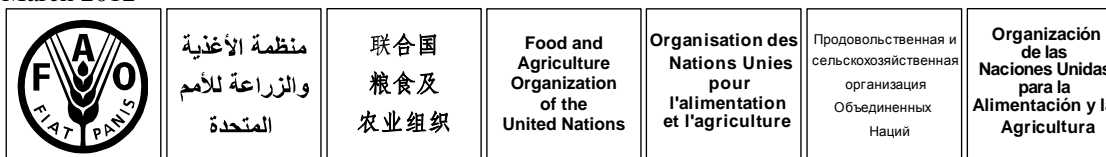


March 2012



COMMISSION ON PHYTOSANITARY MEASURES

Seventh Session
Rome, 19 - 23 March 2012
Statements from the EU and its 27 Member States
Agenda items of the Provisional Agenda
8.1.5
8.1.6
9.2
10.3

For CPM-7 2012, Statements from the EU and its 27 Member States regarding CPM agenda items 8.1.5, 8.1.6, 9.2 and 10.3

I. Regarding Agenda item 8.1.5

Topics and priorities (CPM action 2)

1. Topic 38 (use of permits as import authorization (Annex to ISPM 20:2004) should not be deleted from the work programme. The EU believes that harmonised guidance on this topic is necessary, in particular to underscore the importance of countries implementing the principle of transparency and the obligation to publicise all phytosanitary import requirements.

Topics and priorities (CPM action 3)

2. The EU considers it is not appropriate to develop technical manuals on topics which are too difficult to harmonise at the global level. In particular manuals should never be produced on topics 35 (guidelines for public officers issuing phytosanitary certificates (Appendix to ISPM 7:2011) and 37 (systems for authorizing phytosanitary activities).

Topics and priorities (general point)

3. EU notes that more than one strategic objective may be allocated to a topic. The current listing of the topics into categories based on one strategic objective is therefore imprecise and could be misleading. The EU recommends that topics should be organised according to priority, rather than being separated into different strategic objectives (which would anyway be redundant, as information on strategic objective is provided in the dedicated column). The SC should be asked to review the allocation of the topics according to strategic objectives again and present the list in a new format according to priorities next year.

Dielectric heat treatment for ISPM 15 (CPM action 14)

4. EU supports the continued development of the dielectric heat treatment in the knowledge that experience will only be gained once the treatment is adopted. However, the EU suggests, that, to reflect more precisely the current state-of-affairs and to invite various bodies to continue their commitment in promoting this treatment, the message from invitation 12 be changed to CPM notes that the efficacy of the time and temperature parameters as well as the limitation to 20 cm in cross-section is supported by sufficient scientific evidence. CPM encourages additional investigations be carried out regarding practical operational elements of this treatment.

Regarding Technical Manuals

5. “The EU notes that the issue of the production of technical manuals appears under several CPM-7 agenda points, including topics and priorities, capacity development, and the IRSS. Whilst we support the production of technical manuals, we strongly feel that the appropriate circumstances and related procedures for the development of Technical Manuals (TM) within the IPPC framework should be clarified and adopted by the CPM.

6. We request there should be clarification of

- the envisaged legal status of manuals, in particular vis-à-vis the WTOT/SPS agreement, acknowledging that, in contrast to standards, they would not have been adopted by the CPM as an element of the international harmonization of phytosanitary measures
- the type of topic deemed appropriate for this approach in all areas of IPPC work, and
- what degree of oversight there should be over the development process
- what degree of clearance of the texts would be needed and by which forum
- whether a disclaimer is needed

7. The EU and its MS consider it necessary that

- the CPM is informed about proposed TM projects with a description of the aims and intended content
- the CPM agrees the addition of TM projects to the work program
- a CPM body (e.g. SC) is tasked to oversee the development with the aim to ensure a balanced approach is reflected in the TM and its quality is ensured
- the process for all TM related activities (e.g. initialisation of new TM projects, working procedures including the oversight body, rules outsourcing of TM production) should be clarified, agreed by CPM and documented as part of the procedural manual.

