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PROGRAMME FOR GLOBAL HARMONIZATION OF PLANT QUARANTINE

I. INTRODUCTION

1. The purpose of plant quarantine is to provide countries with protection against pest introduction, spread and subsequent crop losses, while permitting the international flow of goods and people as freely as possible.

2. The principles of plant quarantine and relevant actions to be taken by the responsible authorities are embodied in the International Plant Protection Convention (IPPC). The IPPC came into force in April 1952; subsequent amendments came into force in April 1991, after acceptance by two-thirds of the parties to the Convention. The Director-General of FAO is the depository of the Convention.

3. The IPPC promotes international cooperation aimed at restricting the movement of serious pests that could spread through the activities of international trade. A number of important functions are mandated to FAO by the IPPC. The most significant of these include the collection and dissemination of information on:

- the existence, outbreak and spread of economically important pests of plants and plant products;
- national import restrictions, requirements and prohibitions;
- means found to be effective in controlling pests;
- the scope of national plant protection organizations.

A procedure is provided in the IPPC under Article IX which enables the Director-General of FAO, on request, to assist countries in resolving disputes that may arise in respect of the application of the Convention.

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4. The IPPC, under Article VIII, allows for the establishment of Regional Plant Protection Organizations (RPPOs). These are primarily concerned with the coordination of plant quarantine activities within their region, although they also address other plant protection concerns. Currently there are eight RPPOs established under the IPPC. Two of these, the Asia and Pacific Plant Protection Commission (APPPC) and the Caribbean Plant Protection Commission (CPPC), are FAO Commissions.

5. In the Uruguay Round of Multilateral Trade Negotiations of the General Agreement on Tariffs and Trade (GATT) it was recognized that unjustified quarantine restrictions could be used to limit the free flow of trade. The Contracting Parties to the GATT insisted that the reasons for plant quarantine measures be transparent and that the situation be improved through harmonization, this being "the establishment, recognition and application of common phytosanitary measures by different Contracting Parties", and that "for plant health, the international standards, guidelines and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention, in cooperation with regional organizations operating within the framework of the International Plant Protection Convention" should not be challengeable.

6. The Twenty-fifth FAO Conference in 1989 endorsed the establishment of the IPPC Secretariat whose activities include, *inter alia*, the harmonization of plant quarantine through the development of international standards and guidelines.

7. The purpose of this document is to seek endorsement by the Conference of general and specific principles to facilitate the process of developing international standards and guidelines for the harmonization of plant quarantine, and agreement on the mechanism and procedure for the development and adoption of further standards and guidelines.

II. HARMONIZATION OF PLANT QUARANTINE THROUGH THE DEVELOPMENT OF INTERNATIONAL STANDARDS AND GUIDELINES

8. To facilitate trade, it is necessary to develop harmonized and internationally recognized plant quarantine standards and guidelines. Standards will have a status comparable to the international standards of the Codex Alimentarius Commission.

9. As there are presently no internationally recognized plant quarantine standards, these should be developed through an international consultative process which would consider the various national standards and, through studies, discussions and consultations at regional and international level, achieve consensus on definitions, interpretations and operational procedures. In this respect, Technical Consultations among RPPOs have been held annually since 1989 and have identified priorities for harmonization. The Fourth Technical Consultation among RPPOs in May 1992 recommended that the Principles of Plant Quarantine as Related to International Trade (see Appendix 1) be submitted to the Conference.

Principles of Plant Quarantine

10. The Principles of Plant Quarantine as Related to International Trade have been considered by the Twelfth Session of the Committee on Agriculture (COAG) and though the Committee in general supported the text, three members suggested amendments to the document. COAG requested that the Fifth Technical Consultation among Regional Plant Protection Organizations consider the proposed amendments in view of their possible submission to the next session of the Council.

11. The Fifth Technical Consultation among RPPOs, in May 1993, considered the amendments but recommended that the original text of the document be submitted to both the FAO Council and Conference.

12. The Hundred and Third Session of the FAO Council supported the Principles of Plant Quarantine as Related to International Trade in their original form. However, one member reserved its position until further clarification was given; such clarification was subsequently provided and the member has indicated its intention to withdraw the reservation.

Development of Further Standards and Guidelines

13. The Working Group on Sanitary and Phytosanitary Regulations and Barriers in the GATT Uruguay Round drafted provisions on harmonization in the expectation that the IPPC will have the capability and mechanism for setting standards and guidelines with wide global participation and broad international acceptance. A mechanism and related procedure to develop and adopt standards and guidelines must, therefore, be established¹.

14. COAG considered the options available for the establishment of mechanisms for the promulgation of standards, guidelines and recommendations for phytosanitary measures. The interim mechanism recommended was that of a Committee of Experts on Phytosanitary Measures (CEPM) under Article VI.2 of the FAO Constitution. It was recommended that the Committee consist of experts nominated by the RPPOs and a number of experts from members not covered by RPPOs; these experts would be appointed by the Director-General. It was suggested that the representation in the Expert Committee should be related to the number of members of the relevant RPPO. COAG supported the proposal that the CEPM guide the international harmonization programme.

