

sanitary and phytosanitary measures on the basis of international recommendations is further supported by deeming international measures to be necessary and presuming them to be consistent with multilateral trade obligations (paragraph 10). Nevertheless, paragraph 11 provides explicit exceptions to the general rule by allowing countries to adopt and apply more stringent measures, either as a consequence of choosing a higher level of protection or on the basis of scientific justification. Footnote 2 states that the regulating country determines if there is scientific justification for higher standards.

Three bodies are particularly relevant to the development of international guidelines and recommendations for SPS measures. These are the Codex Alimentarius Commission (food safety), the International Office of Epizootics (animal health), and the International Plant Protection Convention (plant health). Membership in these international bodies is held by governments from around the world. Canada is an active participant in all three. Canadian positions on issues being considered by these international bodies are developed in consultation with interested Canadian stakeholders.

While some international guidelines are less stringent than Canadian standards, others are more so. The Agreement on SPS will not change Canada's right to adopt and implement national sanitary and phytosanitary measures that are more stringent than international recommendations, when these are required as a consequence of the levels of protection that Canadians have chosen. Neither will it require a change to the public notification and consultation obligations that are an inherent part of Canada's existing national regulatory policy.

iv) Equivalency

There may be more than one approach to choose from when pursuing a particular level of protection. In recognition of the existence of such options, paragraph 14 of the Agreement on SPS requires that importing countries consider as equivalent the sanitary and phytosanitary measures of other countries that achieve the same level of protection as those of the importer. It is the responsibility of the exporting country to demonstrate that its measures will satisfy the importing country's level of protection.

This obligation will not change Canada's current practice of objectively evaluating, on a case-by-case basis, the sanitary and phytosanitary procedures and circumstances of other exporting countries. Should the exporting country fail to demonstrate that its measures will ensure the attainment of Canada's chosen level of protection, equivalence need not be granted.

v) Risk Assessment

Paragraph 16 of the Agreement on SPS requires that the stringency of SPS measures take into account the potential risk to human, animal or plant life or