

1 Scope

This document provides practical guidance for *competent authorities* desiring to enter into bilateral or multilateral equivalence agreements concerning import and export inspection and certification systems of *primary and postharvest foods*.

These guidelines were adopted from CXG 34-1999 (Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems) with some modifications to consider the conditions in the Philippines.

2 Normative References

The following documents are referred to in the text in such a way that some or all of their contents constitute the requirements of this document. The latest edition of the referenced documents (including any amendments) applies.

Codex Alimentarius Commission (CAC). (1999). Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems (CXG 34-1999).
https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCXG%2B34-1999%252FCXG_034e.pdf

Codex Alimentarius Commission (CAC). (1997) Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CXG 26-1997).
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Bureau of Agriculture and Fisheries Standards (BAFS)-Department of Agriculture (DA). (2023). Design, Operation, Assessment, and Accreditation of Food Import and Export Inspection and Certification Systems — Guidelines (PNS/BAFS 368:2023).

3 Terms and Definitions

For the purpose of this Standard, the following definitions shall apply:

3.1

audit

systematic and functionally independent examination, *conducted either remotely and/or onsite* to determine whether activities and related results comply with planned objectives (DA-BAFS, 2023, *modified*)

3.2

certification

process by which an official certifying body, accredited, or officially accredited certifying body provides written or equivalent assurance that a commodity or a product or a process, or a system adopted or in place in agricultural and fishery establishments, complies with the subsisting sanitary and/or phytosanitary requirements, technical specifications, or conforms to specific quality standards as appropriate (DA-BAFS, 2023)

3.3

certification system

official and officially recognized certification systems (CAC, 1999)

3.4

competent authority/ies

government authorities or official bodies authorized by the government that is responsible for the setting of regulatory food safety requirements and/or for the organization of official controls, including enforcement. In the context of this Philippine National Standard (PNS), competent authorities refer to the bureau or agency mandated by law with responsibility and competence for ensuring and supervising the implementation of Sanitary and Phytosanitary (SPS) measures, regulations, or standards (DA-BAFS, 2024)

3.5

countries

include regional integration organizations to which a group of countries have transferred competencies as regards food import and export inspection and certification systems, and/or the negotiation of equivalence agreements with other countries (CAC, 1999)

3.6

equivalence

capability of different inspection and certification systems to meet the same objectives (DA-BAFS, 2023)

3.7**inspection**

the examination of food or systems for control of food, raw materials, processing, and distribution, including in-process and finished product testing, in order to verify that they conform to requirements (DA-BAFS, 2023)

3.8**inspection system**

official and officially recognized inspection systems (CAC, 1999)

3.9**official inspection systems and official certification systems**

systems administered by a government agency having jurisdiction, empowered to perform a regulatory or enforcement function or both (DA-BAFS, 2023)

3.10**officially recognized inspection systems and officially recognized certification systems**

systems which have been formally approved or recognized by a government agency having jurisdiction (DA-BAFS, 2023)

3.11**postharvest food**

food obtained from postharvest stages of the food supply chain (DA-BAFS, 2023)

3.12**primary food**

food obtained from the primary production stage of the food supply chain (DA-BAFS, 2023)

3.13**requirements**

criteria set by the competent authorities relating to trade in foodstuffs covering the protection of public health, the protection of consumers, and conditions of fair trading (DA-BAFS, 2023, *modified*)

3.14**trading partners**

in the context of this Philippine National Standard (PNS), trading partner/partners are country/countries which have been authorized by the competent authority/ies to export agricultural commodities based on existing updated and approved market access requirements (Cambridge, 2025, mod.).

4 Purpose of Agreements

4.1 *Competent authorities, when entering into agreements and/or other arrangements concerning food import and export inspection and certification systems, shall:*

- a. provide an enhanced means of assuring that *imported* products conform to the *Philippines'* requirements and that *Philippine exported products conform to the requirements of its trading partners*
- b. eliminate duplication of activities and use collective resources more efficiently and effectively;
- c. provide a mechanism for the cooperative exchange of expertise, assistance, and information to help assure and enhance conformity with requirements.

4.2 Equivalence agreements *should* generally not be a condition for trade but a means to ensure that when the *Philippines* is importing, its requirements are met with minimal trade impediments.

