1 Scope

This document provides guidelines on the judgment of the equivalence of food inspection and certification systems *through associated sanitary and phytosanitary measures*. For the purpose of determining equivalence these measures can be broadly characterized as infrastructure, program design, implementation, and monitoring, and/or specific requirements.

These guidelines were adopted from CXG 53-2003 (Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food 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 (CAC/GL 34-1999) https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252fSites%252findex%252FStandards%252FCXG%2B34-1999%252FCXG_034e.pdf

Codex Alimentarius Commission (CAC). (2003). Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems (CAC/GL 53-2003). https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCXG%2B53-2003%252FCXG_053e.pdf

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). https://bafs.da.gov.ph/index.php/approved-philippine-national-standards/

Bureau of Agriculture and Fisheries Standards (BAFS)-Department of Agriculture (DA). (2025).Development of Equivalence Agreements Regarding Food Imports and Export Inspection and Certification Systems — Guidelines (PNS/BAFS xxx:2025). https://bafs.da.gov.ph/index.php/approved-philippine-national-standards/

3 Terms and Definitions

The definitions presented in this document are derived from and consistent with those of the Codex Alimentarius Commission and the WTO SPS Agreement.

3.1
appropriate level of sanitary protection (ALOP):
level of protection deemed as appropriate by the competent authority establishing sanitary and phytosanitary measures to protect human, animal, or plant life or health within its territory (DA-BAFS, 2024).

3.2
competent authority
government authorities or official body 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 refers 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)

3.3
equivalence
capability of different inspection and certification systems to meet the same objectives (BAFS-DA-, 2023)

3.4
equivalence of sanitary measures:
the state wherein sanitary measures of trading partners are recognized as acceptable by competent authorities even if they are different from their own, so long as an equivalent level of protection is *achieved* (WTO, 2025, *modified*)

3.5
hazard:
A biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect (FAO&WHO, 2023, modified)

3.6
inspection
the examination of food, *premises, establishments, and/or systems for control of food, and raw materials, during production, postharvest, storage, and distribution* in order to verify that they conform to requirements (DA-BAFS, 2023, *modified*)

3.7
official inspection systems and official certification systems
systems administered by *competent authority/ies* having jurisdiction to perform a regulatory or enforcement function or both (DA-BAFS, 2023, modified)

3.8
radiological hazard
the presence of radioactive materials (radionuclides) contaminate food which can pose a potential risk to human health due to exposure to ionizing radiation (US EPA, 2024).

3.9
risk:
likelihood of an adverse health effect and the severity of this effect following exposure to a hazard (FSA of 2013, 2013)

3.10
risk analysis
science-based structured process used to assess, manage, and communicate the risks associated with human health and safety. It consists of three *interrelated* components: risk assessment, risk management and risk communication (FAO & World Health Organization [WHO] 2019, *modified*)

3.10.1
risk assessment
scientifically based process consisting of the following steps: (i) hazard identification, (ii) hazard characterization, (iii) exposure assessment, and (iv) risk characterization (*CAC, 2014 &* DA-BAFS, 2020)

3.10.2
risk management
process, distinct from risk assessment of weighing policy alternatives,in consultation with all interested parties, considering risk assessment and other factors relevant for the health protection of consumers and for the promotion of fair-trade practices, and, if needed, selecting appropriate prevention and control options (CAC, 2014 & DA-BAFS, 2020)

3.10.3
risk communication
interactive exchange of information and opinions throughout the risk analysis process concerning risk, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, industry, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions (CAC, 2014 & DA-BAFS, 2020)

3.11
risk profile
a description of a food safety problem and its context that presents in a concise form, the current state of knowledge related to a food safety issue, describes potential Microbiological Risk Management (MRM) options that have been identified by the Committee on Food Hygiene (CCFH), if any, and the food safety policy context that will influence further possible actions (Food and Agriculture Organization [FAO] & World Health Organization [WHO], 2024)

3.12
sanitary measure
any measure applied to protect human life or health within the territory of the country from risks arising from additives, contaminants, toxins or disease-causing organisms in food or feedstuffs, or from risks arising from diseases carried by foods which are animals, plants or products thereof or from risks arising from any other hazards in foods. (CAC, 2003,).