8. Only if such arrangements are in place the EU and its MS would consider it justified that technical manuals would carry the IPPC logo, which indicates to users that they have been accepted under the IPPC.

9. We suggest it would be appropriate for the Standards Committee and SPTA to consider these issues and to report back to the next CPM.

II. Regarding CPM Agenda item 8.1.6

10. The EU and its 27 Member States welcomes the efforts to improve the standard setting process and supports most of the recommendations of the Focus Group and as amended by the Standards Committee.
11. The EU note, however, that if recommendations 1 and 2 were implemented contracting parties would be required to consider two sets of draft standards at the same time. The EU considers that there will be better scrutiny of drafts if the member consultation and the commenting period on SC-7 drafts, respectively, are held at different times of the year. We therefore propose that the member consultation period be extended until the middle of February. It is acknowledged that other contracting parties may wish to consider the two sets of drafts at the same time, and therefore the start of the member consultation period should allow for this.
12. The EU would be unable to reach a coordinated position in response to a 60 day commenting period during June and July as regards the SC-7 outputs (cf. recommendation 2). The EU therefore proposes that the period on SC-7 drafts be extended until end of September.
13. Regarding the adoption of diagnostic protocols (recommendation 9), the EU supports the SPTA and SC recommendation for option 9A, but requests that the notification periods for SC-approved draft diagnostic protocols is limited to defined times twice a year (e.g. January and July). The EU also requests that the review period is extended from 4 to 6 weeks.
14. The EU suggest that, subject to the recommendation by the Bureau and CPM Chair, having consulted with the SC Chair, the CPM may decide to allow for discussion at that CPM meeting of a formal objection, with the aim of having that objection lifted and the standard adopted at that CPM meeting. By introducing such flexibility to the process while still respecting the general principle of Recommendation 1, the EU suggest that unnecessary delays of the adoption of an ISPM can be avoided in cases where formal objections can be lifted and the ISPM become adopted with a relatively small effort by the CPM.
15. In summary, the EU proposes to:
- Extend the member consultation to the middle of February (new recommendation)
 - Extend the commending period on SC-7 drafts to end of September (recommendation 2)
 - Limit the notification period for approved diagnostic protocols to twice a year (e.g. January and July) and extend the review period from four to six weeks (recommendation 9)
 - Open for the opportunity that the Bureau/CPM Chair in consultation with the SC Chair may propose a discussion of a formal objection at CPM with the aim that the formal objection can become lifted and the standard be adopted.
 - Making the text of Recommendation 18 explicit that one or two assistant steward(s) can be assigned.
16. The EU's proposed changes to the recommendations and rules of procedure are indicated in attachments 1 and 2 for clarity.

Attachment 1**EU Proposed Modifications to FG Recommendations****1. Regarding Recommendation 2: EU's Proposed Modifications to the SC Proposal**

SC: The existing opportunity to review SC-7 revisions of draft ISPMs should be formalized. This process will allow IPPC members to review SC-7 approved draft standards and should focus on substantial comments. All comments should be entered via the OCS and made available to regional SC members by ~~31 July~~ 30 September. The regional SC members should review comments submitted, and forward those comments deemed to be most important to the Steward, accompanied by suggestions on how to address them. The Steward will review the comments and prepare responses to the comments and a revised draft ISPM, both to be submitted to the IPPC Secretariat for presentation to the November SC. The SC reviews the substantial comments submitted, revises the draft standard and communicates its reasoning to IPPC members.

2. Regarding Recommendation 3: EU's proposed modification**3. FG (endorsed by SPTA and SC):**

All draft standards presented to CPM for adoption are subject to a formal objection only. If a contracting party has a formal objection, it submits it with the technical justification and suggestions for improvement to the Secretariat no later than 14 days prior to CPM. The draft standard will then not be considered for adoption by the CPM and returned to the SC, except in the case where the Bureau/CPM Chair in consultation with the SC Chair propose and the CPM agrees to discuss the formal objection with the aim of having the formal objection lifted and the standard adopted.

