The International Plant Protection Convention

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The International Plant Protection Convention

By

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of the
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

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This presentation belongs to a set of modules which are part of the EASYPol Resource package:
FAO Policy Learning Programme: Specific policy issues: Food safety policies and regulatory frameworks

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Introduction

The International Plant Protection Convention (IPPC) is an international treaty that encourages cooperation among contracting parties to prevent the transboundary movement of pest of plants into areas where they are not present.

The following presentation outlines the main components of the treaty, describing

- the roles of the governing body and individual members,
- and
- the relationship with the WTO SPS Agreement.

The responsibilities and expectations of the contracting parties are considered from both a plant health point of view and from that of international trade (i.e. ensuring that there is a minimum impact on the movement of people and goods)
Objectives

By the end of this module, users should have a basic understanding of:

- Scope and requirements of the International Plant Protection Convention (IPPC)
- How the IPPC relates to the WTO SPS Agreement
- How the IPPC is implemented at a national level to prevent the transboundary movement of plant pests (including pests of the environment)
i) The International Plant Protection Convention (IPPC)
IPPC - Background

An international treaty relating to plant health – 161 contracting parties (16.05.07)

Adopted by the Conference of FAO at its Sixth Session in 1951

Provides a framework and a forum for international cooperation, harmonization and technical exchange between contracting parties
IPPC - Purpose

... to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control.
The IPPC extends to the protection of the environment
IPPC - Scope

The IPPC covers anything that can act as a **vector** for the spread of pests of plants.

Examples - containers, soil, used vehicles and machinery, and packaging material.
Implementation of the IPPC

Involves the collaboration of:

i  **National** plant protection organizations
   - the official services established by governments to discharge the functions specified by the IPPC, and

ii **Regional** plant protection organizations
   - may function as coordinating bodies on a regional level
Institutional arrangements

Commission on Phytosanitary Measures (CPM)
Commission on Phytosanitary Measures (CPM)

The Governing body of the IPPC

- Established within the framework of the FAO
- Membership - Contracting parties to the IPPC
- Session of the CPM - Meets annually
- CPM Administrative bodies

- **Bureau**
- **Standards Committee**
- **Subsidiary Body on Dispute Settlement**
- **Informal Working Groups**

- **Focus group**
- **Strategic planning and technical assistance group**
- **Expert working groups**
- **Technical panels**
Functions

- Review the state of plant protection in the world
  - the need for action to control the international spread of pests and their introduction into endangered areas;
- Development and adoption of international standards
- Resolution of disputes
  - establish rules and procedures
- Subsidiary bodies
  - establish such as may be necessary for the proper implementation of the Commission’s functions
- Recognition of RPPOs
- Cooperation with other relevant international organizations
  - e.g. WTO, CBD, ISTA
ii) Relationship with the WTO SPS Agreement
Revision of the IPPC

The 1997 revision of the IPPC

- Undertaken to reflect contemporary phytosanitary concepts and the role of the IPPC in relation to the Uruguay Round Agreements of the WTO, particularly the WTO SPS Agreement

- SPS Agreement identifies the IPPC as the organization providing International Standards for Phytosanitary Measures (ISPM)
### WTO SPS Agreement

1. **Members rights and obligations**

   **Article 2 - Basic Rights and Obligations**

   1. “Members have the right to take *SPS measures* necessary for the protection of ... or plant life or health, ...”

2. Members shall ensure that any SPS measure is *applied only to the extent necessary* to protect ... plant life or health, is *based on scientific principles* and is not maintained without sufficient scientific evidence, ...”

### IPPC

1. **Members rights and obligations**

   **VII Requirements in relation to imports**

   1. “... contracting parties shall have *sovereign authority to regulate*, in accordance with applicable international agreements, the entry of plants and plant products and other regulated articles ...”

