

**DECISIONS FROM THE FIRST SESSION OF THE COMMISSION
ON PHYTOSANITARY MEASURES**

Communication from the International Plant Protection Convention Secretariat (IPPC)

The following communication, received on 21 June 2006, is being circulated at the request of IPPC.

1. The 1st session of the Commission on Phytosanitary Measures (CPM-1) took place in Rome, 3-7 April 2006. Three hundred and five participants registered, representing 120 Members of the Commission (i.e. contracting parties to the IPPC), plus 10 countries who were not contracting parties and 17 observer organizations.

I. ISSUES RELATED TO ENTRY INTO FORCE

2. The CPM decided, *inter alia*, to establish subsidiary bodies for standards setting ("Standards Committee") and dispute settlement ("Subsidiary Body for Dispute Settlement"), both with associated terms of reference, rule of procedure and composition. The CPM agreed that the Standards Committee had the right to use any of the five official FAO languages.

**II. THE DEVELOPMENT, ADOPTION AND MONITORING OF THE
IMPLEMENTATION OF INTERNATIONAL STANDARDS FOR PHYTOSANITARY
MEASURES (ISPMs) (STANDARD SETTING)**

A. ADOPTION OF INTERNATIONAL STANDARDS FOR PHYTOSANITARY MEASURES

3. The Secretariat introduced four draft ISPMs for consideration by the CPM, which consisted of three new standards (*Consignments in transit*, *Establishment of pest free areas for fruit flies (Tephritidae)*, *Diagnostic protocols for regulated pests*) and the revision of ISPM No. 1 (*Principles of plant quarantine as related to international trade*). The CPM adopted all of the draft standards as ISPMs.

Principles for the protection of plants and the application of phytosanitary measures in international trade

4. This Standard covers the principles related to the protection of plants, including cultivated and non-cultivated/unmanaged plants, wild flora and aquatic plants, plus those regarding the application of phytosanitary measures to the international movement of people, commodities and conveyances. It also describes the basic principles under the IPPC, including; sovereignty, necessity, managed risk, minimal impact, transparency, harmonization, non-discrimination, technical

justification, cooperation, equivalence of phytosanitary measures and modification. Operational principles under the IPPC, which relate to the establishment, implementation and monitoring of phytosanitary measures and to the administration of official phytosanitary systems are also described

Consignments in transit

5. This ISPM describes procedures to identify, assess and manage phytosanitary risks associated with consignments of regulated articles which pass through a country without being imported, in such a manner that any phytosanitary measures applied in the country of transit are technically justified and necessary to prevent the introduction into and/or spread of pests within that country.

Establishment of pest free areas for fruit flies (Tephritidae)

6. This standard provides guidelines for the establishment of pest free areas for fruit flies (Tephritidae) of economic importance, and for the maintenance of their pest free status.

Diagnostic protocols for regulated pests

7. This standard provides guidance on the structure and content of the IPPC diagnostic protocols for regulated pests. The protocols describe procedures and methods for the official diagnosis of regulated pests that are relevant for international trade. They provide at least the minimum requirements for reliable diagnosis of regulated pests.

B. ADOPTION OF INTERNATIONAL STANDARDS – FAST TRACK PROCESS

Proposed modification to the methyl bromide fumigation (Annex 1 of ISPM No. 15)

8. The Secretariat introduced the proposed modification to the methyl bromide fumigation schedule contained in Annex 1 of ISPM No. 15 (*Guidelines for regulating wood packaging material in international trade*). The outcome was that the minimum temperature should not be less than 10°C and the minimum exposure time should be 24 hours. Monitoring of concentrations should be carried out at a minimum at 2, 4 and 24 hrs.

9. The CPM:

- (a) *Adopted* the proposed modification to the methyl bromide fumigation schedule contained in Annex 1 of ISPM No. 15 (*Guidelines for regulating wood packaging material in international trade*), contained in Appendix XI.

C. TOPICS AND PRIORITIES FOR STANDARDS

10. The Secretariat introduced a paper that outlined the topics on the IPPC standard setting work programme, the associated priorities and the stages of development. It was noted that draft ISPMs had been developed for all topics for which the Standards Committee (SC) had approved specifications and that draft specifications on most other topics had been sent for country consultation and were pending approval by the Standards Committee.