5 Scope and Types of Agreements

5.1 *The bilateral and multilateral agreements may cover trade in one or both directions between trading partners.*

5.2 An equivalence agreement covering control and certification systems may relate to any aspect of food safety or other relevant requirements for food, as *agreed by the competent authorities of the trading partners.*

5.3 Equivalence agreements may be limited to specific areas of trade or specific products. *These agreements may be entered into when some or all requirements are proven equivalent.*

5.4 Equivalence agreements may include provisions for certificates or other forms of certification of particular traded products or may provide for dispensing with certificates and other forms of certification as *described in Section 7 (Certification Systems) of CXG 26-1997 (Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems) and BAFS/PNS 368:2023 (Design, Operation, Assessment, and Accreditation of Food Import and Export Inspection and Certification Systems — Guidelines)*

6 Considerations Before Entering Into Bilateral or Multilateral Discussions

6.1 *When importing relevant products, the competent authorities should consider and determine whether the trading partners' measures meet the Philippine*

requirements. Any decision shall be made based on objective criteria.

- 6.2** *When importing and/or exporting relevant products, competent authorities may need to establish priorities for consultations leading to development of agreements in recognition of the limited resources available to conduct the necessary assessments. Such priorities should not conflict with World Trade Organization (WTO) rights and obligations.*
- 6.3** *The competent authorities may consider the following in setting priorities:*
- a) Public health risk*
If certain product categories pose significant risks to public health
 - b) Significant Trade*
If there is significant trade between the trading partners for the product(s) that will be the subject of an agreement, and whether an agreement between the two countries would facilitate trade
 - c) Infrastructure and Resources*
If there are sufficient infrastructure and resources to maintain an appropriate control system
 - d) Compliance with the Philippine Requirements*
If the trading partners' products comply with relevant national standards and/or regulations
 - e) Adherence to International Trade Ethics*
If the trading partners/s recognize/s and abide/s by the Codex Code of Ethics in International Trade in Food and the World Trade Organization
 - f) Resource Efficiency*
If the agreement results in significant conservation of resources
- 6.4** *Competent authorities entering into discussions towards an equivalence agreement shall be prepared to facilitate assessment and verification activities both before and after conclusion of the agreement as described in CXG 26-1997 (Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems) and BAFS/PNS 368:2023 (Design, Operation, Assessment, and Accreditation of Food Import and Export Inspection and Certification Systems — Guidelines)*
- 6.5** *Competent authorities that are not yet ready to enter into equivalence agreements may work jointly toward the development of such agreements. Amongst other things, information exchange, joint training, technical cooperation, and the development of infrastructure and food control systems can serve as building blocks towards the later development of agreements.*
- 6.6** *When exporting products to any developed country/ies, competent authorities may seek technical assistance from their trading partners when establishing systems that enable food exports to meet their requirements and facilitate the development of equivalence agreements.*

7 Initiating Discussions Toward an Equivalence Agreement

- 7.1 *Competent authorities* initiating discussion towards an equivalence agreement should identify:
- a. The type of equivalence agreement proposed;
 - b. *Objectives of the agreement*;
 - c. The product(s) to be covered;
 - d. The competent authorities or authorities for each product; and
 - e. The scope of requirements to be addressed by the agreement (e.g., health and safety, quality assurance systems, *and/or procedures*, labeling, consumer fraud, *traceability, sustainability, biosecurity, etc.*).
- 7.2 *Competent authorities of a country receiving a request to initiate discussion* should respond in a timely manner.
- 7.3 In the event that the recipient of a *request to initiate discussion* has difficulty in responding positively, *they* should provide a statement of reasons and any relevant recommendations to facilitate the future development of equivalence agreements.
- 7.4 Both *trading partners* should verify *and confirm* that legal authorities exist to discuss and enter into such an agreement.

8 Consultative Process for Equivalence Agreements

- 8.1 *When importing, competent authorities* should make *the document* of their relevant control measures readily available and *should* identify the objectives of these measures. For food safety control measures, *competent authorities* should identify the health risk(s) addressed by each measure. Where certain health hazards, such as foodborne pathogens, are known to exist in the *trading partners*, these hazards and the measures *that will* address them should be identified.
- 8.2 Competent authorities should request *information from the trading partners* demonstrating that their safety control system achieves *the Philippines'* objectives and/or level of protection, as appropriate.
- a. Equivalence agreements for food safety (sanitary) control measures are entered into after *the competent authorities* determine that *the trading partners'* control measures, even if different from those of the *Philippines*, achieve the appropriate level of health protection *of the latter*.
 - b. Equivalence agreements for other relevant requirements for food are

entered into after *the competent authorities* determine that the *trading partners' control* measures, even if different than those of the *Philippines*, meet the country's objectives.

