **Objectives**

This Consultation is being organized to

- i) Share information and country experiences on equivalence and mutual recognition agreements;
- ii) Assist participating countries to assess the desirability/ feasibility of developing such Equivalence and Mutual Recognition Agreements either within the Region or with countries outside the Region and to identify other more feasible approaches for facilitating trade between key trading partners;
- iii) Identify capacity development needs for countries that are interested in pursuing the development and negotiation of such agreements

## **Participants**

The Consultation Workshop will bring together senior representatives of Ministry of Agriculture, Ministry of Health and Ministry of Commerce (or any others having a role in food quality and safety regulation and food trade policy) of the several countries of South Asia.

It is proposed to bring in experts from countries including US, Australia, the EU and ASEAN to share their experiences/ plans.

## **Expected Outputs**

The result from the Consultation Workshop will be a Report which contains a documented summary of the Consultation Workshop covering:

1. issues and problems relating to safety and quality barriers covering trade of food
2. the solutions to overcome the problems

3. identified capacity building needs for negotiating Equivalence and Mutual Recognition Agreements
4. recommendations in terms of key elements and a draft road map to address the same

## Provisional Agenda

The provisional Agenda is enclosed. The participants are expected to have full awareness about the issues being faced by them. The Consultation will develop the Way Forward as an assistance to countries.

### Draft Agenda

9:00 – 9:30	<b>Welcome and Introduction</b>
	Opening address – FAO representative for ----/ ADG RAP
	Introduction of participants and resource persons
9:30 – 10:30	<b>SESSION 1: Equivalence and Mutual recognition: A General Overview</b>
	What is equivalence? What is its importance and what are the international principles guiding its determination? FAO Speaker
	Equivalence and the SPS Agreement: An overview of the international experience with equivalence and mutual recognition WTO speaker
	Discussion
<i>10:30- 10:50</i>	<i>Coffee break</i>
10:50 – 12:30	<b>Session II: Equivalence and MRA: The experiences of EU and Australia</b>
	Australian experience – the motivation, the process, the problems, the pay-offs and the cost
	EU experience– the motivation, the process, the problems, the pay-offs and the cost
	Discussion
<i>12:30 -13:30</i>	<i>Lunch</i>
13:30 – 15:00	<b>Session III: Equivalence and Mutual recognition among South Asian Countries</b>
	Presentation of RIS paper (circulated 1 month before the meeting)
	Structured discussion – Issues and challenges identified
15:00 – 17:00	<b>Session IV: New approaches to trade facilitation based on equivalence</b>
	US – Recognizing the comparability of foreign food safety systems
	ASEAN – Plans for trade facilitation within ASEAN
	Discussion
	<b>DAY 2</b>
9:00 – 10:30	<b>Session V: Lessons learned from negotiations</b>
	Round table discussion
<i>10:30-10:50</i>	<i>Coffee</i>
10:50 – 12:30	<b>Session VI Working Group discussions</b>
	3 working groups to discuss solutions to the challenges and begin thinking about feasible scope and how to begin the work and to identify capacity development needs to be able to go forward.
<i>12:30 – 13:30</i>	<i>Lunch</i>
13:30 – 15:00	Reporting from Working Groups
<i>15:00 – 15:20</i>	<i>coffee</i>
15:20 – 16:00	<b>Closing session – Conclusions and next steps</b>