11. The CPM:

- (a) *Endorsed* the IPPC standard setting work programme.

D. IMPROVEMENTS IN THE STANDARD SETTING PROCEDURE*Use and Translation of the Terms "must", "shall", "should" and "may" in ISPMs*

12. The CPM discussed and modified the recommendations made by the Technical Consultaion among Regional Plant Protection Organisations and the Informal Working Group on Strategic Planning and Technical Assistance.

13. The CPM:

- (a) *Agreed* that a policy for the use of "must", "shall", "should" and "may" in standards should be implemented;
- (b) *Adopted* the following statement on the use of "should" in ISPMs: "In future ISPMs, the word 'should' in English be interpreted to mean a type of moral or political commitment. It creates an expectation (though non-binding) that something will be done.";
- (c) *Decided* that for future ISPMs there would be no limit on the use of "shall" and "must" as long as their use was justified and was within the framework of the Convention and the legal status of the standards.

E. ANALYSIS OF THE COSTS OF STANDARDS COMMITTEE MEETINGS BEING HELD IN SEVERAL LANGUAGES

14. The CPM discussed the use of translation and interpretation for subsidiary bodies, based on figures provided by the Secretariat.

15. The CPM:

- (a) *Agreed* that members of the Standards Committee had the right to use any of the five official FAO languages.

III. THE MAINTENANCE OF AN EFFECTIVE AND EFFICIENT ADMINISTRATIVE FRAMEWORK*Budget Plan 2006*

16. It was noted by the CPM that there would be a reduction in outputs compared to 2005 due to a decrease in anticipated revenue from approximately US\$ 3.9 million for 2005 to approximately US\$ 2.3 million in 2006, as a result of the arrears funding having finished and of a reduction in funding provided by FAO. The Secretariat was reducing staff to make allowance for reduced funding. There was a significant decrease of resources available for funding regional workshops on draft ISPMs and for activities enabling countries to participate in information exchange through the IPP.

17. The CPM:

- (a) *Noted* that as, a result of the arrears funding no longer being available and no additional contributions to the Trust Fund for the IPPC having been made, various activities planned for 2006 may not be undertaken.

Evaluation of the IPPC and its Structures

18. A representative of the FAO evaluation service gave details on the evaluation of the IPPC. The process, timetable and milestones were introduced and it was noted that some preliminary findings and issues would be presented at CPM-2, with the objective of receiving feedback in order to see which additional issues should be addressed. The final report is planned for June 2007.

Strategic Plan and Business Plan

19. The CPM supported a general review and redraft of the both the Business and Strategic Plans following entry into force of the new revised text of the IPPC, which would also consider topics that might not be covered adequately. Such topics should include invasive alien species, electronic certification, compliance, commodity-specific standards and strengthening the scientific work of the organization.

Composition of, and Terms of Reference for, a Working Group on the Feasibility of the International Recognition of Pest Free Areas

20. In accordance with a decision from ICPM-7, a Focus Group had developed terms of reference for a working group on the feasibility of the international recognition of pest free areas (PFAs), which were then reviewed by the Working Group on Strategic Planning and Technical Assistance. The Working Group on Strategic Planning and Technical Assistance had been informed that the Expert Working Group convened to develop the draft ISPM on the recognition of pest free areas and areas of low pest prevalence had found very little information on what PFAs had been established around the world and for which pests. The Working Group on Strategic Planning and Technical Assistance had suggested that this information should be compiled prior to convening a working group on the feasibility of recognition.

21. The CPM recognized the importance of the issue of international recognition of PFAs for many countries, and that a preliminary study regarding existing PFAs should be conducted. However, it also noted the financial situation of the IPPC, and there was disagreement as to when the work could start. Regional groups were invited to consult among their members and the following outcomes were recorded.

22. The Latin America and Caribbean regional group supported the need for a feasibility study, which should not overlap with activities carried out in the framework of the SPS Agreement. Funding of this activity should not affect funding of other priorities already set by the CPM. The outcome of any study should be subject to approval by the CPM.