- 8.3 The development of equivalence agreements *should be guided* by the use of *relevant international* standards, recommendations, and guidelines.
- 8.4 To facilitate the consultative process, information should be exchanged, as appropriate, on:
- a. Legislative framework, including the *regulatory framework and structure* 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 *as described in paragraphs 20-23 (Legislative framework) of CXG 26-1997*;
 - b. Control programs and operations, including the *organizational structure of the competent authorities* and texts of all the *trading partners* pertinent measures that would be the subject of the agreement, as well as other materials that relate to control programs and operations *as described in paragraphs 24-29 (Control programmes and operations) of CXG 26-1997*;
 - c. Decision criteria and action *as described in paragraphs 30-37 (Decision criteria and action) of CXG 26-1997*.
 - d. Facilities, equipment, transportation, and communications, as well as basic sanitation and water quality, *as described in paragraphs 38-40 (Facilities, equipment, transportation, and communications) of CXG 26-1997*.
 - e. Laboratories, including information on the evaluation and/or accreditation of laboratories, and evidence that they apply internationally accepted quality assurance techniques *as described in paragraphs 41-42 (Laboratories) of CXG 26-1997*.
 - f. Details of the *trading partner's* systems for assuring competent and qualified inspection through appropriate training, certification, and authorization of inspection personnel; and the number and distribution of inspectors *as described in paragraph 43 (Personnel) of CXG 26-1997*
 - g. Details of the *trading partner's* procedures for audit of national systems, including assurance of the integrity and lack of conflict-of-interest of inspection personnel *as described in paragraph 47 of Section 7 (Certification Systems) and paragraph 52-57 of Section 9 (Assessment and Verification of Inspection and Certification Systems) of CXG 26-1997* ;
 - h. Details of the structure and operation of any rapid alert systems in the *trading partner*; and
 - i. *Details of other information as specified in relevant international standards, recommendations, and/or guidelines*

- 8.5 *Trading partners* may prepare a side-by-side *matrix* to organize the information mentioned above and identify differences between their *trading partners'* control systems.
- 8.6 *Trading partners* should identify a process for jointly considering differences in measures/requirements.
- 8.7 *When importing, competent authorities should seek the opportunity to verify that the trading partners' control systems function as described.* This can be accomplished by appropriate assessment and verification of processes as described in Section 9 and the related Annex of CXG 26-1997 (Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems) and BAFS/PNS 368:2023 (Design, Operation, Assessment, and Accreditation of Food Import and Export Inspection and Certification Systems — Guidelines)
- 8.8 Participants in the agreement should establish procedures to:
- Periodically audit and verify that equivalence continues to exist after *the* conclusion of an equivalence agreement; and
 - Resolve any problems identified during *the* audit and verification.
- 8.9 *When importing, problem resolution procedures and corrective action* should be developed, including provision for the *competent authorities* to re-examine the *official control systems* to verify that the *trading partners* have corrected their deficiencies.
- 8.10 *The Philippines and its trading partners* should discuss and decide whether the equivalence agreement should include provisions for the use, in addition to or in lieu of certificates, of a list of establishments *that comply* with the *trading partners'* equivalent control measures. *When importing, the competent authorities* can use this list of establishments to monitor imported shipments. The *trading partners* should provide the list and updates when appropriate to the *competent authorities*.
- 8.11 Participants in the agreement should agree to *the following*:
- 8.11.1.1 Information exchange in the event of a food emergency control situation, *as described in CXG 19-1995 (Principles and Guidelines for the Exchange of Information in Food Control Emergency Situations)*
 - 8.11.1.2 Procedures to follow in the case of food shipments (*including the importation processes*) that are found not to comply with the terms of the equivalence agreement.

- 8.11.1.3 Terminating the agreement, in case either party is not satisfied that the terms of the agreement are being met.

8.12 To enhance public confidence in the agreement while respecting legitimate concerns to retain confidentiality, the relevant competent authorities of the particular countries should provide the public—including consumers, industry, and other interested parties—an opportunity to comment at an appropriate time on the proposed content of the agreement *as described in paragraph 58 of section 10 (Transparency) in CXG 26-1997*.