3.13
phytosanitary measures
any measure applied to protect animal or plant life or health within the territory of the Member from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms (WTO, 2025)

3.14
sanitary and phytosanitary measures
measures *comprise* all relevant laws, decrees, regulations, requirements and procedures including, inter alia, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments, including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety (WTO, 2025, *modified*)

3.15
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 *updated and approved* market access requirements (Cambridge, 2025, *modified*)

4 General Principles For The Determination of Equivalence

4.1 Determination of the equivalence of sanitary *and phytosanitary* measures associated with food inspection and certification systems should be based on application of the following principles:

a. *When importing, relevant competent authority shall* set *appropriate* levels of sanitary *and phytosanitary* measures to protect human life and health. *The SPS Agreement sets out the rights and obligations of WTO Members regarding the determination of an appropriate level of sanitary protection*. The ALOP may be expressed in qualitative or quantitative terms.

b. *When importing, the relevant competent authority* should describe how *the set SPS* measure achieves the *Philippines'* ALOP.

c. The *set SPS* measures should, in practice, achieve the *Philippines'* ALOP and *should* be consistent with Article 2.3 of the SPS agreement. *Equivalent measures may achieve the ALOP of the Philippines or, in combination with other measures, they may contribute to the achievement of the Philippines' ALOP. In the remainder of this guideline, any reference to the former should be taken to include the latter possibility.*

d. *When importing, the relevant competent authority* should recognize that *SPS* measures different from *their* own may be capable of achieving *their* ALOP, and can therefore be found to be equivalent.

e. *The trading partners' proposed equivalent measure should be capable of* achieving the *Philippines*' ALOP.

f. When importing, the *relevant competent authority*, upon request by *its trading partner*, should promptly enter into consultations with the aim of determining the equivalence of specified *SPS measures* within a reasonable period of time *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)*

g. *The relevant competent authority shall require its trading partner to* objectively demonstrate *as guided by clause 6 (Objective Basis for Comparison) and in Annex A (Additional Guidance To Assist Exporting and Importing Countries in Undertaking An Equivalence Determination of Sanitary Measures) of this guidelines*, that its *SPS* measures can achieve the *Philippines'* ALOP.

h. *The relevant competent authority should objectively compare the SPS* measures of the *Philippines* with its *trading partner*s.

i. Where risk assessment is used to demonstrate equivalence, countries should strive to achieve consistency in the techniques applied, using

internationally accepted methodology where available and taking into account *standards set by relevant international standard-setting bodies*.

j. When importing, the *relevant competent authority* should take into account any knowledge and past experience it has of the food inspection and certification systems in the *trading partner* to make the determination as efficiently and quickly as possible.

k. The *trading partner shall grant* access to its inspection and certification systems upon request by the *relevant competent authorities* for *examination* and *evaluation* to determine equivalence.

l. All judgments of equivalence should consider the means by which that equivalence will be *enforced, and maintained until such conditions necessitate revisions.*

m. *The Philippines and its trading partners should ensure transparency in both the demonstration and judgment of equivalence, consulting all interested parties to the extent practicable and reasonable.*

n. *The Philippines and its trading partners* should approach an equivalence determination procedure cooperatively.

o. *The Philippines and its trading partners* should give consideration for appropriate technical, *and if necessary logistical* assistance that *should* facilitate the successful completion of an equivalency determination *as further expanded in clause 8 in Annex B (Additional guidance to assist exporting and importing countries in undertaking an equivalence determination of sanitary measures) of this guideline.*

5 The Context of Equivalence Determination

5.1 To facilitate judgment of equivalence between countries and promote harmonization of food safety standards, the *competent authority* and its *trading partner* should base their respective *SPS* measure on relevant *internationally accepted* standards *(e.g, Codex, WOAH, FAO, IPPC)* and *other* related texts.

5.2 An equivalence determination can be sought for any sanitary measure or set of measures relevant to food. Relevant *SPS* measures making up a food control system in the *trading partner* that is not the subject of an equivalence determination should meet the requirements of the *competent authority of* the *Philippines.*

5.3 *When importing*, the extent of the equivalence determination *should* depend on the *competent authority's* prior experience, knowledge, and confidence regarding the food control measures of its *trading partner*. *Clause 2.2*

(Experience, History of Trade, Knowledge and Confidence) in Annex A of this guideline provides additional guidance on undertaking an equivalence determination.