15. At its Hundred and Third Session in June 1993, the Council strongly supported the establishment of the CEPM and recommended that the CEPM consist of experts nominated by the RPPOs, and a limited number of experts from members that are not represented by RPPOs, and appointed by the Director-General of FAO. It requested that the Director-General take into account the size of the RPPO in determining the membership of the CEPM.

III. CONCLUSION AND SUGGESTED ACTION

16. The Conference is requested to endorse the Principles of Plant Quarantine as Related to International Trade set out in Appendix 1.

17. The Conference is requested to authorize the Director-General, pursuant to Article VI.2 of the Constitution, to establish a Committee of Experts on Phytosanitary Measures based on the composition and purpose as set out in Appendix 2.

¹ Attachment A of the present document gives a short description of the procedures which could be followed for the setting of technical standards and guidelines.

APPENDIX 1

**PLANT QUARANTINE PRINCIPLES AS RELATED TO
INTERNATIONAL TRADE**

The primary aim in formulating the following principles is to facilitate the process of developing international standards for plant quarantine. It is envisaged that implementation of these principles by the relevant phytosanitary authorities, will result in the reduction or elimination of the use of unjustifiable phytosanitary measures as barriers to trade.

Furthermore, in addition to general principles, there are others specific to particular areas of quarantine activity. The general principles indicate the process of development of phytosanitary measures as applicable to international commerce. These general principles should be read as a single entity and not interpreted individually. The specific principles either directly support the IPPC or are related to particular procedures within the plant quarantine system. This relationship is indicated in the tabulation.

It is expected that the principles will be subject to continuing review and should reflect changing quarantine concepts and technologies.

The interpretation and implementation of these Principles shall be coherent with the relevant provisions to be established in the context of GATT.*

* Sentence added to reflect the discussions in the Hundred and Third Session of the Council.

PRINCIPLES OF PLANT QUARANTINE AS RELATED TO INTERNATIONAL TRADE

GENERAL PRINCIPLES	RELEVANT IPPC ARTICLE/S and SECTION/S
<p>1. Sovereignty</p> <p>With the aim of preventing the introduction of quarantine pests into their territories, it is recognized that countries may exercise the sovereign right to utilize phytosanitary measures to regulate the entry of plants and plant products and other materials capable of harbouring plant pests.</p>	<p>Article VI 1 (a)-(e) Article II (for definitions)</p>
<p>2. Necessity</p> <p>Countries shall institute restrictive measures only where such measures are made necessary by phytosanitary considerations, to prevent the introduction of quarantine pests.</p>	<p>Article VI 1 (a)-(d) Article VI 2(a)</p>
<p>3. Minimal impact</p> <p>Phytosanitary measures shall be consistent with the pest risk involved, and shall represent the least restrictive measures available which result in the minimum impediment to the international movement of people, commodities and conveyances.</p>	<p>Article VI 2, particularly (f)</p>
<p>4. Modification</p> <p>As conditions change, and as new facts become available, phytosanitary measures shall be modified promptly, either by inclusion of prohibitions, restrictions or requirements necessary for their success, or by removal of those found to be unnecessary.</p>	<p>Article VI 1 and 2</p>
<p>5. Transparency</p> <p>Countries shall publish and disseminate phytosanitary prohibitions, restrictions and requirements and, on request, make available the rationale for such measures.</p>	<p>Article VI 1, 2 and 4</p>
<p>6. Harmonization</p> <p>Phytosanitary measures shall be based, whenever possible, on international standards, guidelines and recommendations, developed within the framework of the IPPC.</p>	<p>Article I</p>
<p>7. Equivalence</p> <p>Countries shall recognize as being equivalent those phytosanitary measures that are not identical but which have the same effect.</p>	<p>Not specifically covered in the IPPC</p>
<p>8. Dispute settlement</p> <p>It is preferable that any dispute between two countries regarding phytosanitary measures be resolved at a technical bilateral level. If such a solution cannot be achieved within a reasonable period of time, further action may be undertaken by means of a multilateral settlement system.</p>	<p>Article IX</p>

