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Focus Group on Commodity and Pathways Standards

Agenda item 8.4

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I. BACKGROUND

1. A key element of the International Plant Protection Convention's (IPPC) work is to safeguard agriculture and facilitate safe trade. Trade supports economic growth and development, helping to reduce poverty around the world. Significant advances in the facilitation of safe trade can be made through the development and adoption of commodity-based international standards for phytosanitary measures (ISPMs).
2. The need to focus standard setting more on commodity and pathways ISPMs to the benefit of both importing and exporting countries has been discussed many times in the IPPC community.
3. The draft IPPC Strategic Framework 2020-2030 proposes the development of ISPMs for specific commodity and pathways, with accompanying diagnostic protocols, phytosanitary treatments and guidance to simplify trade and expedite market access negotiations. The framework proposes that by 2030 many new ISPMs will have been adopted and implemented for specific commodity and pathways, with, as required, accompanying diagnostic protocols and phytosanitary treatments to support implementation. They will provide NPPOs a basis for harmonised phytosanitary measures, which they may use to support their pest risk management activities and phytosanitary import requirements, or to establish export-oriented product systems.

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4. Recent discussions on this subject have been summarised in CPM 2018/29 (<https://www.ippc.int/en/publications/85583/>). A Friends of the Chair meeting on 17 April, 2018, was convened during the thirteenth session of the Commission on Phytosanitary Measures (CPM-13, 2018) to define the purpose, benefits and outcomes of commodity and pathway standards (CPM 2018/CRP/13: <https://www.ippc.int/en/publications/85751/>) in the interests of making progress.

5. In response to recommendations from the ‘Friends’ meeting, the CPM-13 subsequently requested that a small focus group (FG), with geographical representation, be convened adjacent to the October 2018 Strategic and Planning Group meeting to:

- 1) Analyse, and consequently define, the strategic value and purpose of commodity and pathway standards against the IPPC strategic objectives,
- 2) Capture principles and criteria for their development and its uses, with reference to practical examples,
- 3) Assess processes used to develop and use them,
- 4) Illustrate those aspects with examples of possible commodity or pathways standards, and,
- 5) Evaluate the role of the pest risk analysis on this approach.

6. The Focus Group, was convened from 3 to 5 October, 2018, at FAO Headquarters¹. The terms of reference, membership and agenda can be found on the International Phytosanitary portal (IPP: <https://www.ippc.int/en/events/event/709/>) and the report of the October 2018 meeting will soon be available at <https://www.ippc.int/en/core-activities/governance/cpm/cpm-focus-group-reports/>. A number of reference materials were provided to the FG by contracting parties and RPPOs following a call, which proved to be very useful. The draft commodity standard for mango fruit developed by the Asia and Pacific Plant Protection Commission (APPPC) was particularly helpful and provided a focus for discussions around purpose, value, content and process.

7. The FG presented a summary paper to the Strategic Planning Group (SPG) in October 2018 (<https://www.ippc.int/en/publications/86544/>)². The SPG welcomed and supported the main outcomes of the FG with a view to presenting the following key decisions to CPM-15 (2020), including to send a draft concept standard for consultation in 2020. The SPG also recommended that the CPM Bureau continue to advance the work as a priority and develop related information for CPM-14 (2019).

8. The Standards Committee (SC) in its November 2018³ meeting discussed the main outcomes of the FG and many SC members welcomed the proposals and considered that they represented a great step forward. The SC noted that previous efforts to make progress with commodity and pathway standards had stalled because consensus could not be reached, highlighting that it was important to try this new approach to develop these standards and make progress. The SC also discussed possible adjustments to the IPPC standard setting process noting that there are still considerations to be addressed, but felt that it was important to test the new approach to determine initial outcomes.

II. STRATEGIC VALUE AND PURPOSE OF COMMODITY AND PATHWAY STANDARDS

9. As directed by its terms of reference, the FG considered that commodity and pathway standards offered value to the IPPC and contracting parties by:

- **Facilitating safe trade**
 - The proposed standards would expedite market access negotiations and enhance phytosanitary security by identifying regulated pests and effective phytosanitary measures on commonly used trading pathways.

¹ IPPC news item: <https://www.ippc.int/en/news/safe-trade-facilitation-of-plants-and-plant-products-by-harmonized-phytosanitary-measures-in-commodities-standards/>

² Strategic Planning Group (SPG) 2018-10 meeting report: <https://www.ippc.int/en/publications/86797/>

³ 2018-11 Standards Committee (SC) meeting report: <https://www.ippc.int/en/publications/86854/>

- **Harmonising measures**
 - The standards promote the use of equivalent measures, apply existing ISPMs, identify phytosanitary measures that are effective for use in trade, and enable gaps in available phytosanitary measures to be identified and addressed through research.
- **Optimising efficiency**
 - The standards reduce or remove the need for repeated analysis, allowing NPPOs to focus on other analysis or activities.
- **Providing support and assistance to developing countries**
 - The standards provide a level of assurance and confidence in the risk management offered by pathway measures, which may allow greater participation in trade and the identification and realisation of new trading opportunities.
- **Supporting the relevance and influence of the IPPC**
 - The ability to develop and have commodity and pathway standards adopted and used in trade enhances the credibility and relevance of the IPPC community and Convention.