3. Regarding Recommendation 9A: EU proposal**9. FG (presented option A or B):**

DPs subject to a different adoption process (new procedure)

A. (SPTA and SC favoured option A) The CPM delegates its authority to the SC to adopt DPs on its behalf. The DP adoption process should be that once the SC approves the DP, it is posted publicly at defined times (e.g. January and July) and contracting parties are notified. Contracting parties have six weeks to review the draft DP and submit a formal objection, if any. If no formal objection is received, the SC, on behalf of the CPM, adopts the DP. DPs adopted through this process would be attached to the report of the following CPM.

4. Regarding Recommendation 18: EU proposal

18. SC: The SC should be encouraged to assign a lead Steward and one or two assistants (these ~~two~~ assistants could be from outside the SC, such as potential replacement members, former ex-SC members, or technical panel members or expert working group members) for each topic.

Attachment 2**EU proposals to modify paragraphs in the Rules of Procedure of the CPM****1. Extending the period of member consultation at step 5:**

[21] Following clearance by the SC, the Secretariat submits the draft standard to IPPC members for consultation and posts the draft standard on the IPP. The ~~length of the consultation period is from [June 20th or later?] until 15th February each year is 100 days~~¹. The IPPC contact point submits comments using the OCS.

2. Extending the commenting period on SC-7 drafts

[25] Once the SC-7 or TP recommends the draft standard to the SC, the Secretariat posts the draft standard on the IPP in the restricted work area for IPPC members. IPPC members may submit comments for 60 days and should focus on substantial comments. The IPPC contact point submits the comments using the OCS by 30 September ~~31 July~~ [SC Rec 2]².

3. Opening up for discussing a formal objection during a CPM

[33] All draft standards presented to the CPM are subject to a formal objection³. If no formal objection is received, the CPM will adopt the ISPM without discussion [FG Rec 3]⁴. If a CPM member has a formal objection, the member submits the formal objection along with the technical justification and suggestions for improvement of the draft standard to the Secretariat no later than 14 days prior to the CPM meeting and the draft standard will be returned to the SC. However, depending on the formal objection submitted, the Bureau/CPM Chair in consultation with the Chair of the SC may propose a discussion at the CPM meeting on the issue. As result of such discussion, amendments may be agreed and, if the formal objection is withdrawn by the contracting party, CPM will adopt the standard.

¹ New proposal to allow contracting parties to consider draft ISPMs for member consultation and draft ISPMs coming from the SC-7 at different times of the year.

² **SC Recommendation 2:** The existing opportunity to review SC-7 revisions of draft ISPMs should be formalized. This process will allow CPM members to review SC-7 approved draft standards and should focus on substantial comments. All comments should be entered via the OCS and made available to regional SC members by 30 September ~~31 July~~. The regional SC members should review comments submitted, and forward those comments deemed to be most important to the Steward, accompanied by suggestions on how to address them. The Steward will review the comments and prepare responses to the comments and a revised draft ISPM, both to be submitted to the IPPC Secretariat for presentation to the November SC. The SC reviews the substantial comments submitted, revises the draft standard and communicates its reasoning to CPM members.

³ A formal objection should be a technically supported objection to the adoption of the draft standard in its current form, sent through the official IPPC contact point. The Secretariat would not make any judgement about the validity of the objection – an objection with some technical discussion of the issue would be accepted as a formal objection.

⁴ **FG Recommendation 3:** All draft standards presented to CPM for adoption are subject to a formal objection only. If a contracting party has a formal objection, it submits it with the technical justification and suggestions for improvement to the Secretariat no later than 14 days prior to CPM. The draft standard will then not be considered for adoption by the CPM and returned to the SC, except in the case where the Bureau/CPM Chair in consultation with the SC Chair propose and the CPM agrees to discuss the formal objection with the aim of having the formal objection lifted and the standard adopted.

4. Notification of approved Diagnostic Protocols

[35] For Diagnostic Protocols (DPs) [FG Recs 9A, 10 and 11]⁵, the CPM has delegated its authority to the SC to adopt DPs on its behalf. Once the SC approves the DP, the Secretariat posts the DP on the IPP at defined times and CPM members are notified⁶. CPM members have 45 days to review the draft DP and submit a formal objection, if any. If no formal objection is received, the SC, on behalf of the CPM, adopts the DP. DPs adopted through this process would be attached to the report of the following CPM meeting. When a technical revision is required for an adopted DP, the SC can approve the updates to adopted DPs via electronic means without going to the CPM. The updates will be posted as soon as the SC approves them.