23. The Southwest Pacific regional group strongly urged the CPM to progress the work in this area by accepting the recommendations made in the document CPM 2006/14.

24. The Near East regional group gave priority to this activity, which affected all importing and exporting countries. It supported the view that it should start as soon as possible.

25. The EC and its member States agreed to the terms of reference on the basis that a review of the terms of reference should be undertaken at CPM-2 to take account of the experience gained from the collection of data to be made by the Secretariat, and considering from a broader perspective the advantages and disadvantages of all four headings of the annex of the document CPM 2006/14. The EC and its member States believed that the feasibility study should be undertaken only after the budget period 2006-2007.

26. The Africa regional group considered that this activity was very important for developing countries, and should start as soon as possible.

27. Some members suggested that the feasibility and necessity of international recognition of PFAs should be carefully considered by all contracting parties. They also suggested that membership of the working group should be more extended than in the proposal in CPM 2006/14 and its outcome should be circulated to all contracting parties.

28. The CPM:

- (a) *Adopted* the terms of reference for the working group as amended, to be reviewed at CPM-2;
- (b) *Agreed* that data on existing PFAs be assembled by the Secretariat in 2006, and the outcome presented at CPM-2; and
- (c) *Agreed* that CPM-2 would then decide on how to proceed.

IV. INFORMATION EXCHANGE

A. INFORMATION EXCHANGE UNDER THE IPPC

29. The Secretariat introduced a paper on information exchange under the IPPC and noted that the intent was to provide clarity on specific information exchange issues and further clarifications in areas where they were needed.

30. The CPM also discussed information exchange for countries that were not contracting parties. The CPM supported the information on the International Phytosanitary Portal (IPP) being accessible to all countries and agreed that countries that were not contracting parties could also be involved in training on the use of the IPP, in anticipation of their possible adherence to the IPPC, provided that resources were available.

31. The CPM:

- (a) *Adopted* with amendments "The role of IPPC Contact Points";
- (b) *Urged* contracting parties to provide official contact points and to ensure that, if that information changed, it would be communicated to the Secretariat in a timely manner;
- (c) *Agreed* to the use, wherever possible, of electronic communications between official contact points and the Secretariat for official communications;
- (d) *Encouraged* contracting parties, that were in a position to do so, to inform the Secretariat that paper copies of CPM documents were no longer required;
- (e) *Urged* contracting parties to increase their utilization of the IPP to ensure national information exchange obligations were met in a timely manner;
- (f) *Recommended* that high priority be given to the continued improvement of the IPP; and

- (g) *Decided* that countries that were not a contracting party should be allowed to post information on the IPP, but to ensure contracting parties were provided with support before non-contracting parties.

B. INFORMATION EXCHANGE WORK PROGRAMME FOR 2006

32. The Secretariat introduced the information exchange work programme for 2006 based on the strategic plan. It was emphasized that it was highly unlikely that all the expected outputs could be met due to resource limitations. However, the Secretariat would ensure that the IPP was maintained at least with its current functionality so that contracting parties could continue to use it. The Secretariat noted that programming of the IPP in preparation for the translation into the two remaining languages had been completed.

33. The CPM identified the training of IPP editors as a priority.

V. THE PROVISION OF DISPUTE SETTLEMENT MECHANISMS

Report of the ICPM Subsidiary Body on Dispute Settlement (ICPM-SBDS)

34. There were no requests for dispute settlement in 2005, despite some enquiries from one FAO region.

35. The SBDS had considered the dispute settlement manual and made several changes. The manual would be finalized after CPM-1, and be made available on the IPP. A dispute settlement advocacy document had been developed and would also be finalized after CPM-1.

36. As requested by ICPM-7, specific guidance for clarification of ISPMs had been developed by the ICPM-SBDS. The advice had been seen as clarification of the application of the IPPC and ISPMs for specific circumstances or situations at a particular time. This had not been considered to be the same as interpretation and it was noted that such clarification should not be used in subsequent dispute settlement processes.