5.4 If the competent authority has prior experience, knowledge and confidence in the food control measures relevant to those being evaluated for equivalence, and *Philippines and its trading partners* agree that import requirements are fully met *(e.g., based on history of trade, and risk profiling results)* the *sanitary and phytosanitary measures may be accepted as equivalent* without *reviewing* the *other components* of the food control system.

5.5 *When conditions under 5.4 are not fully met, further review of other components of the food control system should be required before determining equivalence.*

5.6 For the purposes of determining equivalence, the *SPS* measures associated with a food inspection and certification system *should* be broadly categorized as:

a. infrastructure, including the legislative base (e.g., food and enforcement law), and administrative systems (e.g., organization of national and regional authorities, enforcement systems, etc.);
b. program/s design, implementation and monitoring; including documentation of systems, monitoring, performance, decision criteria and action, laboratory capability, transportation infrastructure, *pest and disease situations (e.g., surveillance report, and preventive and control measures)* and provisions for certification and audit;
c. specific requirements *related to food safety program* as applicable:
    i. individual facilities (e.g., premises design),
    ii. equipment (e.g., design of food contact machinery),
    iii. processes (e.g., *risk profiling, and categorization, and* HACCP plans),
    iv. procedures (e.g., ante- and post-mortem inspection),
    v. tests (e.g., laboratory tests for *allergens, physical,* microbiological, chemical *and radiological* hazards.) and
    vi. methods of sampling and inspection.

6 Objective Basis of Comparison

6.1 *When importing*, the *SPS* measures applied by *the competent authority should* have the purpose of achieving its ALOP. The *trading partner* may demonstrate *attainment of the Philippines'* ALOP by using an objective basis of comparison *for the* proposed equivalent measures.

6.2 The *Philippines* should, *through official* request of *its trading partner*, specify as precisely as possible an objective basis for comparison of the *SPS* measures proposed by *their trading partner* and its own measures.

6.3 *Technical discussions* between the *Philippines and their trading partner should* assist in the development of understanding and, desirably, agreement on the objective basis for comparison. Supporting information to be provided by the *competent authority* may include:

a. the reason/purpose for the sanitary measure, including identification of the specific risks that the measure is intended to address;
b. the relationship of the sanitary measure to the ALOP, i.e., how the sanitary measure achieves the ALOP;
c. where appropriate, an expression of the level of control of the hazard in a food that is achieved by the sanitary measure;
d. the scientific basis for the sanitary measure under consideration, including risk assessment where appropriate;
e. any additional information that may assist the *trading partners* in presenting an objective demonstration of equivalence.

6.4 Clause 3 (Objective Basis of Comparison) of Annex A in this guideline (Additional Guidance to Assist Exporting and Importing Countries in Undertaking an Equivalence Determination of Sanitary Measures) provides further guidance to what constitutes the development of an objective basis of comparison.

7 Procedure For the Determination of Equivalence

7.1 The preparatory steps described in clause 1.3 of Annex A of this guideline shall be considered in determination of equivalence.

7.2 The trading partner shall identify and officially request the SPS measure for the food involved that they wish to establish equivalence.

7.3 *When* importing, *the competent authority* should make available details of its *relevant SPS* measures *as identified and officially requested* by its *trading partner*.

7.4 The *trading partner shall* review all applicable *SPS* measures of *the Philippines,* and identify those it will meet and those for which it seeks determination of equivalence.

7.5 *The Philippines and its trading partner* should then use an agreed process for exchange of the relevant information to facilitate the determination of equivalence. This information should be limited to that which is necessary for this purpose.

7.6 The factors that may facilitate the determination of equivalence of SPS are described in clause 1.2 of Annex A of this guideline.