SPECIFIC PRINCIPLES	RELEVANT IPPC ARTICLE/S AND SECTION/S
<p>9. Cooperation</p> <p>Countries shall cooperate to prevent the spread and introduction of quarantine pests, and to promote measures for their official control.</p>	<p>Preamble</p> <p>Article I Article IV (b) Articles VI to VIII</p>
<p>10. Technical authority</p> <p>Countries shall provide an official Plant Protection Organization.</p>	<p>Article IV Article V 1 (a)</p>
<p>11. Risk analysis</p> <p>To determine which pests are quarantine pests and the strength of the measures to be taken against them, countries shall use pest risk analysis methods based on biological and economic evidence and, wherever possible, follow procedures developed within the framework of the IPPC.</p>	<p>Not specifically covered by the IPPC, but the activity of producing lists of quarantine pests covered in Article VI 2 and VI 1 (e) involves this activity.</p>
<p>12. Managed risk</p> <p>Because some risk of the introduction of a quarantine pest always exists, countries shall agree to a policy of risk management when formulating phytosanitary measures.</p>	<p>Not specifically covered in the IPPC</p>
<p>13. Pest-free areas</p> <p>Countries shall recognize the status of areas in which a specific pest does not occur. On request, the countries in whose territories the pest-free areas lie shall demonstrate this status based, where available, on procedures developed within the framework of the IPPC.</p>	<p>Article IV 1a (i) Article IV 1 (b)</p>
<p>14. Emergency action</p> <p>Countries may, in the face of a new and/or unexpected phytosanitary situation, take immediate emergency measures on the basis of a preliminary pest risk analysis. Such emergency measures shall be temporary in their application, and their validity will be subjected to a detailed pest risk analysis as soon as possible.</p>	<p>Article VI 1 (a)-(e)</p>
<p>15. Notification of non-compliance</p> <p>Importing countries shall promptly inform exporting countries of any non-compliance with phytosanitary prohibitions, restrictions or requirements.</p>	<p>Article VI 2 (e)</p>
<p>16. Non-discrimination</p> <p>Phytosanitary measures shall be applied without discrimination between countries of the same phytosanitary status, if such countries can demonstrate that they apply identical or equivalent phytosanitary measures in pest management. In the case of a quarantine pest within a country, measures shall be applied without discrimination between domestic and imported consignments.</p>	<p>Not specifically covered in the IPPC</p>

APPENDIX 2

THE COMMITTEE OF EXPERTS ON PHYTOSANITARY MEASURES

Purpose

The Committee of Experts on Phytosanitary Measures (CEPM) will guide the programme for the international harmonization of phytosanitary measures. It will make recommendations on priorities for standards and guidelines for global harmonization and initiate their development. The CEPM will make recommendations on the development and acceptability of the proposals at various stages and, where appropriate, recommend them for acceptance by COAG, by Council and by Conference, as appropriate. Technical guidance from RPPOs will be sought at various steps in the procedure, which is set out in Attachment A.

Composition

The CEPM shall consist of:

- (a) Experts nominated by Regional Plant Protection Organizations and appointed by the Director-General of FAO;
- (b) Experts from members not represented by RPPOs and appointed by the Director-General of FAO.

Large and active RPPOs may be given the option of nominating two members to the CEPM if desired. This would in particular apply to the Asia and Pacific Plant Protection Commission and the European and Mediterranean Plant Protection Organization at the moment.

Thus the membership would be:

- (i) RPPO nominations:
 - Asia and Pacific Plant Protection Commission (2)
 - Caribbean Plant Protection Commission (1)
 - Comité Regional de Sanidad Vegetal para el Cono Sur (1)
 - European and Mediterranean Plant Protection Organization (2)
 - Inter-African Phytosanitary Council (1)
 - Junta del Acuerdo de Cartagena (1)
 - North American Plant Protection Organization (1)
 - Organismo Internacional Regional de Sanidad Agropecuaria (1)
- (ii) Up to six experts from members not represented by RPPOs.

Technical advisers may be invited to participate in meetings as required.

**STEPS IN THE DEVELOPMENT OF HARMONIZED INTERNATIONAL
STANDARDS AND GUIDELINES**

Step 1

FAO members or Regional Plant Protection Organizations submit guidelines and procedures to the Secretariat of the IPPC as proposals for global harmonization.

Step 2

The Committee of Experts on Phytosanitary Measures (CEPM) considers the proposals and their suitability for global harmonization. When appropriate, it recommends what action is required to achieve international acceptability. The CEPM may also recommend that the Secretariat of the IPPC develop new standards and guidelines.

Step 3

The IPPC Secretariat will, according to the recommendations of the CEPM, arrange for the processing of the proposal. A technical working group may be required; however, in other cases a consultant may be sufficient. Other possibilities include technical working groups in RPPOs, while further work by individual members could be an important contribution in kind to the programme.

Step 4

The CEPM will review progress in the development of individual proposals and will recommend to the IPPC Secretariat the timing of submissions to members for technical comment.

Step 5

Comments by members: the IPPC Secretariat will, when possible, request these through RPPOs, to allow for technical inputs, consolidated comments and consensus building at the regional level.

Step 6

Consolidation of the comments by the IPPC Secretariat and preparation of a final proposal for consideration by the CEPM (the same mechanisms will be used as in Step 3).

Step 7

Acceptance by the CEPM as a draft International Standard or Guideline, and recommendation whether submission to FAO governing bodies is required. If the CEPM recommends that consideration by the FAO governing bodies is not relevant, the final text may be published as an International Guideline.

Step 7a

Individual RPPOs may wish to approve the draft guideline/standard as a Regional Standard, which would have specific relevance to trade among the countries in the Region.

Step 8

Endorsement by COAG and, if so required, by the FAO Council and Conference. The endorsement will result in an International Standard, which will be published and which countries will be requested to accept.

Step 9

Official acceptance by individual members.