Key outcomes from Focus Group on Commodities and Pathway Standards – October 2018

-To SPG 2018-

(Prepared by The Focus Group*)*

1. **Notes:** The Focus Group on Commodities and Pathway Standards terms of reference, membership and provisional agenda of the 2018-10 meeting can be found at: <https://www.ippc.int/en/events/event/709/> .

Anticipated Value of Commodity and Pathway Standards

* Facilitation of safe trade
  + Expedite market access negotiations
  + Enhance phytosanitary security
  + Achieve strategic goals of IPPC, and UN FAO
* Harmonisation of measures
  + Promotion of equivalency
  + Encourage reference to and use of existing ISPMs
  + Identification of phytosanitary measures recognised as being effective for use in trade
  + Identification of gaps in available and effective measures and focus research on this
* Optimise efficient use of resources
  + Avoid redundancy/duplication of requirements
* Provide support and assistance to developing countries
  + Establishing and ensuring a level of effective risk management
  + Participating in trade
  + New opportunities for trade
* Support relevance and influence of the IPPC

Principles relating to development and implementation of commodity and pathway standards

* The proposed structure of the standards will apply equally to commodities and pathways
* Scope may be narrow (commodities) or broad (classes or pathways); initial standards are likely to be narrowly focused
* Regulation of pests to remain firmly based on pest risk analysis
  + Existing international obligations of contracting parties under the IPPC and WTO-SPS Agreement will remain unaffected
  + Sovereign rights will not be affected by commodity standards
  + Lists of pests will be presented but the regulation of any pest remains subject to technical justification
* Obligations will not be imposed on importing countries
  + Measures related to diversion from intended use will not be presented in commodity standards (but provisions may be included in other standards, e.g. ISPM 32)
* It is intended to provide options for measures to contracting parties for the use against regulated pests
  + Other measures may be implemented by contracting parties if technically justified and may be proposed for inclusion in standards
* General requirements will be included in the standards
* Given the inclusion of pests and measures, a process to maintain and update these standards will be required
* The development and maintenance of commodity and pathway standards must be supported by IPPC governance processes and will require provision of resources
* Commodity and pathway standards will be presented to CPM for adoption
* Existing commodity standards will require review after the new commodity standards approach has been adopted
* Commodity standards under development should remain “pending” until the new commodity standards approach has been adopted

Vision for the role and use of commodity and pathways standards

* Establish a concept (over-arching) standard to include:
  + Details of approach for their development
  + Information on their use in market access negotiations (including flow chart)
  + Criteria for selection and prioritisation of commodity/pathway topics (in conjunction with calls for topics)
  + Annexes would be developed in order to:
    - Present each commodity/pathway standard (as per the approach for treatments and diagnostic protocols)
* New governance processes will be required specifically to support the development of commodity/pathway standards, including:
  + A commodity/pathway standards panel supported by a new Technical Panel for Phytosanitary Measures (TPPM)
  + The current Technical Panel for Phytosanitary Treatments would become a subcommittee of the TPPM
  + A permanent steward (part-time function) would be required to coordinate activities and support ongoing activities relating to *developing and maintaining* commodity/pathway standards and to monitor potential triggers for review/revision of standards (*e.g. availability of new measures, identification of new pests*)
* Commodity/pathway standards may provide opportunities for private sector co-investment
* 2020 or bust!

Questions and answers

* **When would a commodity standard not apply:**
  + When the product is of negligible risk
  + In situations in which no measures are available
  + Where an existing ISPM already provide sufficient guidance
  + If a commodity standard exists but a country, having done a PRA, has concluded it does not need to regulate the pest(s) listed for a specific commodity/pathway in question
* **Tension between commodity standards, PRA, sovereign rights, justification of measures.**
  + Conditions, phytosanitary risks and availability of measures are not static
  + Countries still have an obligation to undertake PRA if they are going to regulate pests
  + The standards will contain options for measures
* **Concept of different approaches for commodities or pathways**
  + The proposed structure of the standards will apply equally to commodities and pathways (they are all pathways)
  + The Focus Group recommends referring to these standards simply as Commodity and Pathway standards
* **Where do these standards fit in the framework**
  + These standards will need inclusion in the standards and implementation framework
  + An overarching standard will be required
* **Describeas “pest” or “quarantine pest”**
  + The determination of whether a pest is regulated is at the discretion of the importing country, based on technical justification
  + The standards will therefore present lists of “pests”
    - The inclusion of pests in the annexes to the standards will not provide technical justification for their regulation and does not replace the role of PRA
    - For pests to be included in the lists in the standards they would have to be regulated by at least one contracting party based on an available PRA
    - It is not intended that these lists would be exhaustive and the lists would not be static

Next steps

* 2018 Strategic Planning Group for review of proposals from Focus Group (see below)
* 2018 Implementation Committee and Standards Committee review
* 2019 CPM to agree on principles and criteria, next steps, processes, governance proposals
* 2019 (June) Focus Group on Commodity Standards to develop process, arrangements, topics, develop guidance and template, information on costings; develop paper ultimately for CPM
* 2019 (October) Bureau review of proposals for CPM
* 2019 (October) Strategic Planning Group review of proposals for CPM
* 2020 CPM decisions on:
  + agreement to send draft concept standard for consultation in 2020
  + proposed topics for first commodity standards
  + establishment of recommended governance arrangements (including to request the Bureau to finalize the required ToR for the proposed Technical Panels)
  + allocation of required resources to establish and transition to the new approach (with reference to the strategic framework)
* 2021 Adoption of concept standard
* 2021 Consultations on first commodity standards

Recommendations to the 2018 SPG:

1. The SPG is invited to:
2. *Discuss* and *support* the proposed principles and criteria, next steps, processes, governance processes developed by the Focus Group, with a view to presenting the following key decisions to CPM-15 in 2020:
   * agreement to send draft concept standard for consultation in 2020
   * proposed topics for first commodity standards
   * establishment of recommended governance arrangements (including to request the Bureau to finalize the required ToR for the proposed Technical Panels)
   * allocation of required resources to establish and transition to the new approach (with reference to the strategic framework)
3. 2Recommend that the Bureau continue to advance this work as a priority and develop related information for CPM-14
   * *Note* that this has been identified as a development goal in the strategic framework
   * Note that the questions raised in various fora have been addressed by the Focus Group
   * Note the view of the Focus Group that there is significant strategic value in continuing to develop the approach for commodity standards