### VI - Regulated pests

1. “Contracting parties may require *phytosanitary measures* ..., provided:

   b) *limited to what is necessary* to protect plant health and/or safeguard the intended use and can be *technically justified* by the contracting party concerned.”
### Some comparisons – WTO SPS Agreement and IPPC [cont’d]

<table>
<thead>
<tr>
<th>WTO SPS Agreement</th>
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<tr>
<td><strong>2 Discrimination/restriction on trade</strong></td>
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<tr>
<td>“Preamble”</td>
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<td>“… these measures <em>are not applied</em> in a manner which would <em>constitute a means of arbitrary or unjustifiable discrimination</em> between Members where the same conditions prevail or a <em>disguised restriction on international trade</em>;”</td>
<td>“… that phytosanitary measures <em>should not be applied</em> in such a way as to <em>constitute either a means of arbitrary or unjustified discrimination or a disguised restriction, particularly on international trade</em>;”</td>
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<tr>
<td>“Article 5”</td>
<td>“VII - Requirements in relation to imports”</td>
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<td>4. Members should, when determining the appropriate level of SPS protection, take into account the objective of <em>minimizing negative trade effects.</em>”</td>
<td>2. In order to minimize interference with international trade, …</td>
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<td>(g) Contracting parties will institute only phytosanitary measures that … represent the least restrictive measures available, and result in the <em>minimum impediment to the international movement of people, commodities and conveyances.</em>”</td>
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Some comparisons – WTO SPS Agreement and IPPC [cont’d]

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<td><strong>3 Harmonisation – International standards</strong></td>
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<td><strong>Preamble</strong></td>
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<td>“... to further the use of <em>harmonized SPS measures</em> between Members, on the <em>basis of international standards</em>, ... developed by the relevant international organizations, including ... operating within the <em>framework of the IPPC</em>,...”</td>
<td>“... to provide a framework for the development and application of <em>harmonized phytosanitary measures</em> and the <em>elaboration of international standards to that effect</em>;”</td>
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**Article 3 - Harmonization**

“1. To *harmonize SPS measures* on as wide a basis as possible, Members shall *base their SPS measures on international standards, guidelines or recommendations*, where they exist, ...”

**II - Use of terms**

“*Harmonized phytosanitary measures*” - phytosanitary measures established by contracting parties *based on international standards*;”
### WTO SPS Agreement

**3 Harmonisation – International standards (cont.)**

**“DEFINITIONS**

3. *International standards, guidelines and recommendations*

(c) for plant health, the *international standards*, guidelines and recommendations developed under the auspices of the Secretariat of the IPPC in cooperation with regional organizations operating within the framework of the IPPC;”

### IPPC

**3 Harmonisation – International standards (cont.)**

“XI - Commission on Phytosanitary Measures

2. The functions of the Commission shall be to ... and, in particular, to:

(b) establish and keep under review the necessary institutional arrangements and procedures for the development and adoption of international standards, and to adopt international standards;”
### WTO SPS Agreement

4 Risk Assessment

**Article 5 - Assessment of Risk and Determination of the Appropriate Level of SPS Protection**

1. Members shall ensure that their SPS measures are based on an assessment, ... taking into account risk assessment techniques developed by the relevant international organizations.

### IPPC

4 Risk Assessment

VII - Requirements in relation to imports

2. (g) Contracting parties shall institute only phytosanitary measures that are technically justified, consistent with the pest risk involved and represent the least restrictive measures available, ...
### Some comparisons – WTO SPS Agreement and IPPC [cont’d]

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<td><strong>5 Transparency</strong></td>
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<tr>
<td>“Article 7 - Transparency”</td>
<td>“VII -Requirements in relation to imports”</td>
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<tr>
<td>Members shall notify changes in their sanitary or phytosanitary measures and shall provide information on their sanitary or phytosanitary measures in accordance with the provisions of Annex B.”</td>
<td>2 (c) Contracting parties shall, immediately upon their adoption, publish and transmit phytosanitary requirements, ... to any contracting party or parties that they believe may be directly affected by such measures.”</td>
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“Article 5 - Assessment of Risk ... of SPS Protection”

8. When a Member has reason to believe that a specific SPS measure ... is constraining, ... an explanation ... may be requested and shall be provided by the Member maintaining the measure.”

“VII - Requirements in relation to imports”

2. (c) Contracting parties shall, on request, make available to any contracting party the rationale for phytosanitary requirements, restrictions and prohibitions.”
Some comparisons – WTO SPS Agreement and IPPC [cont’d]

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<td><strong>6 Recognition of Pest free areas</strong></td>
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<tr>
<td><strong>Article 6 - Adaptation to Regional Conditions, including Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence</strong></td>
<td><strong>ISPM No. 29 Recognition of pest free areas and areas of low pest prevalence (2007)</strong></td>
</tr>
</tbody>
</table>
| 2. Members shall, in particular, recognize the concepts of pest- or disease-free areas and areas of low pest or disease prevalence. | Scope: This standard provides guidance and describes a procedure for the bilateral recognition of pest free areas and areas of low pest prevalence. ...