⁵ **FG Recommendation 9A:** DPs subject to a different adoption process (new procedure): The CPM delegates its authority to the SC to adopt DPs on its behalf. The DP adoption process should be that once the SC approves the DP, it is posted publicly at defined times (e.g. January and July) and contracting parties are notified. Contracting parties have six weeks to review the draft DP and submit a formal objection, if any. If no formal objection is received, the SC, on behalf of the CPM, adopts the DP. DPs adopted through this process would be attached to the report of the following CPM. **FG Recommendation 10:** Procedures should be developed for the preferred option and would be applicable to DPs only. **FG Recommendation 11:** When a technical revision is required for an adopted DP, the SC can approve the updates to adopted DPs via electronic means without going to the CPM. The SC can develop criteria for approving updates to adopted DPs. The updates will be posted as soon as the SC approves them.

⁶ For translation of DPs, members would follow the mechanism for requesting the translation for DPs into FAO languages posted on the IPP (<https://www.ippc.int/index.php?id=1110995>).

III. Regarding CPM Agenda item 9.2

17. The EU and its member states approve of the proposed resource mobilization strategy and the importance attached to it. With regard to the financial committee the EU and its member states do agree with the establishment of this body, but propose the following slight rewording to its ToRs in order to reflect our wishes that the members of the FC should be primarily CPM Bureau members:

“The Financial Committee will consist of four volunteer members primarily selected from the CPM Bureau. The CPM Bureau confirms the membership of the Financial Committee.”

18. We would further like to propose the addition of a new heading in the ToRs of the Financial Committee which would introduce a review provision for the FC. This new heading should read:

“New 5. Review

The Financial Committee shall review its activities after a period of 4 years and shall submit its review report to the CPM Bureau and the SPTA. “

19. In addition, the EU and its Member States would like to suggest some small changes to the resource mobilization strategy and the attached terms of reference of the Financial Committee. These suggestions are:

The first sentence in recommendation D 2 should read: *“The CPM should agree on various mechanisms to increase resources for the IPPC standard setting process and formalize rules and procedures for such mechanisms.”* The reason for this suggestion is to make recommendation D2 consistent with the recommendation D1.

In the “Terms of Reference for the Financial Committee” section 5 on IPPC secretariat the sentence should be amended to “The Secretariat provides administrative and technical support as ~~necessary~~ required by the Financial Committee”

IV. Regarding CPM Agenda item 10.3

20. The EU and its 27 Member States support the establishment of a permanent structure for capacity development. In principle we support such a structure in the format of a Technical Committee. However, the EU and its MS have strong concerns about the proposed Terms of Reference and Rules of Procedure of this committee. We believe that this committee should work under the authority of the CPM and not of the Secretariat in order to create the right level of commitment from the contracting parties and a proper balance between the responsibilities of the contracting parties and the Secretariat.

21. In addition to that we have concerns regarding the proposed liaison of the committee with other CPM-bodies, the role of the committee regarding the development of resources and the role of the committee in relation to parties outside the CPM.

22. We therefore have provided suggestions for modification of the proposed Terms of Reference and Rules of Procedure to address these concerns, as follows:

Terms of Reference

Amendment	Explanation
<u>Terms of reference</u>	
<p>1. Scope and objectives of the IPPC Capacity Development Technical Committee (CDTC)</p> <p>The IPPC Capacity Development Technical Committee (CDTC) should be is a technical structure of the IPPC, whose membership is voluntary, adjoined and accountable to the Secretariat CPM. The Committee shall oversee and to contribute to the achievement of the IPPC strategic objective to of developing the phytosanitary capacity of its members.</p> <p>The work of this Committee shall be in all cases, guided by the IPPC national phytosanitary capacity building strategic framework <u>as</u> adopted by the Commission on Phytosanitary Measures.</p> <p>This structure should not be considered a subsidiary body of the governing body of the IPPC (CPM) and should be compatible with Article XII.3 of the Convention.</p>	<p>Scope and objectives are already mixed in the text and could well remain so.</p> <p>The CDTC should be accountable to the CPM.</p> <p>Simplified for clarity</p> <p>Redundant and incorrect phrase</p>
<p>2. Objectives</p> <p>The scope Objectives of the a Technical Committee on Capacity Development shall be based on contracting parties' needs and shall include:</p> <ul style="list-style-type: none"> • Implementation of the IPPC national capacity building strategy at all levels. • Sustainable funding for the IPPC national capacity building strategy • Implementation of the IPPC and ISPMs by contracting parties. • Assist and advise the CPM, other SB and organizations. 	<p>"CPs' needs" is unclear and unnecessary.</p> <p>"at all levels" is not clear: the CDTC should not work on detailed CP projects in individual countries</p> <p>Those internal activities are of a different nature than the themes listed here, and need not be mentioned.</p>
<p>3. Structure [change number]</p> <p>The composition of the Committee shall be based on geographical representation, preferably with one delegate being from each FAO region and a minimum of three members being from developing countries. The selection of member experts</p>	<p>To clarify the composition of the CDTC. Just straight forward seven members,</p>

<p>shall be performed by the Bureau, supported by the Secretariat through an open call. The provision of appropriate references of technical expertise and qualifications of the candidates shall be the guiding criteria for selection. The Committee shall be composed by a maximum of 7 experts. The members shall have no personal interest in providing independent technical assistance, in order to prevent any conflicts of interest in the framework of the CDTC.</p>	<p>from each FAO region one.</p>
<p>4. Functions [change number]</p> <p>The CDTC will have the following functions:</p> <ul style="list-style-type: none"> • Inform Report to the CPM of its activities. • Review the IPPC national phytosanitary capacity development strategy on a regular basis. • Participate in the triennial review group of the IRSS. • Identify, promote and/or develop appropriate capacity development activities in line with the IPPC national phytosanitary capacity development strategy including technical resources, such as manuals, SOPs, guidelines, training materials and databases. • <u>Where documents are developed by the CDTC, follow agreed procedures for the production, oversight and approval of such materials.</u> • Assess and prioritize for inclusion in the IPP those manuals, SOPs, guidelines, training materials and databases provided by partners, other public-private organizations, NPPOs and RPPOs, relevant for the implementation of the IPPC and its ISPMs. <u>This shall be done on the basis of criteria identified by the CDTC.</u> • Monitor and evaluate the implementation of the IPPC national phytosanitary capacity development strategy. • Enhance links and liaise with donors, partners and other public-private organizations concerned with capacity development in the phytosanitary area. • <u>Under the direction of the CPM provide guidance direction to the IPPC Secretariat capacity development programme, including the work plan.</u> • Liaise with and Provide information to the Standards Committee, and standard setting programs based on the identification of challenges associated with the implementation of the IPPC and its standards. • Review periodically its functions and procedures. • liaise with CPM Bodies and the Bureau • Undertake other functions as directed by the Secretariat and the Commission CPM, which may include: <ul style="list-style-type: none"> ○ upon consultation with the Secretariat, members may represent the IPPC Secretariat in capacity development initiatives of other organizations, provided that those initiatives are consistent with the mandate of the Committee; ○ report to the <u>Secretariat CPM</u> on IPPC related capacity development activities and challenges relevant to the phytosanitary community; ○ assist in identifying appropriate experts for capacity building/standard implementation activities; ○ coordinate closely, as needed, with other CPM subsidiary bodies, on relevant actions; ○ coordinate follow closely with standard setting bodies and capacity development initiatives and mechanisms, under the WTO framework. 	<p>To clarify that the CDTC reports to the CPM.</p> <p>To clarify the roles of the CDTC regarding production, oversight and authorization of materials produced under the CD section.</p> <p>Idem</p> <p>It is not appropriate for members of the CDTC to liaise with the outside world.</p> <p>To clarify the role of the CDTC regarding giving direction to the Secretariat.</p> <p>To clarify the role of the CDTC in connection with standard setting.</p> <p>Redundant: no need to specify this.</p> <p>It is not appropriate for members of the CDTC to liaise with the outside world on behalf of the IPPC.</p> <p>Report to CPM instead of Secretariat.</p> <p>CDTC should not identify experts for standards implementation Not appropriate for CDTC to liaise with outside standard setting bodies such as under WTO STDF.</p>
<p>5. IPPC Secretariat [change number]</p> <p>The Secretariat shall be responsible for coordinating the activities of the CDTC and provide administrative, technical and editorial support, as required by the CDTC.</p> <p>The Secretariat is also responsible for reporting and record keeping regarding the</p>	

