

[1] **DRAFT REVISION TO ISPM 5 (GLOSSARY OF PHYTOSANITARY TERMS) - SUPPLEMENT NO. 1: GUIDELINES ON THE INTERPRETATION AND APPLICATION OF THE CONCEPT OF “OFFICIAL CONTROL” FOR AND “NOT WIDELY DISTRIBUTED”**

[2]

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<b>Notes to this document</b>	For the purpose of visibility of the new text on not widely distributed, and in order to not reopen the discussion on the official control text (as requested by the SC), the text is marked as follows.	
	– original text on official control incorporating the consistency ink amendments noted by CPM-5 in 2010 (as additions or deletions to the original text on official control) – new text on not widely distributed – original text on official control deleted for the purpose of integrating both texts	Grey <u>black underlined</u> <del>in black and strikethrough.</del>
	Note that renumbering of sections does not show as changes.	
	Deletions do not intend to change the content of the official control supplement, but some deletion was necessary: for example, essential changes to integrate both texts, updates to current glossary or IPPC terminology (e.g. “phytosanitary import requirements”, “contracting party”), consistency with the structure of recent ISPMs (e.g. sections on adoption, background), updates to ISPM references, editorials.  2011-01-31: Formatting for Editor; 2011-02-12 and 2011-03-10: editorial checks; 10 March 2011: Formatting for SC 2011-05. 2011-05-10: editorial checks. 2011-11 Edited. 2012-01 formatted for CPM7 based on OCS report.	

[3] **Adoption**

[4] This supplement was first adopted by the Third Interim Commission on Phytosanitary Measures (2001) as a supplement to ISPM 5:2001, *Supplement No. 1: Guidelines on the interpretation and application of the concept of official control for regulated pests*. The first revision was adopted by the Commission on Phytosanitary Measures in 20-- as the present Supplement 1 to ISPM 5.

**[5] Introduction****[6] Scope**

[7] This ~~guideline~~ ~~supplement~~ ~~refers only to~~ provides guidance on:

[8] ~~the official control of regulated pests, and~~

~~- determination of when a pest is considered to be present but not widely distributed, for the decision on whether a pest qualifies as a quarantine pest.~~

[9] ~~For the purposes of this guideline, the relevant regulated pests are both quarantine pests that are present in an importing country but not widely distributed and regulated non-quarantine pests.~~

**[10] References**

[11] ISPM 1. 2006. *Phytosanitary principles for the protection of plants and the application of phytosanitary measures in international trade*. Rome, IPPC, FAO.

ISPM 2. 2007. *Framework for pest risk analysis*. Rome, IPPC, FAO.

ISPM 6. 1997. *Guidelines for surveillance*. Rome, IPPC, FAO.

ISPM 8. 1998. *Determination of pest status in an area*. Rome, IPPC, FAO.

ISPM 11. 2004. *Pest risk analysis for quarantine pests including analysis of environmental risks and living modified organisms*. Rome, IPPC, FAO.

~~*Report of the ICPM open ended working group on official control, 22-24 March 2000, Bordeaux, France, IPPC Secretariat, FAO, Rome.*~~

**[12] Definition**

[13] Official control is defined as:

[14] The active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests.

**[15] ~~purpose~~ BACKGROUND**

[16] The words “present but not widely distributed and being officially controlled” express an essential concept in the definition of a quarantine pest. According to that definition, a quarantine pest must always be of potential economic importance to an endangered area. In addition, it must either meet the criterion of not being present in that area or it must meet the combined criteria of being present but not widely distributed and subject to official control.

[17] The *Glossary of phytosanitary terms* defines official as “established, authorized or performed by an NPPO” and control as “suppression, containment or eradication of a pest population”. However, for phytosanitary purposes, the concept of *official control* is not adequately expressed by the combination of these two definitions.