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Some comparisons – WTO SPS Agreement and IPPC [cont’d]

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<td>“Article 4 - Equivalence”</td>
<td>“Equivalence (of phyto. measures)”</td>
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<td>1. Members shall accept the SPS measures of other Members as equivalent, ... if the exporting Member objectively demonstrates ... that its measures achieve the importing Member's appropriate level of sanitary or phytosanitary protection.”</td>
<td>“The situation where, for a specified pest risk, different phytosanitary measures achieve a contracting party’s appropriate level of protection” [revised ISPM No. 24, 2005]”</td>
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<td><strong>8 Technical assistance</strong></td>
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<td>“Article 9 - Technical Assistance”</td>
<td>“XX - Technical assistance”</td>
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<td>1. Members agree to facilitate the provision of technical assistance to other Members, especially developing country Members, either bilaterally or through the appropriate international organizations. ...”</td>
<td>The contracting parties agree to promote the provision of technical assistance to contracting parties, especially those that are developing contracting parties, either bilaterally or through the appropriate international organizations, ...”</td>
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</table>
iii) Implementation of the IPPC at a national level

Implementation of the IPPC at a national level to prevent the transboundary movement of pests of plants (including pests of the environment)
1: International

Commission on Phytosanitary Measures

Vision and Mission
Based on the preamble to the IPPC

CPM Vision statement
The world’s plant resources protected from pests

CPM Mission statement
Cooperation between nations in protecting the world’s cultivated and natural plant resources from the spread and introduction of pests of plants while minimizing interference with the international movement of goods and people
International [cont’d]

<table>
<thead>
<tr>
<th>Areas covered by the 5-year Goals</th>
<th>Mission</th>
<th>Vision</th>
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<tr>
<td>1 International standards for phytosanitary measures</td>
<td>Cooperation between nations in protecting the world’s cultivated and natural plant resources from the spread and introduction of pests of plants while minimizing interference with the international movement of goods and people</td>
<td>The world’s plant resources protected from pests</td>
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<td>2 Information exchange</td>
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<td>3 Dispute settlement</td>
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<td>4 Phytosanitary capacity</td>
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<td>5 Implementation of the IPPC</td>
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<td>6 International cooperation</td>
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<td>7 Review the status of plant protection</td>
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International: Standards setting
International: IPPC standard setting work programme

Approved ISPMs

29 ISPMs

Currently

- 30 diagnostic protocols at various stages of development on the work programme
- 35 topics at various stages of development on the work programme

Example of some topics currently being developed

- Pest risk management for plants for planting
- Guidelines for the interpretation and use of the phrase “not widely distributed”
- Appropriate level of protection
- Post-entry quarantine facilities
International: IPPC standard setting process

Call for topics

- SPTA reviews the work programme and sets strategic priorities
- Stds Committee reviews topics, work programme, considers SPTA strategic priorities and makes recommendations
- CPM modifies as necessary and adopts the work programme
- SC drafts the specification and nominates a steward for the standard
- Countries have 60 days to comment on the draft specification
- Steward and SC adjust in accordance with country comments and approve the specification

NPPOs/RPPOs submit nominations of experts

- SC and Bureau select experts
- Expert drafting group drafts or revises the ISPM
- SC considers and modifies the draft as necessary
- Contracting parties/RPPOs have 100 days to comment on the draft ISPM
- SC, steward, drafting group, and SC-7 adjust the draft ISPM in accordance with country comments
- CPM considers and modifies as necessary
- CPM adopts as an ISPM
International: Dispute settlement
International: Dispute settlement under the IPPC

Applies:

i) interpretation or application of the Convention

ii) If a contracting party considers that any action by another contracting party is in conflict with the obligations under Articles V and VII of the Convention

Provides a neutral forum for conciliation on technical issues

Provision for non-binding dispute settlement, if needed.