capacity development activities.	
----------------------------------	--

Rules of Procedure

Rules of procedure	
<p>Rule 1. Membership</p> <p>Membership of the CDTC is open to IPPC contracting parties.</p> <p>The Committee size and composition of the subsidiary body shall consist of be based on geographical representation with one delegate being from each FAO region and a minimum of <u>with at least</u> three members being from developing countries.</p> <p>Members serve for terms of two years, with a maximum of six years. Requests for additional periods for the same member shall be subject to the selection procedures and conditions established in item 3 of the Terms of reference. Partial terms served by replacements shall not be counted as a term under these Rules.</p>	Simplified for clarity
<p>Rule 2. Replacement of members</p> <p>A potential replacement shall be nominated for each region for members of the CDTC, under the same selection procedures and conditions established in item 3 of the Terms of reference. Once confirmed, potential replacements are valid for the same period of time as specified in Rule 1.</p> <p>A member of the CDTC will be replaced by a potential replacement 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 CDTC.</p> <p>A replacement will serve through the completion of the term of the original member, and may be nominated to serve additional terms.</p>	Not necessary for a CDTC. This is a technical body and not a formal subsidiary body with voting objectives.
<p>Rule 3. Chair</p> <p>The CDTC shall elect its Chairperson and Vice-Chairperson from among its membership</p>	
<p>Rule 4. Qualifications of members</p> <p>Candidates shall present documented evidence of experience in capacity development and particularly on:</p> <ul style="list-style-type: none"> • 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 the meetings and discussions 	
<p>Rule 5. Sessions</p> <p>The CDTC shall meet annually, have extraordinary meetings when necessary and make use, as an alternative,, of innovative work options, such as videoconference, teleconference, work by mail, facsimile and e-mail, in the most cost-effective manner within the available resources.</p> <p>A meeting of the CDTC shall not be declared open unless there is a quorum of 4</p>	Not necessary for a CDTC. This is not a “voting” body given the nature of the work.

members.	
<p>Rule 6. Observers and participation of invited experts</p> <p>Meetings are generally open according to FAO Rules.</p> <p>In specific cases, with prior agreement of the members, the Secretariat may invite individuals or representatives of organizations with specific expertise to participate on an ad hoc basis at a specified meeting or part of a meeting or for specified business, as invited experts.</p> <p>However, the CDTC may determine that certain meetings or business need to be conducted without observers, in particular where controversial information is involved.</p>	
<p>Rule 7. Decision-making</p> <p>The CDTC shall work by <u>strive for</u> consensus on all decisions. but may vote where necessary using a 2/3 majority to take decisions. Decisions shall include dissenting opinions where requested.</p>	Bodies under the IPPC work by consensus and do not vote
<p>Rule 8. Review</p> <p>The CDTC shall periodically review its functions and procedures.</p> <p>The Commission shall review the need for a CDTC every six years, its functions and operation, taking into account experience and changing conditions.</p>	
<p>Rule 9. Amendments</p> <p>Amendments to the functions and procedures of the CDTC will be decided by the Commission as required, upon recommendation of the body.</p>	
<p>Rule 10. Confidentiality</p> <p>The subsidiary body <u>CDTC</u> shall exercise due respect for confidentiality where sensitive information is identified.</p>	Editorial
<p>Rule 11. Language</p> <p>The meetings of the CDTC shall be conducted in English.</p>	