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COMMISSION ON PHYTOSANITARY MEASURES

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**Statements from the European Union and its Member States regarding
various CPM Agenda items**

Agenda item 8.2; 8.3; 8.4.2; 9.5; 11.1.1

Prepared by the EU and its Member States

English only

EU AND ITS 28 MEMBER STATES POSITION FOR CPM11

8.2 Framework for Standards and Implementation (Document CPM 2016/20)

The EU and its 28 Member States welcome the development of the Framework for Standards and Implementation as an important tool for many aspects of the work of the IPPC and support its adoption by the CPM.

Since the Framework is supposed to be a living document, we are concerned about the process for amendment and the availability of the most current version on the IPP.

For clarity and transparency, the EU therefore proposes that the Framework for Standards and Implementation is presented annually to CPM for endorsement. The Standards Committee and Implementation and Capacity Development Committee would therefore be required to review the Framework annually and to propose changes to the CPM.

We note that for standards development, proposals for changes would already be covered by the SC's proposals to CPM on the adjustment to the List of Topics for Standards.

For the development of other guidance, the ICDC will be developing its procedures and these could include a process for updating the Framework. Approval for the development of new technical resources or new projects would be by the Bureau.

8.3 Concept of commodity standard (Document CPM 2016/17 Rev.1)

The EU and its 28 Member States attribute considerable importance to the development of commodity standards. It is vital that the IPPC as a standard setting organization continues to produce international standards leading to international harmonization of phytosanitary requirements and subsequent benefits to plant health and international trade. It is now time to shift the focus of standard setting to also develop commodity standards to the benefit of both importing and exporting countries.

The EU acknowledges that the development of commodity standards is not a straightforward process as is apparent from the discussions by the IPPC bodies so far.

However our approach would be to develop as a pilot a fully-fledged commodity specific ISPM with a narrow scope that includes options for specific requirements and pest management measures. We do not believe that any more theoretical analysis (desk studies) is needed because the results of the working group on a commodity standard already provided a thorough analysis which has been discussed further by the SPG, SC and CDC.

The EU is of the opinion that the CPM should give high priority to the development of a pilot commodity standard and therefore invites this CPM to agree that a fully-fledged commodity standard should be developed as soon as possible.

If agreed to develop a fully-fledged commodity standard, the topic for such a commodity standard would need to be selected by CPM in 2016, for example by selecting one of the topics proposed in the 2015 call for topics or by holding an extra call for commodity specific topics during 2016.

The benefits and challenges of developing commodity specific standards will be obtained as a result of the process of development of such a pilot standard. It could be the task of the steward and assistant steward to ensure that horizontal aspects relating to commodity standards be reflected and also ensure that lessons learned are taken into account by the SC for future development of commodity standards.

As a consequence of the process of the development of this pilot commodity specific standard we will gain considerable knowledge and experience and the EU therefore considers that it will probably not be necessary to develop an overarching concept standard on criteria for development of commodity specific standards.

Regarding the specific decision points, the EU and its member states support the decision points 1 to 5, 11 and 12 and propose to delete decision points 6, 7, 9 and 10 and revise number 8.

- For point 6 and 7 we do not agree that there is a need to define and apply layers to commodity standards. We consider that there is a continuum of scopes from broad to very narrow and further analysis is not needed.
- For point 8, the EU proposes the development of a fully-fledged commodity specific standard as a pilot and modifies the point as follows:

"Agree that one commodity-specific topic be added to the List of Topics for Standards with a priority 1. The process for determining the actual topic should be decided by CPM in 2016. This could involve selecting either from the topics proposed in the 2015 call for topics or holding an extra call for commodity-specific topics in 2016 and confirming the actual topic at CPM-12 (2017) based on the normal SC evaluation procedure."

- Points 9 and 10 should be deleted because the benefits and challenges of developing a commodity specific standard will be obtained as a result of the process of development of the above pilot standard.

8.4.2 Proposal for a new implementation oversight body (Document CPM 2016/18)

The EU and its 28 member states would like to thank the IPPC secretariat for paper CPM 2016/18. In general we support the invitations to CPM included in the paper, however we would like to comment on items 5.2, 5.5 and 5.6

5.2: Terms of reference. The EU would like to propose that the CPM only adopts interim terms of reference for the ICDC. As it is not yet clear what the overall responsibility of the new body will be and how it will function we feel it is premature to adopt final terms of reference. The EU would also like to propose amendments to the Rules of Procedure and Terms of Reference included in the paper and these can be found in Annex 1

We believe that in addition to the ICDC being able to establish ad-hoc groups there is a need to include a rule to allow for the establishment of permanent groups, such as the replacement to the SBDS. This new rule should go above rule 7 in the draft Rules of Procedure.

