


January 2013

	منظمة الأغذية والزراعة للأمم المتحدة	联合国 粮食及 农业组织	Food and Agriculture Organization of the United Nations	Organisation des Nations Unies pour l'alimentation et l'agriculture	Продовольственная и сельскохозяйственная организация Объединенных Наций	Organización de las Naciones Unidas para la Alimentación y la Agricultura
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COMMISSION ON PHYTOSANITARY MEASURES

Eighth Session
Rome, 8-12 April 2013
Possible criteria to help determine whether a formal objection is technically justified
Agenda Item 8.1.7
Prepared by IPPC Secretariat

I. Background

1. According to the revised standard setting procedure adopted by CPM-7 (2012)¹, all International Standards on Phytosanitary Measures (ISPM) are subject to formal objections prior to adoption. The CPM-7 (2012) asked the Standards Committee (SC) to consider the issue of formal objections and provide recommendations to the CPM Bureau. In April 2012, the SC discussed formal objections for phytosanitary treatments (PTs), but did not conclude their discussion. The Bureau discussed the issue of formal objections in June 2012, produced flow charts illustrating a proposed process for formal objections, and asked the Secretariat to develop possible criteria to help determine whether a formal objection is technically justified. The Secretariat, with input from the SC Chair, developed an SC paper on the formal objection process.
2. At the SC meeting in November 2012, the SC agreed to the *Criteria to help determine if a formal objection is technically justified*, as presented in Attachment 1 to this paper.
3. The Secretariat notes that all ISPMs are subject to technically justified formal objections according to the revised standard setting process and that the formal objections on draft ISPMs and PTs are made 14 days prior to CPM. The Secretariat also notes that the proposed process may not be feasible in the 14 days prior to CPM.

¹ CPM-7 (2012) Report, Appendixes 4 and 5:

[https://www.ippc.int/index.php?id=1110798&frompage=13330&tx_publication_pi1\[showUid\]=2185127&type=publication&L=0](https://www.ippc.int/index.php?id=1110798&frompage=13330&tx_publication_pi1[showUid]=2185127&type=publication&L=0)

4. The SC agreed to the flow charts as presented in Attachment 1 where Figures 1, 2 and 3 lay out the formal objection process described in Stage 4, Step 7 of the IPPC standard setting process, with the addition of the technical panel interactions.
5. The CPM is invited to:
 - *approve the Criteria to help determine if a formal objection is technically justified as presented in Attachment 1 to this paper.*
 - *approve the Processes for determining if a formal objection is technically justified for draft ISPMs, phytosanitary treatments and diagnostic protocols, as presented in Attachment 1: Figures 1, 2 and 3.*
 - *encourage members to submit formal objections well in advance of 14 days prior to CPM to allow a sufficient amount of time for formal objections to be reviewed.*

Attachment 1**Possible criteria to help determine whether a formal objection is technically justified****A. General criteria**

1. For all draft ISPMs, a formal objection should be considered technically justified if any of the following apply:
 - parts of the draft ISPM conflict with the provisions of the IPPC
 - parts of the draft ISPM are inconsistent with adopted ISPMs
 - there are technical inaccuracies present in the draft ISPM
 - it is supported by scientific justification or other technical evidence

B. Criteria for draft phytosanitary treatments

2. For PTs, a formal objection could be considered technically justified if any of the following apply:
 - it refers to inconsistencies in the degree to which the treatment supports efficient phytosanitary measures in a wide range of circumstances
 - the level of efficacy of the treatment is not experimentally supported (quantified or expressed statistically)
 - it considers the potential effects on the product quality and intended use of the regulated article
 - it provides technical information demonstrating the treatment is not feasible and applicable for use primarily in international trade or for other purposes (e.g. to protect endangered areas domestically, or for research). This may include factors noted in ISPM 28:2007 such as the:
 - application procedure for the treatment
 - costs of a treatment facility
 - commercial relevance
 - availability of commercial expertise
 - versatility of the treatment
 - degree to which the treatment complements other phytosanitary measures
 - potential effects on the environment

C. Criteria for draft diagnostic protocols

3. For DPs, a formal objection could be considered technically justified if any of the following apply:
 - it refers to inaccuracies in any of the technical information
 - it refers to inaccuracies in the description of the pest, including signs and symptoms associated with the pest and methods of detecting the pest in a commodity
 - it refers to the meeting of the requirements of the protocol for the diagnosis of the pest as described in ISPM 27:2006, such as minimum requirements, reliability and flexibility for use in a wide range of circumstances, etc.
 - it refers to whether the methods take into account the expertise needed, the availability of equipment and the practicability (e.g. ease of use, speed and cost)

