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Expert Working Group on Focused revision of ISPM 12 in relation to re-export (2015-011)

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IPPC Secretariat

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1. Opening of the Meeting

- [1] The Standard Setting Officer, Ms Adriana G. MOREIRA, from the International Plant Protection Convention (IPPC) Secretariat (hereafter referred to as “the Secretariat”), welcomed the participants of the Expert Working Group (EWG) on *Focused revision of International Standard for Phytosanitary Measures (ISPM) 12 (Phytosanitary certificates)¹ in relation to re-export (2015-011)*.
- [2] The Secretariat informed the participants that out of the six experts who are part of this EWG, including the Steward responsible for the topic and representing the Standards Committee (SC), three could not attend the meeting (see Appendix 3: Participants list). However, Ms Margaret SMITHER and Ms Maoyu CHEN had sent documents (see Appendix 2: Documents list) and would be connected by phone sometime early in the meeting in order to let them present their documents and possible additional comments.
- [3] The participants introduced themselves and briefly presented their respective experience in export and re-export certification.
- [4] The Secretariat gave a presentation on the IPPC Standard setting process. The Secretariat outlined the work and roles of the EWGs and the SC, and the course of the two consultation periods. The Secretariat emphasized the fact that the outcomes of this meeting will be presented to the SC in May 2020.

2. Meeting Arrangements

2.1 Selection of the Chairperson

- [5] Mr Ebbe NORDBO (Denmark) was selected as Chairperson.

2.2 Selection of the Rapporteur

- [6] Ms Laurence BOUHOT-DELDUC (France) was selected as Rapporteur.

2.3 Adoption of the agenda

- [7] The EWG adopted the agenda as provided in Appendix 1 to this report.

3. Administrative Matters

- [8] The Secretariat introduced the local information², Documents list (Appendix 2) and the Participants list (Appendix 3).

4. Review of Specification

- [9] The Steward for this topic, Ms BOUHOT-DELDUC, presented Specification 67 (*Focused revision of ISPM 12 (Phytosanitary certificates) in relation to re-export*)³. She reminded the EWG that the parts of ISPM 12 dealing with re-export, mainly sections 4 and 6 of the standard, need to be revised to ensure more clarity with regards to the description of the considerations and requirements for preparing and issuing phytosanitary certificates for re-export and for export, while using correct terminology and retaining the intended meaning. She also noted that revision should be focused on sections currently using the terms “identity (of a consignment)”, which is currently not defined in ISPM 5 (*Glossary of phytosanitary terms*), and “phytosanitary security (of a consignment)” and “integrity (of a consignment)”, which are included in the Technical Panel for the Glossary (TPG) work programme and currently under revision. She drew attention to task 3 of Specification 67, which implies that the EWG should consider whether there is benefit in expanding on some additional typical situations either in ISPM 12 or in a manual.

¹ See <https://www.ippc.int/en/core-activities/standards-setting/ispms/>

² See <https://www.ippc.int/en/publications/1034/>

³ See <https://www.ippc.int/en/publications/85589/>

- [10] In response to a request from the Chairperson, the Secretariat explained that manuals are developed under the supervision of the Implementation and Capacity Development Committee (IC), with the aim of helping the implementation of ISPMs. The example of the guide on *Export certification* was provided. In this regard, the Secretariat highlighted that if it is considered that expanded or additional guidance is needed, and potential operational and technical implementation issues are identified during this revision, the EWG should provide recommendations for the SC or the IC for consideration.
- [11] Finally, the Secretariat drew attention to the importance of considering whether there would be consequential changes in other ISPMs as result of this revision (agenda item 6.6).

4.1 Historical background

- [12] The Chairperson presented the working paper “Historical background: reasons for revision”⁴ as summarized below.
- [13] He explained that, in 2006, the Commission of Phytosanitary Measures (CPM) had decided that a revision of the 2001-version of ISPM 12, concurrent with a revision of ISPM 7 (*Phytosanitary certification system*), was needed. Subsequently, the SC had approved the specification for revising ISPM 7 and ISPM 12, in which re-export issues were highlighted as one particular reason for revision and the tasks of EWGs included the provision of specific guidance on requirements related to re-export.
- [14] While adopting the revised ISPM 12 in 2011, the CPM had requested that the SC consider the need to define “identity (of a consignment)”, as being significant to the understanding of ISPM 12 and other ISPMs.
- [15] In 2012, at the request of the SC, the TPG had initiated its work on “identity (of a consignment)”, and the related terms “phytosanitary security (of a consignment)” and “integrity (of a consignment)”. The analyses by the TPG had revealed that the use and meaning of the three terms were inconsistent, unclear and overlapping throughout the ISPMs with the main concern being about “identity (of a consignment)”. In particular, the analyses had revealed that sections 4 and 6 of ISPM 12 were unclear and self-contradictory.
- [16] In 2015, the SC had decided a two-step approach: firstly, arranging a focused revision of ISPM 12 through a new EWG; secondly, defining “identity” and revising the definition of “integrity” and “phytosanitary security” with the usual TPG assistance. Consequently, the SC had requested that the TPG produce a draft specification (adopted Specification 67) for a focused revision of ISPM 12, in which the EWG is requested to provide explanations of re-export requirements in “plain wording” and avoid using the three terms under scrutiny in its text proposal. Upon completion of this task, the EWG could consider advising the SC and the TPG on whether or not to add “shortcuts” in the form of defined terms to the revised text.
- [17] The Chairperson highlighted that the work of the EWG on the Focused revision of ISPM 12, and the TPG work plan on the definition of the three terms, are interlinked. Therefore, during its November 2019 meeting, the TPG had produced supplementary recommendations in relation to the focused revision of ISPM 12. Also, the outcome of the EWG could feed into future TPG discussions related to the three terms.
- [18] The EWG reviewed the paper on “identity” (TPG_2012_Oct_18), the TPG paper to the SC on “identity”, “integrity”, “phytosanitary security” and relevant sections of ISPM 12 (10_SC_2015_May), and the TPG paper to the SC in 2015 on relevant draft amendments to ISPM 5 (*Glossary of phytosanitary terms*) (1994-001)⁵.