7.7 The determination of equivalence *should be* facilitated by both parties following a sequence of steps, such as those described below and illustrated

in Figure 1 found in Annex B. *The Philippines and its trading partners* should work through these steps in a cooperative manner with the aim of reaching agreement:

a. *The trading partner shall identify* the *SPS* measure of the *Philippines* for which it wishes to apply a different measure, and *shall* request the reason/purpose for the measure.

b. *When* importing, *the competent authority should provide* the reason/purpose for the identified *SPS* measure and other relevant information in accordance with *clause 6 (Objective Basis of Comparison) of this guideline.*

c. *When importing*, the *competent authority* should specify as precisely as possible an objective basis for comparison of the *SPS* measures proposed by *its trading partner* and its own measures. On the initiative of *its trading partner*, *both* should enter into a *technical discussion* concerning this objective basis for comparison with a view to reaching agreement.

d. The *competent authority* should *require its trading partner to submit a* risk assessment *report and/*or other relevant methodology as appropriate, to demonstrate that *their* application of the different *SPS* measure achieves the ALOP of the *Philippines following appropriate risk assessment*, and should present them *appropriately. When deemed necessary, the competent authority may also request risk management measures and risk communication strategies.*

e. *When* importing, *the competent authority should* review the submission and, if adequate, *should* use the submission to determine whether the *trading partner's* measure achieves the *Philippine's* ALOP.

f. When importing, if the *competent authority* has any concerns with the submission as presented, *they* should *officially* notify *their trading partner* at the earliest opportunity and should detail the reasons for concern. If possible, the *competent authority may propose* how the concerns might be addressed.

g. The *trading partner shall* respond to such concerns by providing further information *(e.g., supporting technical documents, equivalent guidelines)*, modifying its proposal or taking other action as appropriate.

h. The *competent authority shall officially notify its trading partner* of its judgment within a reasonable period of time and *shall* provide the *basis* of its decision (e.g judgment as the *SPS* measure is not equivalent since it does not achieve the *Philippines'* ALOP).

i. *The Philippines and its trading partners* should attempt to resolve any differences of opinion over judgment of a submission, either interim or final.

8 Judgment

8.1 Judgment of equivalence by the *competent authority* should be based on a transparent analytical process that is objective and consistent, and *should* include consultation with all interested parties to the extent practicable and reasonable.

8.2 Judgment of the equivalence of *sanitary and phytosanitary* measures should take into account:

a. experience, *history of trade*, knowledge and confidence of its *trading partner's* food inspection and certification systems *as described in clause 5 (Context of an Equivalence Determination) of this guidelines*
b. supporting *technical documents* submitted by its *trading partner*;
c. analysis of the strength of the relationship between the *trading partners* specified *SPS* measure, and the achievement of the ALOP of the *Philippines* as reflected in the objective basis for comparison *as described in clause 6 (Objective Basis of Comparison) of this guidelines*
d. that *relevant* parameters *(e.g., MRLs, microbiological criteria, heavy metals)* should be stated in quantitative terms to the extent possible;
e. adequacy of qualitative descriptions where the level of control of hazards in foods is not quantified;
f. consideration of variability and other sources of uncertainty in data;
g. consideration of all expected human health outcomes of the *trading partner's* identified sanitary measure;
h. *internationally accepted standards (e.g., Codex, WOAH, FAO, IPPC) and other texts* relevant to the food safety matters under consideration.

8.3 Following any judgment of equivalence, both *the Philippines and its trading partners* should promptly advise each other of significant changes in their supporting program/s and infrastructure that may affect the original *and/or recent results* of equivalence.

8.4 *Clause 5 (Details on Judgment of Equivalence) of Annex A (Additional Guidance To Assist Exporting and Importing Countries in Undertaking An Equivalence Determination of Sanitary Measures) further expands the details on judgment of equivalence*

Annex A
(Normative)

Additional guidance to assist *trading partners* and *the Philippines* in undertaking an equivalence determination of sanitary *and phytosanitary* measures (CAC, 2003)

This Annex relates to the equivalence determination of sanitary *and phytosanitary* measures associated with a food inspection and certification system and clarifies certain aspects of the Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification.

1 Preliminary Considerations Relating to Undertaking An Equivalence Determination

There is a broad spectrum of circumstances where *the trading partners* may wish to seek an equivalence determination with *the Philippines*. While each circumstance will likely need to be considered on a case-by-case basis, it can vary from seeking equivalence for a set of sanitary *and phytosanitary* measures making up a food control system associated with a certain type of food seeking equivalence for a *SPS* measure (e.g., analytical method).