We have noticed that there are differences between the Terms of Reference agreed during the preparatory meeting of the ICDC in December 2015 and those presented in this paper. The most significant change being the deletion of National Reporting Obligations (NRO) from the Scope and Objectives of the ICDC. We understand that this change occurred following internal discussion after the meeting. We disagree with this decision and request that NROs are included within the scope of the ICDC. NROs are key obligations under the IPPC and improving contracting parties' abilities to meet these relies in many cases on developing their capacity to do so. We believe that our request is supported by the first function of the ICDC, as indicated under section 3 of the Terms of Reference, which makes it clear that the new body will be responsible for identifying and proposing strategies to enhance CPs implementation of the IPPC.

5.5: We propose the addition of the following new sentence to go at the end of the point: The CDC should continue in its current form until the joint meeting has taken place and the transition to the new arrangements has been completed.

5.6: We do not support the need for a 2 week meeting of the ICDC in 2017 and believe that a one week meeting will be sufficient.

Annex 1

Terms of Reference and Rules of Procedure of the IPPC Implementation and Capacity Development Committee (ICDC)

Terms of Reference

1. Scope and objectives of the IPPC Implementation and Capacity Development Committee (ICDC)

1. The IPPC Implementation and Capacity Development Committee (ICDC) is a subsidiary body of the CPM.

2. The objective of the ICDC is to provide technical oversight of ~~actions~~ activities undertaken to enhance the capacities of IPPC contracting parties in relation to the implementation components of the International Plant Protection Convention and its strategic objectives under the overall guidance of the CPM. In particular the ICDC will address:

- Implementation of the Convention ~~and its instruments~~ by Contracting Parties, including National Reporting Obligations and ISPMs.
- Implementation of the IPPC National Capacity Development Strategy.
- Implementation of IPPC activities related to Dispute Avoidance.
- Seeking sustainable funding for these IPPC programmes.

2. Composition

The Committee is composed of seven experts with experience in implementation of phytosanitary-related instruments and capacity development. Members shall be selected from qualified candidates through review of appropriate references of technical expertise. The experts will serve as members of the ICDC with utmost integrity, impartiality, and independence and will prevent and disclose in advance possible conflicts of interest that may arise in the course of carrying out their duties. In such case, the Bureau may take the necessary remedies.

3. Functions

1. The ICDC will have the following functions:

- Identify and propose strategies to enhance CPs implementation of the IPPC ~~and other instruments~~, including National Reporting Obligations and ISPMs.
- Review the IPPC National Phytosanitary Capacity Development Strategy and work plan(s) on a regular basis.
- Identify, develop and/or promote ~~and/or develop~~ appropriate implementation and capacity development activities, in line with the IPPC National Phytosanitary Capacity Development strategy, ~~and other relevant IPPC~~ strategies and frameworks
- Review the Framework annually and propose changes to the CPM
- Propose the development of new technical resources or new projects to the Bureau for approval
- Develop procedures and criteria for the production, oversight and approval of new technical resources for implementation.
- Oversee permanent bodies established under it by CPM
- Establish and dissolve ad hoc task forces to address specific issues.

- Assess and prioritize for inclusion in the IPP or the phytosanitary resources website, as appropriate, technical resources provided by NPPOs, RPPOs, ~~partners~~ and other organizations that are relevant for the implementation of the IPPC ~~and instruments~~ (including ISPMs), according to criteria identified by the ICDC.
- Monitor and evaluate implementation actions under the IPPC Strategic Framework, other related strategies, frameworks and work plan(s).
- Participate in the development and maintenance of links with donors, partners and other public ~~and~~ private organizations concerned with implementation and capacity development in the phytosanitary area.
- Participate in ~~the~~ IPPC communication and advocacy activities.
- Provide guidance on implementation and capacity development activities for inclusion in the Secretariat's work plan.
- Share information based on the identification of challenges associated with the implementation of the IPPC and its standards with the CPM, the Standards Committee and other relevant IPPC subsidiary bodies and other organizations.
- Engage with the IPPC Subsidiary Bodies regarding areas of mutual interest.
- Review periodically its functions and procedures.
- Undertake other functions as directed by the CPM.
- Report to the CPM on its activities.