[18] The purpose of this ~~supplement guideline~~ is to describe more precisely the interpretation of:

- [19] • the concept of official control and its application in practice for quarantine pests that are present in an area as well as for regulated non-quarantine pests, and
- the concept of “present but not widely distributed and under official control” for quarantine pests.

[20] “Not widely distributed” is not a term included in the description of pest status listed in ISPM 8:1998.

**[21] Requirements****[22] 1. General Requirements**

[23] Official control is subject to ISPM 1:2006, in particular the principles of non-discrimination, transparency, equivalence of phytosanitary measures and pest risk analysis.

**[24] 1.1 Official control**

[25] Official control includes:

- [26] • eradication and/or containment in the infested area(s)
- surveillance in the endangered area(s)
- restrictions related to the movement into and within the protected area(s) including phytosanitary measures applied at import.

[27] All official control programmes have elements that are mandatory. At minimum, programme evaluation and pest surveillance are required in official control programmes to determine the need for and effect of control to justify phytosanitary measures applied at import for the same purpose. Phytosanitary measures applied at import should be consistent with the principle of non-discrimination (see section 2.1 below).

[28] For quarantine pests, eradication and containment may have an element of suppression. For regulated non-quarantine pests, suppression may be used to avoid unacceptable economic impact as it applies to the intended use of plants for planting.

[29] **1.2 Not widely distributed**

[30] “Not widely distributed” is a concept referring to a pest’s occurrence and distribution within an area. A pest may be categorized as present and widely distributed in an area or not widely distributed, or absent. In pest risk analysis (PRA), the determination of whether a pest is not widely distributed is carried out in the pest categorization step. Transience means that a pest is not expected to establish and therefore is not relevant to the concept of “not widely distributed”.

[31] In the case of a quarantine pest that is present but not widely distributed, and where appropriate in the case of certain regulated non-quarantine pests, the importing country should define the infested area(s) and, endangered area(s) and protected area(s). When a quarantine pest is considered not widely distributed, this means that the pest is limited to parts of its potential distribution and there are areas free from the pest that are at risk of economic loss from introduction or spread. These endangered areas do not need to be contiguous but may consist of several distinct parts. In order to justify the statement of a pest being not widely distributed, a description and delimitation of the endangered areas should be made available if requested. There is a degree of uncertainty attached to any categorization of distribution. The categorization may also change over time.

[32] The area in which the pest is not widely distributed should be the same as the area for which the economic impact applies (i.e. the endangered area) and where the pest is under or being considered for official control. The decision that a pest is a quarantine pest, including consideration of its distribution, and placing that pest under official control, is typically made with respect to an entire country. In some instances it may be more appropriate to regulate a pest as a quarantine pest in parts of a country rather than in the whole country. It is the potential economic importance of the pest for those parts that has to be considered in determining phytosanitary measures. Examples of when this may be appropriate are countries whose territories include one or more islands or other cases where there are natural or artificially created barriers to pest establishment and spread, such as large countries in which specified crops are restricted by climate to well-defined areas.

[33] **1.3 Decision to apply official control**

[34] A national plant protection organization (NPPO) may choose whether or not to officially control a pest of potential economic importance that is present but not widely distributed, taking into account relevant factors from PRA, for example the costs and benefits of regulating the specific pest, and the technical and logistical ability to control the pest within the defined area. If the pest is not subjected to official control, it does not then qualify as a quarantine pest.

[35] **2. Specific Requirements**

[36] The specific requirements to be met relate to pest risk analysis, non-discrimination, transparency, technical justification, enforcement, mandatory nature of official control, area of application, and NPPO authority and involvement in official control.

[37] **2.1 Technical justification**

[38] Domestic requirements and phytosanitary import requirements should be technically justified and result in non-discriminatory phytosanitary measures.