1.1 Factors that may facilitate the equivalence determination of *SPS* measures could include the following:

a. the experience, *history of trade*, knowledge and confidence the *Philippines* has with the *trading partner's* food control system (see *2.2.1-2.2.6* below);
b. the prior history in food trade between the *Philippines and its trading partners;*
c. the level of compliance of the *trading partner's* food with the *trading partners* requirements;
d. the level of cooperation that exists between the competent authorities of the *Philippines and its trading partners;*
e. the extent to which *Philippines and its trading partners*' food control systems are similar (e.g., the similarity of food laws and regulations, the capabilities of professional staff and laboratories, the similarity of *surveillance, traceability,* inspection and monitoring programs);
f. access to the necessary resources such as the scientific and technical capabilities *of the Philippines and its trading partner;*
g. consideration of the relevance of any previous equivalence determinations made by the *Philippines*.

1.2 Preparatory steps, that should be considered include:

a. the *trading partner* considering the benefits and cost/resource implications of an equivalence determination in comparison to other arrangements that meet the same outcome;
b. as appropriate, taking into account the considerations relating to setting priorities contained in Section 5 Paragraph 9, “Considerations before entering into bilateral or multilateral discussions”, of the Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems (CAC/GL 34-1999); *and PNS/BAFS (###:2025) Development of Equivalence Agreements Regarding Food Imports and Export Inspection and Certification Systems - Guidelines;*
c. whether the *Philippines and its trading partners* have access to the necessary scientific and technical resources to carry out an equivalence determination, recognizing that a proposal for equivalence will need to be well considered and documented;
d. where appropriate the *Philippines and its trading partners* should at an early stage in the equivalence determination process develop a plan containing objectives, milestones, timelines, *itinerary of an on-site or remote audit/inspection mission (when applicable/necessary)* and/or expected outcomes.

2 Guidance on Undertaking an Equivalence Determination

2.1 Scoping the Equivalence Determination

2.1.1 The *trading partner* should appropriately *provide* the scope *of* request for an equivalence determination by identifying the *SPS* measures and food commodity combination *(e.g., histamine level limit for scombroid-forming species, veterinary drug MRLs for meat, pesticide residue MRLs for crops, and phytosanitary certification for fresh fruits and vegetables)* to be submitted for consideration.

2.1.2 The *trading partner should* decide on which of the *Philippines* measures it will meet by compliance and for which measures it will seek equivalence.

2.1.3 In some situations it will be clear as to the specific measure or group of measures that are the subject of the equivalence determination.

2.1.4 In other situations *where* the scope of the equivalence determination may not be clear and categorization of *SPS* measures as referred to in *Clause 5.6* of the Guidelines may assist in determining the scope of the equivalence determination. Specifically, categorization may assist with organizing *SPS* measures, carrying out side-by-side comparisons of those measures where appropriate, and identifying which measures will be the subject of the equivalence determination.

2.2 Experience*, History of Trade,* Knowledge and Confidence

The following *sub-clauses* expand on information presented in *sub-clause 5.3-5.5* of *this* guideline and provide additional guidance relating to what constitutes experience, *history of trade,* knowledge and confidence.

2.2.1 Experience, *history of trade,* knowledge and confidence in *the trading partners'* food inspection and certification system by *the Philippines* particularly the food involved in the equivalence determination.

2.2.2 Other examples that may inform the *Philippines* experience, *history of trade* knowledge and confidence *may* include:

a. general knowledge of the *trading partner's* food control system which may be demonstrated by, among other things, a side by side comparison;
b. results of audits/inspections/field examinations by the *Philippines*, *trading partners*, other *competent authorities*, or other officially recognized third party organizations;
c. knowledge of the *trading partner's* application and implementation of the risk analysis principles in their food control system;
d. *pre-border, border, and post-border control* inspection *procedures* and test results, including records of import rejections and alerts by the *Philippines* as well as from other *trading partner*s;
e. agreements the *Philippines* may already have with the *trading partners*, including equivalence agreements;
f. bilateral or multilateral agreements on recognition of equivalence that either *the Philippines or its trading partners* may have with other countries;
g. impact on food control systems as a consequence of organizational/structural/administrative changes in the *trading partners* competent authority/ies;
h. contingency plans for containing and mitigating the *effects of emerging outbreaks and food safety emergencies such as unknown and imminent hazards, pests, and diseases in the trading partners*
i. food borne disease surveillance data associated with the food;
j. the degree to which industry in the *trading partners* uses appropriate processing controls;
k. adequacy of the *trading partner's* legislation and, as appropriate, quality control systems;
l. level and/or form of oversight of the food production system by the *trading partner's* competent authority;
m. acknowledgement and evaluation of pre-existing certification systems conducted or carried out by the *trading partner*;
n. any specific export control system in operation.