Emphasizes an open technical dialogue as the basis for dispute avoidance and settlement
International: Dispute settlement under the IPPP

**Contracting parties**

Required to first **consult bilaterally** with the aim of resolving the problem

**IPPC Secretariat**

- Can facilitate consultations (e.g. provide technical information) and/or help the disputing parties to identify suitable alternatives for resolution.
- To date there have been no requests from members to utilise the dispute resolution process
International: Technical assistance
Areas of emphasis for capacity building

- the modernization of legal frameworks
- institutional strengthening
- phytosanitary systems evaluation
- training in the ISPMs, pest surveillance to provide the basis for conducting PRA
- skills training in conducting PRAs
- information systems for decision making
- establishment of pest free areas
- documented procedures
- laboratory facilities
International: Technical assistance [cont’d]

Technical Assistance
- Directly from the IPPC Secretariat
- Through FAO Tech Cooperation Programs
- IPPC/FAO through other organizations
- IPPC/FAO through members
- Unilateral trust fund projects
- Regional programmes for food security

Nature of Assistance (IPPC and FAO TCP Programme)
- Dispute avoidance/resolution
- Emergencies
- Infrastructure and capacity building
  - policy and legislation
  - training
  - equipment
  - information exchange
International: Information exchange

The IPPC is an international treaty to secure action to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control. It is governed by the Commission on Phytosanitary Measures (CPM) which adopts International Standards for Phytosanitary Measures (ISPMs). The CPM has confirmed the IPP as the preferred forum for national IPPC reporting and the exchange of more general information among the phytosanitary community. The IPPC Secretariat coordinates the activities of the Convention and is hosted by FAO.


IPPC Hot Topics
- External review of IPPC underway (more information to be posted shortly)
- Draft ISPMs for country consultation in 2006
- 2006 Regional Workshops on draft ISPMs

Convention (IPPC)
- Convention text
- Benefits of membership
- Contracting parties
- Adherence

Standards (ISPMs)
- Adopted ISPMs
- Draft ISPMs for country consultation
- Specifications for ISPMs

The Commission (CPM)
- About the CPM
- 1st CPM Rome, April 2006
- CPM/ICPM reports
- Report of 1st CPM

Standard setting
Information exchange
Technical assistance
Contracting parties

Provide:
- Official contact points
- Official information on pests and phytosanitary measures
- Pest reporting: new pests, change of status, outbreaks

IPPC Secretariat
- Provides official documents (ISPMs and reports)
- Facilitates information exchange
- Maintains the IPPC web site

International Phytosanitary Portal
- Internet-based information system between the Secretariat and contracting parties
- Designed to hold phytosanitary information published in accordance with the Convention, and decisions
International Phytosanitary Portal (cont’d)

Serves to facilitate the exchange of mandatory information among the contracting parties including:

- pest reports
- description of the NPPOs
- phytosanitary requirements
- points of entry
- regulated pests
- emergency actions
- official contact points
International: Information exchange [cont’d]

International Phytosanitary Portal (cont.)

- Distributes all relevant information of the Secretariat, in particular:
  - standards
  - official contact points
  - meeting documentation and reports
  - draft standards
  - activities of the CPM
International: IPPC Secretariat

Secretary
- Appointed by the Director-General of FAO
- Assisted by such secretariat staff as may be required.

Responsible for
- implementing the policies and activities of the Commission
- reporting thereon to the Commission
- Disseminating to all contracting parties:
  (a) international standards within sixty days of adoption;
  (b) lists of points of entry
  (c) lists of regulated pests
  (d) information received from contracting parties - on phytosanitary requirements, restrictions and prohibitions, and descriptions of official NPPOs
International: IPPC Secretariat

Secretary ...

Translations

- in the 5 official languages of FAO
- documents for meetings of the Commission and the international standards

Cooperate with regional plant protection organizations

- In achieving the aims of the Convention
IPPC Secretariat – Projected Staff Requirements (FTEs)

- 25% Secretary
- Coordinator

**Standard Setting**
- Standards Officer
- Steward (in kind)
- Steward (in kind)
- Working groups / Technical panels
- Standards Committee
- Workshops / Documentation
- Editor

**Information Exchange**
- Agricultural Officer
- Capacity Building
- Programmer
- Webmaster
- Training

**Improved Phytosanitary Capacity**
- Agricultural Officer
- PCE-tool development
- PCE project development
- Training

**Sustainable Implementation**
- Information / Liaison Officer
- General Services
- General Services
- Headquarters professional staff -2006
- Contracted/in kind staff - 2006
- Additional staff requirement
2. National