[39] Application of the definition of a quarantine pest requires knowledge of potential economic importance, potential distribution and official control programmes (ISPM 2:2007). The categorization of a pest as present and widely distributed or present but not widely distributed is determined in relation to its potential distribution. This potential distribution represents the areas where the pest could become established if given the opportunity, i.e. its hosts are present and environmental factors such as climate and soil are favourable. ISPM 11:2004 provides guidance on the factors to be considered in assessing the probability of establishment and spread. In the case of a pest that is present but not widely distributed, the assessment of potential economic importance should relate to the areas where the pest is not established.

[40] Surveillance should be used to determine the distribution of a pest in an area as a basis for the further consideration of whether the pest is not widely distributed.

[41] ISPM 6:1997 provides guidance on surveillance, and includes provisions on transparency. Biological factors such as pest life cycle, means of dispersal and rate of reproduction may influence the design of surveillance programmes, the interpretation of survey data and the level of confidence in the categorization of a pest as not widely distributed. The distribution of a pest in an area is not a static condition. Changing conditions or new information may necessitate reconsideration of whether a pest is not widely distributed.

[42] **2.2 Non-discrimination**

[43] The principle of non-discrimination between domestic requirements and phytosanitary import requirements is fundamental. In particular, requirements for imports should not be more stringent than the effect of official

control in an importing country. There should therefore be consistency between domestic requirements and phytosanitary import requirements for a defined pest:

- [44]
- Import requirements should not be more stringent than domestic requirements.
  - Domestic and import requirements should be the same or have an equivalent effect.
  - Mandatory elements of domestic and import requirements should be the same.
  - The intensity of inspection of imported consignments should be the same as equivalent processes in domestic control programmes.
  - In the case of non-compliance, the same or equivalent phytosanitary actions should be taken on imported consignments as are taken domestically.
  - If a tolerance level is applied within a ~~national~~ domestic official control programme, the same tolerance level should be applied to equivalent imported material. In particular, if no action is taken in the ~~national domestic~~ official control programme because the pest incidence does not exceed the tolerance level concerned, then no action should be taken for an imported consignment if the pest incidence does not exceed that same tolerance level. Compliance with import tolerance levels is generally determined by inspection or testing at entry, whereas compliance with the tolerance level for domestic consignments should be determined at the last point where official control is applied.
  - If downgrading or reclassifying is permitted within a domestic ~~national~~ official control programme, similar options should be available for imported consignments.

[45] **2.3 Transparency**

- [46] Domestic requirements for official control and the phytosanitary import requirements should be documented and made available, on request.

[47] **2.4 Enforcement**

- [48] The domestic enforcement of official control programmes should be equivalent to the enforcement of phytosanitary import requirements. Enforcement should include:

- [49]
- a legal basis
  - operational implementation
  - evaluation and review
  - phytosanitary action in the case of non-compliance.

[50] **2.5 Mandatory nature of official control**

- [51] Official control is mandatory in the sense that all persons involved are legally bound to perform the actions required. The scope of official control programmes for quarantine pests is completely mandatory (e.g. procedures for eradication campaigns), whereas the scope for regulated non-quarantine pests is mandatory only in certain circumstances (e.g. official certification programmes).

[52] **2.6 Area of application**

- [53] An official control programme can be applied at national, subnational or local area level. The area of application of official control measures should be specified. Any phytosanitary import requirements should have the same effect as the domestic requirements for official control.

[54] **2.7 NPPO authority and involvement in official control**

- [55] Official control should:

- [56]
- be established or recognized by the contracting party or the NPPO under appropriate legislative authority
  - be performed, managed, supervised or, at minimum, audited/reviewed by the NPPO
  - have enforcement assured by the contracting party or the NPPO
  - be modified, terminated or lose official recognition by the contracting party or the NPPO.

- [57] Responsibility and accountability for official control programmes rests with the contracting party. Agencies other than the NPPO may be responsible for aspects of official control programmes, and certain aspects of official control programmes may be the responsibility of subnational authorities or the private sector. The NPPO should be fully aware of all aspects of official control programmes in its country.