2.2.3 The *Philippines* can apply such experience, *history of trade,* knowledge and confidence at any point throughout the equivalence determination process.

2.2.4 Experience,*history of trade,* knowledge and confidence may assist in facilitating familiarity with the information provided by the *trading partners* and therefore reduce the resources required to form a judgment of equivalence of the measures proposed.

2.2.5 Situations where experience, *history of trade,* knowledge and confidence can assist include:

a. in making a decision how to proceed with a request for a judgment of equivalence;
b. in setting priorities, as may be appropriate (reference should also be made to Section 5, “Considerations Before Entering into Bilateral or Multilateral Discussions”, of the Codex Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems (CAC/GL 34-1999));
c. in informing the process of comparing the *trading partner’s* relevant *SPS* measures with the *Philippines SPS* measures;
d. in reducing the number of *SPS* measures that are to be the subject of a detailed examination;
e. in reducing the extent of the scientific evidence required to determine equivalence.

2.2.6 In applying experience, *history of trade*, knowledge and confidence to a determination of equivalence, transparency is essential so that the use and application of this information is clear to all parties.

3 Objective Basis of Comparison

The following *subclauses* expand on information presented in *subclauses 5.1 and 5.2* of *this* guideline and provide additional guidance relating to what constitutes the development of an objective basis of comparison (OBC).

3.1 An objective basis of comparison is a tool that may be quantitative and/or qualitative in nature. The information in *subclause 6.3* of *this* guideline is particularly relevant in explaining this point and provides some useful examples.

3.2 Depending on the scope of the equivalence determination there may be more than one OBC.

3.3 When developing OBC the *Philippines* should gather and assess scientific data and other information. *In the context of this document data is taken to mean both quantitative and qualitative data and other information,* and entered into *technical discussions* with the *trading partners* to seek agreement on the OBC. The OBC development process should, as appropriate:

a. ensure sufficient data to provide valid support for conclusions;

b. ensure the adequacy and accuracy of the data;
c. utilize risk assessments, as available; and
d. ensure sufficient knowledge and technical expertise of the subject matter.

4 Information and Documentation Contained in Submissions for Evaluation of a Request for an Equivalence Determination

The following *subclauses* provide additional guidance on what information should be contained in a country's submission for an equivalence determination.

4.1 Information and documentation required by the *Philippines* should be confined to essential information that is related to the defined objective for the determination of equivalence.

4.2 Requests for information from the *Philippines* should be presented in a coordinated manner.

4.3 *Relevant provisions of the following documents* provide guidance and the type of information that may need to be included in technical requirements:

- Paragraphs 16-20 of Section 7 "Consultative process for equivalence agreements" of the Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems (CAC/GL 34-1999)
- *BAFS/PNS (##:2025) Development of Equivalence Agreements Regarding Food Imports and Export Inspection and Certification Systems - Guidelines*

4.4 *Trading partners shall* initiate an official request to its counterpart in the *Philippines* for the determination of equivalence, including identifying the food concerned. *The technical requirements and procedures shall* be *provided by Philippines' competent authorities* after the official request *has been received.*

4.5 The technical requirements *shall* specify the measure(s) for which equivalence is sought.

4.6 Submission *and/or completion of technical requirements may be done in stages or a step-by-step manner, as shown in Annex B.* For example the *trading partner may first* provide the measures for which an equivalence determination is sought. The *Philippines* then provides the OBC if required.