4. Relationship with the IPPC Secretariat

1. The Secretariat is responsible for providing administrative, operational, technical and editorial support, as required by the ICDC including making co-ordinating calls for experts for ad hoc task forces as necessary. The Secretariat is responsible for advising the ICDC on use of financial and staff resources ~~in relation to expectations~~.
2. The ICDC is responsible for the oversight of the activities ~~called for~~ in the Secretariat's Implementation Facilitation Unit work plan.

Rules of procedure

Rule 1. Membership

1. The Committee is composed of seven experts with experience in the development or implementation of phytosanitary-related technical resources instruments and capacity development activities.
2. ~~The ICDC consists of 7 members with one member drawn from each of the FAO regions. The composition of the Committee is based on geographical representation, with one delegate from each FAO region and a minimum of three members from developing countries.~~ Nominations for members of the ICDC may be formally submitted by Contracting Parties. FAO regions may also devise their own procedures for nominating their member of the ICDC.

The CPM Bureau will review nominees against the list of requirements outlined in Rule 4 of these Terms of Reference and will propose the most appropriate to the CPM with a recommendation for their confirmation. ICDC members are selected by the CPM Bureau and accountable to the CPM.

3. ICDC members serve for a term of two years and may be reappointed for additional terms up to a maximum of six years. Appointment of the same member for additional terms will be subject to the selection procedure and requirements established under Section 2 of the Terms of Reference.

4. A member of the ICDC will be replaced by an alternate from within the same region if the member resigns, no longer meets the qualifications for membership set forth in these Rules, or fails to attend two consecutive meetings of the ICDC.

Rule 2. Alternate members

1. ~~An alternate for each ICDC member should be nominated and should come from within the same FAO region as the permanent member. Seven alternates for the ICDC members, one coming from each FAO region, are selected by the Bureau. Alternates are selected using following the process outlined in Rule 1. in accordance with the selection procedure and requirements applied to members.~~ Once confirmed, alternate members are valid for the same period of time and conditions as specified in Rule 1.

2. An alternate will serve through the completion of the term of the original member, and may be appointed to serve additional terms. Partial terms served by an alternate are not counted as a term under these Rules.

Rule 3. Chairperson and Vice-Chairperson

~~The ICDC elects its Chairperson and Vice-Chairperson from among its members. The chairperson and vice-chairperson of the ICDC are elected by its members and serve for a term of 2 years with the possibility of re-election for two further terms.~~

Rule 4. Qualification for membership

1. The IPPC Secretariat will call for submission of nominations by Contracting Parties. Nominations will enclose documented evidence of experience in implementation and capacity development activities, and of:

- demonstrated experience in managing phytosanitary systems;
- demonstrated experience in delivering phytosanitary capacity development activities;
- in depth knowledge of the IPPC and International Standards for Phytosanitary Measures;
- experience in the application of phytosanitary regulations/legislation;
- preferably knowledge, qualifications and/or experience in developing training materials and
- adequate knowledge of English to be able to participate in ICDC meetings and discussions.

Rule 5. Meetings

1. The ICDC will hold its meetings on a biannual basis and extraordinary meetings can be held when necessary ~~and~~ subject to available staff and financial resources. Meetings of the ICDC may also be held through electronic means, including by video and teleconference, as necessary to enhance cost efficiencies.

2. Four members will constitute the quorum to hold meetings.

Rule 6. Observers and participation of invited experts to ICDC meetings

1. Subject to the provisions of paragraph 2 below, meetings of the ICDC will be open, in accordance with the applicable FAO rules and procedures.

2. The ICDC may determine that certain meetings, or part thereof, be conducted without observers, in consideration of the sensitiveness or confidentiality of the subject of the meeting or part thereof.

3. With the prior agreement of the ICDC members, the Secretariat may invite individuals or representatives of organizations with specific expertise, to participate as observers in a specific meeting or part thereof .

Rule 7. Permanent working groups

1. The CPM may establish permanent working groups under the new ICDC. These working groups will have their own Terms of Reference and Rules of Procedure which will have been agreed by the CPM during their establishment.

2. Rule 6 above will apply to permanent working groups

Rule 7 8. Ad hoc task forces

1. Subject to availability of ~~the necessary funds~~ financial resources, the ICDC may establish ad hoc task forces when appropriate to address specific implementation and capacity development issues. These task forces will serve to address specific technical issues. The ICDC will determine the tasks, duration, membership and reporting duties of these task forces.

