IRSS study – Diversion from Intended Use: Consideration of the extent of the issue[[1]](#footnote-1)

*(Prepared by the Secretariat)*

The Implementation Review and Support System (IRSS) study on *Diversion from Intended Use (DFIU): Consideration of the extent of the issue*, reviewed the issue of the diversion, after import, of plants, plant products and other regulated articles from their intended use. The intended use is the declared purpose for which a commodity is imported. The study looked at the extent diversion from intended use leads to additional pest risk, or the anticipation of diversion leads to unjustified restrictions to trade. The study was published in March 2016.

The clear conclusion reached is that diversion from intended use affects both importing and exporting contracting parties. The study found that some exporting contracting parties have unjustified measures imposed on their commodities even though they have been assessed through the pest risk analysis (PRA) process and importing contracting parties can face an increased risk to their territories where diversion is anticipated or known to occur.

The overall recommendation from the study is to support a more harmonized approach to the issue among contracting parties. The suggestions that arose from this study include:

1. The IPPC could raise awareness among contracting parties that measures aimed at pest risk from DFIU that are not supported and justified in the PRA are not in line with the Convention or the SPS Agreement and should be removed, or a new PRA completed. Awareness raising may be achieved through this report and other activities of the IRSS, through regional meetings including the IPPC and possibly in conjunction with the SPS Committee.
2. Caution against inclusion of phytosanitary measures aimed at preventing DFIU or managing risks associated with DFIU, without linking them to the PRA, could be added to training material and courses on PRA and pest risk management.
3. Examples of PRAs where the issue of DFIU was included and accepted by both parties could be shared through the IPPC to assist those updating PRAs to increase the scope.
4. A further call for cases might clarify the value of grouping cases by motivation (unintentional, intentional) and the parties involved. For example, if it is the general public that plants garlic imported for consumption or cut flowers imported for decorative purposes, an education campaign might be more effective than attempting to provide more guidance within the IPPC framework. On the other hand, if there is an industrial sector where diversion of consignments has occurred, more direct involvement of the NPPO is required in both awareness raising and formulating compliance plans with that sector.
5. Many countries are using measures to maintain more control along the import pathway either to ensure the end use of an import or to prevent alternative uses such as planting. These practices could be shared and additional research coordinated on specific measures (e.g. efficacy of devitalization options), with unjustified measures being discouraged. Emerging technologies that could support trace-back and monitoring through to end use could be featured in a symposium, such as at the annual session of the CPM.

The ramifications of altering definitions related to consignments to include the concept of DFIU (prevention of or maintaining security against) should be discussed by the Glossary Panel to see whether this is an easy way to raise awareness and include the issue, or whether more study would be required. By including aspects of DFIU in official definitions, there are ISPMs that would then support action on the part of importing contracting parties who are presently unsure of their standing on prevention of this type of pest risk.

The study suggests additional work on the issue that could be done through the IRSS, including two approaches:

1. A workshop or forum on this issue, including seeking consensus with MERCOSUR on the status of devitalization as a dependent phytosanitary measures for reducing DFIU (this could be at the annual Technical Consultation of RPPOs).

Support and guidance to NPPOs for public or sectoral education on the impact of diversion.

The TC-RPPO is invited to:

* *Consider* the outcomes of the IRSS study on Diversion from Intended Use;
* *Discuss* if the occurrence of diversion from intended use in their regions is consistent with the IRSS study findings;
* *Consider* the operational issues associated with the IRSS study recommendations and discuss the feasibility of managing diversion from intended use situations;
* *Discuss* if diversion from intended use needs to be addressed in different fora e.g. IPPC regional workshops or a specific meeting on the subject;
* *Suggest* additional actions to address this issue, if deemed necessary; and
* *Draft* a paper for the June 2017 CPM Bureau suggesting next steps.
1. <https://www.ippc.int/static/media/files/irss/2016/09/09/ippc-irss_diversion_from_intended_use.pdf> [↑](#footnote-ref-1)