9 Pilot Studies

- 9.1 Before entering into an agreement, the *competent authorities of the Philippines and its trading partners* may agree to the conduct of a trial or pilot study.
- 9.2 The pilot study agreement and protocol may include, but are not limited to, provisions in relation to:
- a. *Scope and objective*;
 - b. Description and time frame of the trial program;
 - c. Roles, capabilities, *and resources* of the involved *competent authorities* and officially recognized private organizations;
 - d. Procedures for inspection and certification;
 - e. Audit procedures and frequency;
 - f. *Dispute settlement*
 - g. Description of training or information needs.
 - h. *Monitoring and evaluation*

10 Drafting of Agreement

- 10.1 Information *that* may be included as appropriate in an agreement is listed in Annex A

11 Implementing the Agreement

- 11.1 A notice announcing the agreement, or the text of the agreement itself, should be published by *the competent authorities signing it*. The text of the agreement should be made available to the public of each country in that country's official language(s).
- 11.2 After the agreement comes into effect, each *party* should promptly notify the other party or parties of any proposed new or revised measures that pertain to the agreement.

ANNEX A**Contents of Equivalence Agreements (CAC, 1999)**

The following information may be included, as appropriate, in equivalence agreements.

- a. **Title:** The name given to the agreement may vary, depending on the preferences and legal requirements of the parties to the agreement.
- b. **Parties:** The names of the parties to the bilateral or multilateral agreement.
- c. **Purpose:** A brief statement of the specific purpose of the agreement.
- d. **Scope:** Identification of the product, *official control systems*, and measures that are the subject of the agreement. Note exceptions where necessary.
- e. **Definitions:** Definitions of terms used in the agreement, as needed. Where possible, definitions in WTO and Codex documents should be used.
- f. **Substantive Obligations:** A comprehensive description of each *party's* obligations and specific responsibilities.
- g. **Competent Authorities:** The title of each competent authority that will be responsible for the implementation of the agreement.
- h. **Equivalence Finding:** A statement of the control systems or parts of systems that *are deemed* equivalent by the *competent authorities to those outlined in* the agreement.
- i. **Assessment and Verification Provisions:** A description of the methods to verify compliance with the provisions of the agreement, including audit procedures and/or provisions for *competent authorities* to utilize officially recognized third parties (including competent authorities in countries that are not signatories to the officially recognized agreement). The plans for continuing verification should be clearly described.
- j. **Criteria for Certification:** When certificates are part of agreements to meet requirements, a list of the criteria, by attribute, that should be used by the competent authorities of *both trading partners* to determine if the product meets the *Philippines'* standards.
- k. **Sample Collection:** A listing of references and sample procedures that the *trading partners* will use for testing and/or certification.
- l. **Analytical and Other Methodology:** A listing of the methods and equivalent procedures that the participating competent authorities will use to determine the compliance covered by the agreement.
- m. **Administrative Procedures:** Procedures and guidance for the practical implementation and application of the agreement.
- n. **Information Exchange and Cooperation:** A listing of the types of sharing of expertise, assisting, and exchanging information that will help assure the quality and safety of the product(s) covered by the agreement.
- o. **Transparency:** Description of the types of information that should be exchanged on a routine basis, including but not limited to revised *and updated* laws and standards, analytical findings, and inspection results.
- p. **Notifications:** A description of the situations and procedures that should be

followed when reporting significant changes in factors affecting the safety of traded products; situations where there is an identified risk of serious public health effects related to traded products; and steps being taken to resolve such situations.

- q. **Dispute Settlement:** A description of the consultative procedures, joint committee, and/or other mechanisms that should be employed by the participants to resolve disputes under the agreement. Such procedures and mechanisms should not limit the rights or obligations of the parties under the World Trade Organization (WTO) Agreements.
- r. **Liaison Officials:** For each participating competent authority, at least one liaison official should be identified by title/position, address, telephone number, fax number, and e-mail address. (It is not necessary to include the name of a specific individual.)
- s. **Entry into Force:** The date on which the provisions of the agreement enter into force.
- t. **Review, modification, and termination:** The methods for the review, modification, and termination of the agreement.
- u. **Signatures:** Signatures, titles, and names of officials representing the competent authorities that are participants in the agreement and the date(s) of signature.

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