III. Principles relating to the development and implementation of commodity and pathway standards

10. A number of principles were identified by the FG that provide a common understanding of commodity and pathway standards, and should facilitate the development of the system and processes for their development, adoption and implementation. These principles address a number of the questions raised by the SC in 2017, and concerns raised during CPM-13 discussions. Specific responses to key questions are provided in Attachment 1.

Basic principles

- The regulation of pests will 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 and pathway 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:
 - Phytosanitary measures related to diversion from intended use will not be presented in commodity and pathway standards (but provisions may be included in other standards, e.g. ISPM 32)
- It is intended to provide options for phytosanitary measures to contracting parties to use to prevent the entry and establishment of regulated pests:
 - Other measures may be implemented by contracting parties if technically justified and may be proposed for inclusion in standards.

Structure and content

- The proposed structure of the standards will apply equally to commodity and pathways
- Scope may be narrow (commodity) or broad (classes or pathways); initial standards are likely to be narrowly focused
- General requirements will be included in the standards

Governance

- Given the inclusion of pests and phytosanitary 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

Next steps

11. The FG recommended that an overarching concept standard is developed and adopted. This will provide a consistent basis for the development and use of commodity and pathway standards. The FG considered that it had the expertise and experience needed to draft this concept standard, and could act as an expert working group for standard setting purposes.

12. The concept standard would include:

- Details of the approach for their development
- Information on their use in market access negotiations, including a flow chart
- Criteria for selecting and prioritising commodity/pathway topics to be used in conjunction with calls for topics
- Annexes for each commodity/pathway standards, as per the approach for treatments and diagnostic protocols.

13. The FG proposed that it reconvene in mid-2019, to draft the concept standard and incorporate the outcomes of their October 2018 discussion. The draft could be considered by Bureau, SPG, SC and IC in 2019 for further discussion at CPM-15 in 2020 with the intent of releasing it for country consultation in 2020. The FG recognized that for this the current standard setting process would need to be flexible to ensure that the work is progressed, and that this does not constitute a permanent change to the existing standard setting process.

14. In addition to the development of the concept standard, the FG would refine recommendations on the governance processes required to support the development of commodity and pathway annexes. This might include:

- A commodity/pathway standards panel supported by a new Technical Panel for Phytosanitary Measures (TPPM)
- The current Technical Panel for Phytosanitary Treatments potentially becoming a subcommittee of the TPPM
- A permanent steward (part-time function) 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*)
- Rules and governance for private sector co-investment

15. The FG, with support from SPG, strongly recommended that CPM-15 is a major, targeted milestone in the development and implementation of commodity and pathway standards. It proposed the following activities and time line to achieve this:

2018	
October	Strategic Planning Group for review of proposals from Focus Group
November/December	Implementation Committee and Standards Committee review
2019	
April	CPM to agree on principles and criteria, next steps, processes, governance proposals
June	Focus Group on Commodity Standards to develop process, arrangements, topics, develop guidance and template, information on costings; develop paper ultimately for CPM
October	Bureau review of proposals for CPM
	Strategic Planning Group review of proposals for CPM
November/December	IC and SC consider recommendations on changes to standards setting processes and support materials for implementation
2020	
April (tbc)	CPM-15 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 any proposed Technical Panels) allocation of required resources to establish and transition to the new approach (with reference to the strategic framework)
July	Concept standard circulated for consultation under standard setting process
2021	
April (tbc)	Adoption of concept standard at CPM-16
July	Consultations on first commodity standards under standard setting process

IV. Decisions

16. The CPM is invited to:

- 1) *Note* that work in this area has been identified as a development goal in the Strategic Framework and that the strategic value and purpose of commodity standards includes:
 - facilitation of safe trade;
 - harmonization of measures;
 - optimisation of efficiency of resource usage;
 - support and assistance to developing countries, and;
 - maintaining the relevance and influence of the IPPC.
- 2) *Note* that the development, adoption and implementation of commodity standards will not alter the sovereign rights and fundamental obligations under the IPPC and WTO-SPS Agreement, including that:
 - the regulation of pests will remain firmly based on pest risk analysis and subject to technical justification;

- obligations will not be imposed on importing countries.
- 3) *Agree* that the proposed structure of these standards will apply equally to commodity and pathways.
 - 4) *Support* the development of guidance on the process for the development of commodity standards and a template for commodity standards as a concept standard.
 - 5) *Support* the development of specific governance processes by the FG, which should consider options including:
 - the establishment of a new Technical Panel for Phytosanitary Measures (TPPM);
 - the use of a permanent steward for the TPPM and commodity standards;
 - a review of funding options to facilitate the development of commodity standards
 - transition arrangements that might be assisted by the FG as an advisory group.
 - 6) *Support* the review of the IPPC Standards and Implementation Framework for inclusion of commodity standards.
 - 7) *Agree* that Commodity standards under development should remain “pending” until the new commodity standards approach has been adopted.
 - 8) *Note* the conditions under which commodity standards would not be suitable.
 - 9) *Agree* to a second meeting of the Focus Group on Commodity Standards in 2019 to advance the aspects relating to the above points and prepare final proposals for adoption at CPM-15 in 2020.

Attachment 1

Questions and answers

1. 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

2. Tension between commodity standards, PRA, sovereign rights, justification of measures?

- Requirements, risks and availability phytosanitary 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

3. Concept of different approaches for commodity or pathways?

- The proposed structure of the standards will apply equally to commodity and pathways (they are all pathways)
- The Focus Group recommends referring to these standards simply as commodity and pathway standards

4. 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

5. Describe as “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