Compliance

37. As requested by ICPM-7, the SBDS had considered the subject of compliance and prepared possible options for the CPM to consider. It was noted that compliance mechanisms were usually a component of multilateral environmental agreements where it complemented dispute settlement systems. Compliance mechanisms were essentially non-adversarial, pro-active and looked to the future. In this context, the SBDS Chairperson stated that compliance would refer to the fulfillment of IPPC requirements by contracting parties, and not the certification and documentation requirements described in ISPM No. 13 (*Guidelines for the notification of non-compliance and emergency action*).

38. The SBDS believed that there was merit in investigating further the issue of compliance within the IPPC framework and a compliance system would be of use in helping contracting parties to meet their obligations under the IPPC. A paper on enhanced structures to review and support compliance was submitted to the CPM for consideration and guidance.

39. The CPM:

- (a) *Emphasized* that the issue of compliance needed to be investigated carefully, particularly with respect to legal issues and compatibility with the IPPC Dispute Settlement process;

- (b) *Decided* to place this subject on the agenda of the Working Group on Strategic Planning and Technical Assistance for consideration with the view to making recommendations to CPM-2; and
- (c) *Recommended* that should extra budgetary funds become available, an open ended working group be held to explore the subject appropriately.

VI. THE DEVELOPMENT OF THE PHYTOSANITARY CAPACITY OF MEMBERS BY PROMOTING THE PROVISION OF TECHNICAL ASSISTANCE

Analysis of the application of the phytosanitary capacity evaluation tool (PCE)

40. A status report on the analysis of the PCE commissioned by ICPM-6 (2004) was discussed. The meeting acknowledged the value of the tool and discussed its use in focusing technical assistance projects for developing countries and noted the possible use of the results of its application to define areas of collaboration with potential partners and donors.

Technical assistance activities by region (2001-2005)

41. The report on technical assistance activities undertaken during the period 2001-2005 was discussed. Syria, Guinea, the Seychelles, Panama, Nigeria, Zambia, Sudan, Eritrea and Bahrain, which had received assistance under the FAO Technical Cooperation Programme, expressed their appreciation to the IPPC Secretariat and FAO for assisting in the development of their national phytosanitary systems.

Technical Assistance Work Programme

42. The Secretariat presented the technical assistance work programme for 2006. Projects would include (subject to funding) capacity-building workshops, regional workshops on draft ISPMs (the CPM stressed the importance of these in the development of standards), FAO Technical Cooperation Programme projects and various involvements in international liaison projects.

VII. PROMOTION OF THE IPPC AND COOPERATION WITH RELEVANT INTERNATIONAL ORGANIZATIONS

Report of the Informal Working Group on Liaison with Research and Education Institutes

43. A working group had been able to consider the data generated through a pilot project undertaken by the Secretariat early in 2005, which it felt should be viewed as developing the scientific foundation for the implementation of the IPPC. It recommended that the activity be placed on the work programme of the CPM and be addressed as additional resources became available. Some countries noted that this area of work was important and should be considered when revising the IPPC Strategic Plan.

44. The CPM:

- (a) *Referred* the report to the Working Group on Strategic Planning and Technical Assistance for its consideration and for presenting further recommendations to CPM-2.

Report on Cooperation with Relevant Organizations

45. The Secretariat presented the report on cooperation with other relevant organizations, including: RPPOs, CBD, WTO-SPS, STDF, OIE, Codex Alimentarius Commission, International Forest Quarantine Research Group, IAEA, International Seed Federation, ISTA, Organisation for Economic Co-operation and Development, Biological and Toxin Weapons Convention, and the United Kingdom's Foresight initiative.

46. With regard to the CBD, following a joint meeting of the Bureaus and Secretariats of both conventions, a side event on IPPC matters was organized at the 8th meeting of the Conference of Parties to the CBD. This report discussed international and national strategies for the control of invasive alien species, possible cooperation between the IPPC and the CBD, and between phytosanitary and environmental authorities. It had been suggested that parties to the CBD may consider recognizing the IPPC as the standard setting organization for invasive alien species that were pests of plants.