4.7 Depending upon the nature of the OBC (see the clause on Objective Basis of Comparison in this *annex*), *trading partners* should provide the following information and data:

a. For a qualitative OBC, references to pertinent scientific information

should be provided. The technical requirements should also contain a written analysis by the *trading partner's* subject matter experts (*including relevant literature available or any relevant qualitative risk assessment performed)* explaining how they arrived at their conclusion that the *trading partner's* measures are equivalent to the *Philippines'* measures.

b. For a quantitative OBC, the technical requirements should include: the data used to assess the equivalence of the measure; the methodology used to obtain the data; the methodology used to assess the data including, as appropriate, the risk assessment models employed, and the assumptions made and the nature and extent of uncertainty of the findings. The technical requirements should also contain a written analysis that clearly shows how the *trading partner* arrived at the conclusion that its measure(s) are equivalent to the *Philippines'* measure(s).

5 Details on Judgment of Equivalence

The following expands on *Clause 7 (Procedure For the Determination of Equivalence)* and *8* (*Judgment)* of *this* guideline.

5.1 In the process of judging equivalence, the *Philippines* should focus on those measures or groups of measures which the *trading partners* and *Philippines* have mutually agreed will be the subject of the equivalence determination.

5.2 Ongoing communication between the *Philippines and its trading partner* may assist with the judgment of *the* equivalence process to, among other things, clarify technical points and respond to the need for additional information.

5.3 *The Philippines* may undertake to judge equivalence based only on a review of the data and information. Subject matter experts in the *Philippines* may also be utilized especially in reviewing the conclusions of the *trading partners*.

5.4 The *Philippines* should consult *its trading partner* throughout the process of judgment and at the earliest opportunity if preliminary assessment indicates that the application is likely to be unsuccessful.

5.5 A favourable decision regarding the judgment of equivalence based on the assessment of available information taking into account experience, *history of trade*,knowledge and confidence can be made at any point in the process including:

a. at initial *official communication* by the *trading partner*;
b. following review of the technical requirements by the *Philippines*, including the opinions of subject experts where necessary;
c. following an assessment based on an objective basis of comparison.
d. following an assessment of the information gathered during onsite visits

by the *Philippines*;
e. following the resolution of outstanding issues.

5.6 Within a reasonable period of time, the *Philippines* should provide to *its trading partner* a written report as to whether or not equivalence has been found.

5.7 Where equivalence is not found, the *basis for the judgment* should be given to the *trading partners* and should be included in the written report with suggestions for solutions where possible.

6 Use of On-site visits

6.1 To complement the documentary review by the *trading partners*, the use of on-site visits may be beneficial in clarifying information provided by the *trading partner*. The rationale for on-site visits related to the determination of equivalence may include:

a. to help *verify and validate the technical* information provided by the *trading partner* relevant to its *SPS* measures subject to the equivalence determination;
b. to gather additional information on the *trading partner's* proposed measures that may be required by the *Philippines* to undertake a judgment of equivalence;
c. to improve knowledge and confidence on the *implementation of the trading partner's* food control system.

6.2 In preparing for an on-site visit, both the *Philippines and its trading partners* should consider:
a. the development of a protocol for the on-site visit;
b. limiting the scope of on-site visits to the food and the associated *SPS* measures that are the subject of the equivalence determination.

7 Use of Remote Audit or Inspection

7.1 When physical visits are not feasible, and/or practical competent authorities and its trading partner should use remote audit or inspection as a complementary or alternative approach to on-site visits.

7.2 CXG 102-2023 (Principles and Guidelines on the Use of Remote Audit and Inspection in Regulatory Frameworks) provides the principles and guidelines to assist the competent authorities in conducting remote audit inspection and activities.

8 Provision of Technical Assistance

8.1 The following expands on *subclause 4.1.n (General Principles For the Determination of Equivalence)* of *this* guideline*,* the principle relating to

technical assistance, and provides additional guidance relating to the provision of technical assistance. It is possible that technical assistance may be needed by *the Philippines* and *its trading partners* in carrying out equivalence determinations.