2. Rule 6 above will apply ~~mutatis mutandis~~ to *ad hoc* task forces.

Rule 8 9. Decision-making

The ICDC will endeavour to make decisions on the basis of consensus. In cases where the ICDC members are unable to reach consensus, any decision or recommendation will be adopted by majority of the votes cast.

Rule 9-10. Reporting

The ICDC will report to the CPM. Reports of the meetings, including relevant proposals, of the ICDC will be made available to all Contracting Parties.

Rule 10 11. Amendment

The CPM may amend the Rules of Procedure of ICDC, provided that such amendment is consistent with the Constitution and the General Rules of FAO and the Convention

Rule 11 12. Confidentiality

ICDC members will exercise due respect for confidentiality where sensitive information is identified.

Rule 12 13. Language

Meetings of the ICDC will be conducted in English.

9.5 Adjustments to the IPPC standard setting procedure (Document CPM 2016/11)

The EU and its 28 Member States welcome the proposals for the adjustments to the IPPC standard setting procedure. In our opinion they simplify some stages of the procedure and bring more clarity to the process.

There is only one point of concern that we would like to mention, however, that relates to the adoption stage of the procedure. In Stage 4: Adoption and publication, Step 7: Adoption there is a sentence that reads:

“CPs should make every effort to reach agreement before CPM.”.

In the document CPM 2016/11 (section 11) there is an additional sentence that reads:

“The responsibility for resolving the objection is now transferred to the CP making the objection...”

We do not fully agree with these sentences. We recognize that at CPM every effort should be made to reach consensus, however we understand that still the responsibility for resolving objections remains with the CPM and not the CP making the objection, especially that according to the new Stage 4: Adoption and publication, Step 7: Adoption of the standard setting procedure it’s “the CPM that will decide on the way forward”.

In our opinion the responsibility of the contracting party making the objection is only to make sure the objection is submitted timely and accompanied by technical justification and suggestions for improvement of the draft, as provided by the procedure. Any consultations on the objection that countries may undertake prior to CPM are welcome, but they should not be regarded as obligations or responsibilities of the country making the objection.

We therefore suggest that the 3rd paragraph in *Stage 4: Adoption and publication, Step 7: Adoption* in the proposed standard setting procedure be changed to read:

“If a CP does not support the adoption of the draft ISPM, the CP may submit an objection⁵. An objection must be accompanied by technical justification and suggestions for improvement of the draft ISPM which are likely to be acceptable to other CPs and be submitted to the IPPC Secretariat no later than 3 weeks prior to the CPM meeting. CPs ~~should make every effort~~ are encouraged to ~~reach~~ seek agreement before CPM. The objection will be added to the CPM agenda and the CPM will decide on a way forward.”

For the same reasons we also suggest that in the document CPM 2016/11 section 11 be changed to read:

“11. Adoption stage: If a CP does not support the adoption of a draft ISPM, the CP may submit an objection three weeks before the CPM session. The IPPC Secretariat should make the draft ISPM available at least six weeks before the opening of the CPM session to provide more time to consider if the objection can be resolved. An objection must ~~still~~ be accompanied by a technical justification and suggestions for improvement of the draft ISPM. The responsibility for resolving the objection ~~is now transferred to the CP making the objection~~ remains with the CPM and ~~they are it is~~ no longer called a formal objections.“

11.1.1. Report on National Reporting Obligations (Document CPM 2016/28)

The EU and its Member States support the papers on the NRO Quality Control Guidelines, NRO Work Plan and NRO Procedures and provide suggestions for the NRO Work Plan (document CM 2016/27) by adding:

No.	Task	Progress	Deadline	Performance indicators	Estimated budget (USD)*	Lead entities supported by
2.2.	Establishment of a monitoring and evaluation framework to allow for responsiveness and continuous improvement of NRO;	to be completed/ongoing	2016 May/+	Clear goals that should be reached and evaluation steps that shows success or problems within overall NRO and can serve for NRO improvement also in specific aspects if needed	Existing P2 (NRO Officer) on IPPC TF*	CPM; Secretariat; NROAG
2.3.	Development of indicators to measure the success of overall implementation.	to be completed	2016 May	Evaluation and feedback to each CPM about overall results of NRO implementation system	Existing P2 (NRO Officer) on IPPC TF*	Secretariat
11.3.	Explore possible synergies with environment sector.	ongoing	2017 May	Identified and started practical cooperation	Existing P2 (NRO Officer) on IPPC TF*	CPM; Secretariat; NROAG