

**IMPLEMENTATION OF INTERNATIONAL STANDARD FOR PHYTOSANITARY
MEASURES NO. 15 "GUIDELINES FOR REGULATING WOOD
PACKAGING MATERIAL IN INTERNATIONAL TRADE" IN
NATIONAL STANDARDS**

Statement by Chile at the Meeting of 29-30 October 2003

1. Chile's Agriculture and Livestock Service (SAG), in its capacity as the National Plant Protection Organization (NPPO), recognizes the right of Members to establish the phytosanitary measures necessary to ensure plant protection and to protect their territory from damage caused by the entry, establishment or spread of pests. It also recognizes that wood packaging material presents a high phytosanitary risk as regards the spread of pests, as confirmed by information in the SAG and other NPPO databases on the interception of major pests in such packaging.

2. Chile agrees with the principles underlying and technical and scientific basis for the issue of International Standard for Phytosanitary Measures (ISPM) No. 15 "Guidelines for Regulating Wood Packaging Material in International Trade" by the FAO International Plant Protection Convention. As an exporting country of wood for packaging materials, Chile does, however, wish to express its concern with regard to the implementation of this ISPM.

A number of countries are seeking to adopt this standard expeditiously as an import requirement, without any further analysis and without taking Articles 5 and 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) into consideration with regard to the fact that "*phytosanitary measures are adapted to the ... phytosanitary characteristics of the area ... from which the product originated and to which the product is destined*" or with regard to the need for risk assessment and management to be in direct correlation with the appropriate level of protection. Neither are they taking into account that, if the spirit of paragraph 2 of Annex B of the SPS Agreement is to be faithfully observed, "Except in urgent circumstances, Members shall allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members, and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing Member".

3. In the light of the above, Chile proposes that countries incorporating these guidelines into their import requirements take the following factors into consideration:

Implementation period

4. Most national standards under consultation and statements of intent with regard to the implementation of ISPM No. 15 specify January to March 2004 as the date of entry into force.

5. If, however, the following are taken into consideration:

- the industry's need for major investment in drying facilities and infrastructure, given that the existing installed capacity will be unable to meet the growing demand to dry or fumigate wood for packaging materials;
- the need to decide, in conjunction with the International Plant Protection Convention, upon the system for using the registered mark in the wood packaging material certification process;
- the need to establish accreditation systems for wood treatment companies and the companies certifying the process;
- the need to set up supervisory and audit systems in NPPO-accredited companies;

a reasonable interval for entry into force in the signatory countries is required, pursuant to Annex B of the SPS Agreement.

Strength of phytosanitary measures appropriate to the phytosanitary status of each country

6. Standards under consultation contend that the origin of wood packaging materials for general cargo is difficult to define and that such materials are often reused, recycled or remanufactured, for which reason the measure would be applied uniformly, regardless of origin.

7. Such an argument fails to take into account the fact that Article 3.3. of ISPM No. 15 provides for other measures, by clearly stating that:

"NPPOs may accept any measures other than those listed in Annex I by arrangement with their trading partners, especially in cases where the measures listed in Annex I cannot be applied or verified in the exporting country. Such measures should be technically justified and respect the principles of transparency, non-discrimination and equivalence.

The NPPOs of importing countries should consider other arrangements for wood packaging material associated with exports from any country (or particular source) where evidence is provided which demonstrates that the pest risk is adequately managed or absent (e.g., areas with similar phytosanitary situations or pest-free areas)."

8. Full effect should be given to Articles 4, 5 and 6 of the SPS Agreement with regard to equivalence of sanitary and phytosanitary measures, assessment of risk and determination of the appropriate level of sanitary or phytosanitary protection, and adaptation to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence.

Wood packaging material for plant products with phytosanitary certification

9. With regard to plant products moved for international trade and covered by a phytosanitary export certificate, the condition of the wood packaging material and cases used - items regulated as prescribed by the International Plant Protection Convention and subject to the phytosanitary inspection measures required for certification - are also covered by this certificate. One further point which should be made is that the databases of countries which apply packaging control measures report no cases of pest interception in wood packaging material or cases used to transport plant products with phytosanitary certification and which meet the requirements of being bark-free and free of live insects in any stage of development and of any damage attributable thereto.

10. On the basis of the above, and in accordance with ISPM No. 15, the export phytosanitary inspection of wooden cases and wood packaging material for plant products should be considered a *phytosanitary action* or an *equivalent phytosanitary measure*, pursuant to ISPM No. 15 and the SPS Agreement, respectively.

Implementation of ISPM No. 15 in a more restrictive manner than required by the international standard

11. Some countries have expressed concern over the potential transmission of quarantine fungi by wood or, more particularly, wood packaging material. Annex I of ISPM No. 15 mentions insects and the pine wood nematode as the key pests for which treatment is intended. The international standard makes no mention of fungi; establishing more stringent phytosanitary measures than those of the international standard would therefore require strong technical justification and have to be in keeping with the appropriate level of protection established by the country in question.

12. Accordingly, countries must comply with Article 3.3 of the SPS Agreement on harmonization, with regard to the need for scientific justification for any departure from the international standard, and with Article 5.6 of the Agreement, with regard to assessment of risk and determination of the appropriate level of protection, with regard to ensuring that such measures are not more trade-restrictive than required, taking into account technical and economic feasibility.