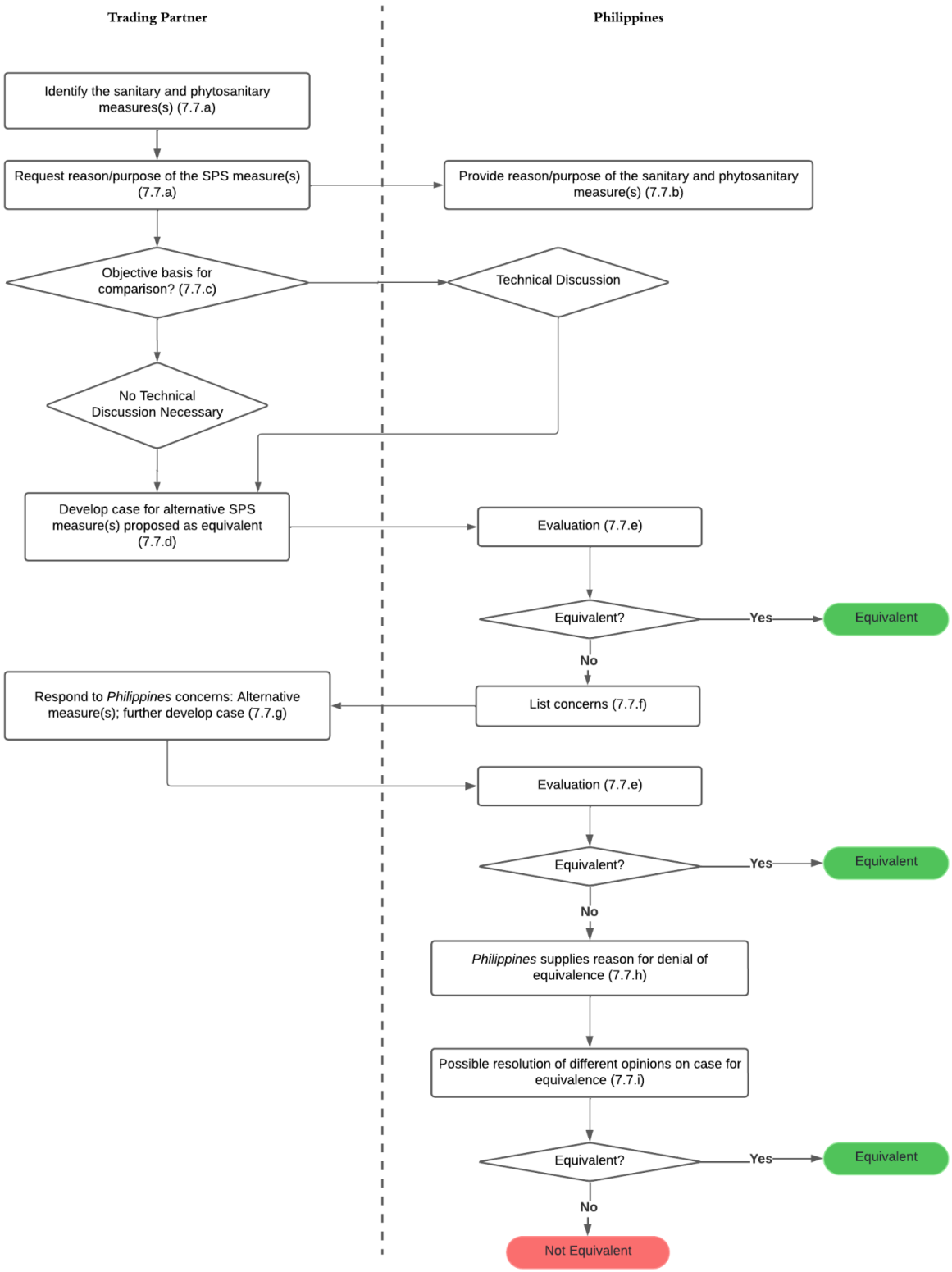
8.2 *The Philippines and its trading partners* considering the need for technical assistance or considering providing technical assistance with respect to equivalence determinations may wish to consider the following:

a. assistance in evaluating which measures would be the subject of an equivalence determination;
b. assistance with the preparation of documentation, including the *technical requirements*;
c. assistance in undertaking necessary risk assessments;
d. assistance with data analysis;
e. assistance in assessing whether measures meet the *Philippines*' stated objective basis of comparison;
f. exchange of technical expertise between the *Philippines and its trading partners*; and
g. assistance in providing appropriate training programs.

8.3 *The Philippines and its trading partner may discuss and agree on the mode and type of assistance deemed most appropriate for the establishment of equivalence.*

ANNEX B

Figure I: Simplified Flow Chart for The Determination of Equivalence (Individual Steps May Be Iterated) (CAC, 2003)



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