

Food Safety Equivalence – MPI Policy Statement

The concept of equivalence at its most generic level is 'having the same or similar effect'. This recognises that it is possible to reach the required or desired outcome in more than one way. When applied to food safety and food related matters, the required outcome may be set out in legislation, such as standards, specifications or regulations and may be quite explicit. Alternatively the desired food safety outcome may be expressed in broader terms, such as 'safe food' or 'fitness for purpose'. Currently international practice, when making a judgment about a measure or set of measures meeting the required food safety outcome, is that there needs to be an objective basis for making the comparison.

MPI supports the application of the concept of equivalence in recognition that delivering a food safety outcome can be achieved in various ways. MPI undertakes negotiations with other competent authorities on the equivalence of New Zealand's food safety and related controls to achieve the required food safety outcomes. It is, however, the responsibility of persons dealing with food and related products to ensure the safety and fitness for purpose of their products and as necessary to demonstrate that such products meet requirements.

Application of the concept of equivalence is intended to provide the flexibility for regulated parties to meet their responsibilities in the way best suited to their business processes and costs.

Background to the MPI policy statement on Equivalence

The concept of equivalence has grown in prominence since the 1995 establishment of the World Trade Organization (WTO) and the coming into force of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). Equivalence is specifically addressed in Article 4 of the SPS Agreement and the WTO SPS Committee has made a number of decisions relating to the interpretation and application of Article 4. The Codex Committee on Food Import and Export Certification and Inspection Systems (CCFICS) has developed a number of guidelines relating to equivalence.

MPI has been involved in the negotiation of several bilateral and regional arrangements (some as part of free trade agreements) that apply the principle of equivalence in relation to food safety. In these cases, the acceptance that New Zealand's production and processing system meets another country's requirements has facilitated access for New Zealand products to those foreign markets without compromising food safety but also without having to re-engineer processes that have proven worth over many years and which are continually enhanced with new technology and scientific developments.

Further Information

MPI Policy on Food Safety Equivalence: [A Background paper](#)

SPS Agreement: http://www.wto.org/english/docs_e/legal_e/15-sps.pdf

CCFICS guidelines on equivalence (two documents):

http://www.codexalimentarius.net/download/standards/10047/CXG_053e.pdf

http://www.codexalimentarius.net/download/standards/362/CXG_034e.pdf

New Zealand's Free Trade Agreements: <https://www.mfat.govt.nz/en/trade/free-trade-agreements/>

Agreement between New Zealand and the European Community on sanitary measures applicable to trade in live animals and animal products: <http://www.nzlii.org/nz/other/mfat/NZTS/2003/1.pdf>