FIGURE 2: Process for determining if a formal objection is technically justified for draft PTs, under Stage 4, Step 7 of the IPPC standard setting procedure, with the addition of the Technical Panel on Phytosanitary Treatments (TPPT) interactions

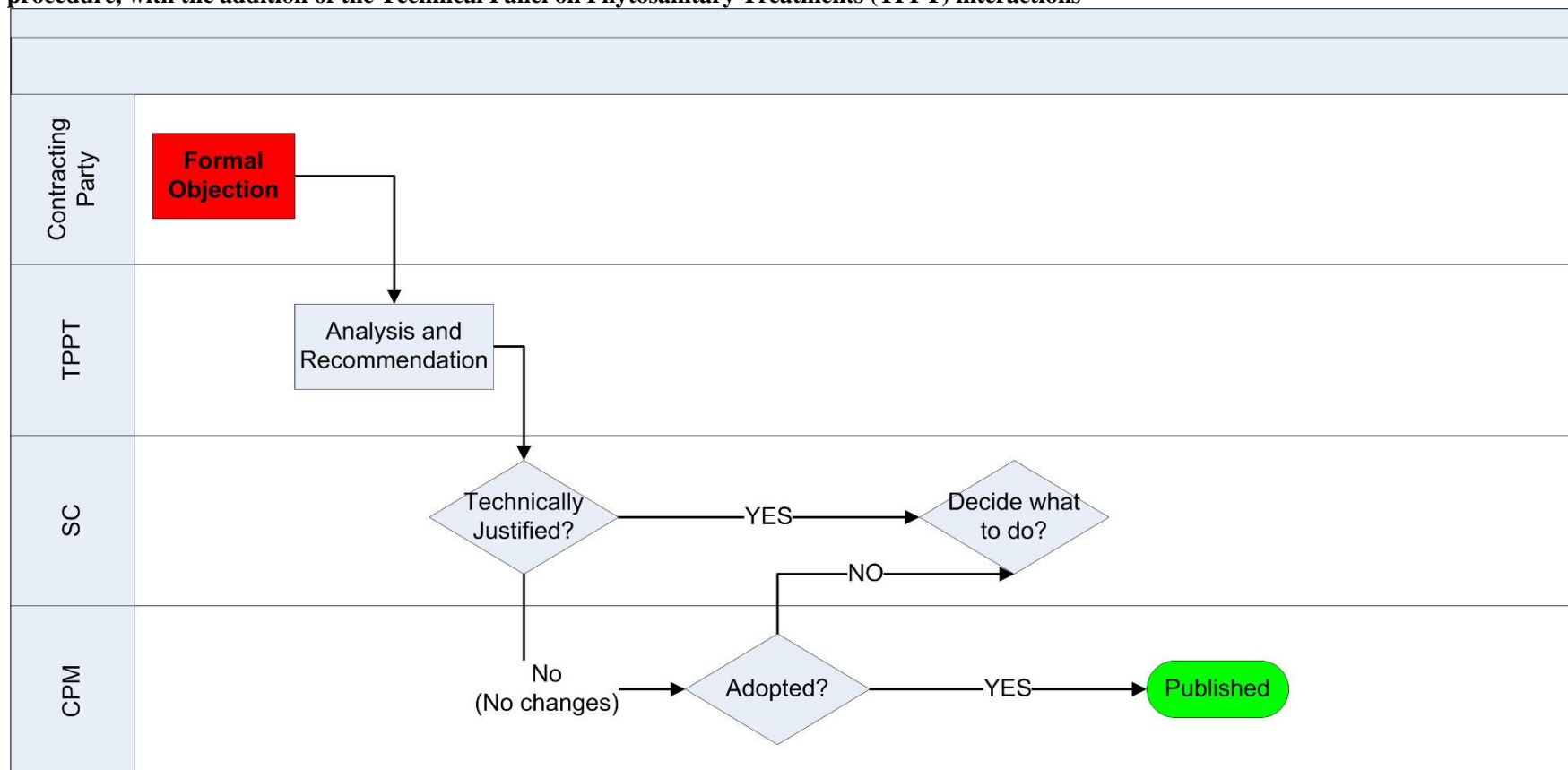


FIGURE 3: Process for determining if a formal objection is technically justified for draft DPs, under Stage 4, Step 7 of the IPPC standard setting procedure, with the addition of the Technical Panel on Diagnostic Protocols (TPDP) interactions