Contracting parties (CP) to the IPPC

1. Each CP shall make provision for an official national plant protection organization (NPPO)

Main responsibilities of the NPPO:

a) Issuance of [export] phytosanitary compliance certificates

b) Surveillance of growing plants ... the objective of reporting the occurrence, outbreak and spread of pests, ...
Responsibilities of the NPPO (cont):
c) **Inspection of consignments of plants/plant products or other regulated articles moving in international traffic ...**
Responsibilities of the NPPO (cont):

d) **Disinfestation/disinfection** of ... regulated articles to meet phytosanitary requirements;

e) The protection of **endangered areas** and the designation, maintenance and surveillance of **pest free areas** and areas of low pest prevalence;

f) **Pest risk analyses**

g) **Phytosanitary security of consignments after certification**

h) **Training** and development of staff
National: Contracting parties [cont’d]

Each CP shall make provision for the following:

a) the distribution of information regarding regulated pests and the means of their prevention and control;

b) research and investigation in the field of plant protection;
Each CP will make provision ...

c) the issuance of phytosanitary regulations; and
d) the performance of such other functions as may be required for the implementation of this Convention.

Each CP will:

- submit a description of its official NPPO and of changes in such organization to the Secretary
- provide a description of its organizational arrangements for plant protection to another contracting party, upon request.
National : Contracting parties [cont’d]

Phytosanitary certification - Each CP shall make arrangements for the issuance of phytosanitary certificates
Imports

CPs shall have sovereign authority to regulate, in accordance with applicable international agreements, the entry of plants and plant products and other regulated articles and, to this end, may:

a) prescribe and adopt phytosanitary measures concerning the importation of plants, plant products and other regulated articles.

b) refuse entry, or detain, or require treatment, destruction or removal from their territory of plants, plant products and other regulated articles or consignments that do not comply with the phytosanitary measures prescribed ...
National : Contracting parties : Imports

Two import consignments that didn’t quite make it !!
National : Contracting parties : Imports [cont’d]

CPs shall have sovereign authority ... and, to this end, may:

c) prohibit or restrict the movement of regulated pests into their territories;

d) prohibit or restrict the movement of biological control agents and other organisms of phytosanitary concern claimed to be beneficial into their territories.
National : Contracting parties – Minimal impact on trade

In order to minimize interference with international trade, each CP:

a) will not, under their phytosanitary legislation, take any phytosanitary measures unless such measures are made necessary by phytosanitary considerations and are technically justified.

b) will, immediately upon their adoption, publish and transmit phytosanitary requirements, restrictions and prohibitions to any C.P. or parties that they believe may be directly affected by such measures.

c) contracting parties will, on request, make available to any contracting party the rationale for phytosanitary requirements, restrictions and prohibitions.
d) **Specified points of entry - any specified point of entry selected as not to unnecessarily impede international trade**
e) Any inspection or other phytosanitary procedure required by the importing party shall take place as promptly as possible with due regard to perishability.

f) Importing contracting parties shall inform the exporting C.P. of significant instances of non-compliance.
National: Contracting parties – Minimal impact on trade [cont’d]

g) Phytosanitary measures – must be:
   ◆ technically justified
   ◆ consistent with the pest risk involved
   ◆ represent the least restrictive measures available
   ◆ result in the minimum impediment to the international movement of people, commodities and conveyances

h) Changing conditions
   ◆ phytosanitary measures to be promptly modified or removed if found to be unnecessary.

i) Lists of regulated pests
   CPs, to the best of their ability... establish and update
   ◆ using scientific names
   ◆ and make such lists available to the Secretary, to RPPOs and, on request, to other contracting parties.
j) Surveillance
- pest surveys
- pest status

Supports categorization of pests and/or the development of appropriate phytosanitary measures
A CP may apply measures to pests which may not be capable of establishment in its territories but, if they gained entry, cause economic damage. Measures taken against these pests must be technically justified.
National : Contracting parties

Consignments in transit

CPs may apply measures to consignments in transit through their territories only where they are:
- technically justified
- necessary to prevent the introduction of pests.

Importation of regulated articles for research, education
CPs may make special provision for the importation of regulated articles, and plant pests for the purpose of scientific research, education, or other specific use.
National: Contracting parties

A CP may take appropriate emergency action

- On the detection of a pest posing a potential threat to its territories or the report of such a detection.

- Any such action shall be evaluated as soon as possible to ensure that its continuance is justified.
Conclusions

- The IPPC is an international treaty aimed at preventing the transboundary movement of pests of plants into areas where they are not present.

- Contracting parties recognize their obligations under the treaty and work together to reduce the risk of pests being "exported", ensuring that any requirements are technically justified and have a minimum impact on international trade.

- Where appropriate, import and export requirements are based on the international phytosanitary standards developed and approved by the Commission on Phytosanitary Measures.
Contacts

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