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COMMISSION ON PHYTOSANITARY MEASURES

Tenth Session

Rome, 16-20 March 2015

Dispute avoidance and settlement cases

Agenda item 16.2

Prepared by the IPPC Secretariat

I. Dispute Avoidance

1. The IPPC Secretariat continues to provide support to contracting parties with phytosanitary disputes that they wish to resolve before they become formal disputes.

2. There were two dispute enquiries the Secretariat dealt with in an informal manner in 2014.

3. The first enquiry was dealt with by phone and considerable advice was provided regarding options for dispute avoidance under the IPPC Dispute Settlement System. The contracting party has decided not to proceed any further.

4. The second enquiry was through another division within FAO and the Secretariat attended a workshop to train the contracting party on the various dispute settlement options available. This activity isongoing and it is expected there will be a follow-up in 2015.

II. Dispute Settlement

5. On November 10, 2014, the IPPC Secretariat received a copy of the formal request which had been submitted to FAO Director General, Mr Graziano da Silva, for further engagement of the dispute resolution procedures of the International Plant Protection Convention with regard to the matter of Citrus Black Spot (CBS) disease on citrus fruit exported from the Republic of South Africa to the European Union.

6. As contracting parties are aware, a facilitated bilateral discussion and several preparatory meetings took place in late 2012 and early 2013 on this topic. The most significant outcome of these efforts was a request from the European Commission to wait for the publication for international comment and subsequent final pest risk assessment on CBS that was being prepared by the European Food Safety Authority (EFSA). South Africa agreed to not take any further steps in terms of the IPPC dispute settlement procedures or elsewhere until the EFSA process had been completed. The final

EFSA risk assessment opinion was released on 21 February 2014 and concluded that even stronger import measures were required with regard to CBS in imported citrus fruit. This conclusion is contrary to the opinion of South Africa, that commercially produced citrus fruit does not pose a phytosanitary risk with regard to CBS.

7. On 13 February 2015, the Secretariat provided draft terms of reference for the expert committee to both parties. These are presently under negotiated revision with the parties. The IPPC Secretariat had earlier initiated the process to establish an expert committee to review the matter and render an opinion. After reviewing the qualifications of the nominated individuals, the Secretariat determined that there was an insufficient number of truly neutral nominees and will be reissuing a call for experts. .

8. The Secretariat is making all efforts to proceed as quickly as possible in order to obtain a resolution of this dispute, but has found that the formal process is somewhat more cumbersome and slower than anticipated. Nevertheless, progress is being made and the intent is to have an expert panel opinion as soon as possible, preferably by the end of the 2015.

9. The CPM is invited to:

- *note* the dispute settlement support that the Secretariat is providing.
- *note* the developments taking place in the dispute settlement support that the Secretariat is providing in the dispute over Citrus black Spot between South Africa and the European Union.