⁴ 04_EWG_FR-ISPM12_2019_Dec

⁵ 06_EWG_FR-ISPM12_2019_Dec, 07_EWG_FR-ISPM12_2019_Dec, 08_EWG_FR-ISPM12_2019_Dec

4.2 Considerations and outcomes expected for the focused revision of ISPM 12

- [19] The Steward of this topic highlighted that the revision is focused on re-export. Within this scope the aim is to solve contradictions and improve clarity, using accurate terminology without changing the intended meaning of ISPM 12. She explained that the Secretariat will present to the SC a draft version of ISPM 12 as produced at this meeting, displaying all changes made by the EWG.

5. Review of Discussion Papers

5.1 Discussions during TPG meeting November 2019

- [20] Ms BOUHOT-DELDUC informed the EWG that the TPG had met in November 2019 at FAO headquarters, Rome. During that meeting it was recalled that, in 2015, the SC had endorsed the proposal from the TPG to amend the text in section 5 of ISPM 12 in order to avoid the use of “phytosanitary status”⁶ as in all ISPMs.
- [21] The Secretariat highlighted that possible comments from this EWG about consistency that fall outside the scope of Specification 67 could be sent to the SC as remarks, to be compared with the proposals from the TPG.

5.2 Experience of re-export in China

- [22] By telephone, Ms CHEN presented her working paper⁷ on the re-export experience in China. The main issue raised is the difficulty faced by national plant protection organizations (NPPOs) or stakeholders in retrieving the phytosanitary certificate issued by the country of origin when a re-export certificate is applied for, particularly if the consignment has been in storage for a long time after import. The proposal in her paper suggested that attachment of the original phytosanitary certificate to the re-export certificate should not be compulsory.
- [23] The Chairperson replied that the attachment of the phytosanitary certificate of origin to the certificate for re-export is mandatory according to the model phytosanitary certificate for re-export, that in itself is part of the Convention text. . He drew the attention to the fact that if the original phytosanitary certificate has been lost, according to ISPM 12 the NPPO of the re-exporting country has the option to issue a phytosanitary certificate for export, if the consignment complies with the phytosanitary import requirements of the destination country. In that new phytosanitary certificate for export, the country of origin should be mentioned in the “Place of origin” box. The Chairperson also noted that the concerns raised seem related to paper phytosanitary certificates and would probably not occur with the use of electronic certification.

5.3 Text proposal amending ISPM 12

- [24] Mr Haddon BELL presented a working paper⁸ containing proposals for amending ISPM 12. The paper highlighted that there is some conflicting information in relation to re-export in the current ISPM 12 and that it is necessary to clarify the text to make it easier for the reader to understand it. Several modifications of ISPM 12 were proposed in the document and discussed by the EWG (see also agenda item 6). In particular, Mr BELL proposed that a list of requirements be inserted for issuing a phytosanitary certificate for re-export. He also proposed that reference to repacking or reloading of consignments was unnecessary and should be removed from section 6.1, paragraph 3, of ISPM 12.
- [25] The EWG welcomed the proposal to add a comprehensive list of requirements for issuing a phytosanitary certificate for re-export. However, other EWG members expressed concerns with regard to removing reference to repacking or reloading of consignments as this aspect had proven rather important for countries during the final SC and CPM negotiations prior to adoption of ISPM 12 in 2011,

⁶ 11_EWG_FR-ISPM12_2019_Dec

⁷ 10_EWG_FR-ISPM12_2019_Dec

⁸ 13_EWG_FR-ISPM12_2019_Dec

where some countries considered that repacking could entail a risk of infestation of the consignment to occur.

- [26] While agreeing to insert a list of requirements, one EWG member questioned the proposed third condition for issuing a phytosanitary certificate for re-export, namely: the phytosanitary status of the consignment has been maintained. The member pointed out that the TPG recommendation, as endorsed by the SC, was to avoid using the term “phytosanitary status” in any ISPM (see agenda item 5.1), and that in some situations it may actually be necessary to perform a phytosanitary action to improve the “phytosanitary status” rather than maintaining it. For example, phytosanitary treatments may be carried out on certain consignments prior to re-export.
- [27] The EWG noted two contrasting examples of current practice, whereby one NPPO would always issue a phytosanitary certificate for export whenever it has taken a phytosanitary action prior to re-export, whereas at import another NPPO does not accept a phytosanitary certificate for export accompanying a re-exported consignment, even if the country of origin is mentioned in the relevant box on the phytosanitary certificate.
- [28] The EWG at this stage also agreed on the following assumptions regarding the division of NPPO responsibility *vis-à-vis* the country of destination with issuing a phytosanitary certificate for re-export versus one for export, respectively:
- By issuing a certificate for re-export, the re-exporting country takes responsibility only for the phytosanitary actions it has carried out, the rest of the certification being the responsibility of the country of origin as declared by the phytosanitary certificate for export which is attached to the phytosanitary certificate for re-export.
 - In contrast, by issuing a phytosanitary certificate for export, the country of re-export takes the entire responsibility of the certification while completion of certain phytosanitary requirements depends only on the country of origin.
- [29] Not including a requirement that *the phytosanitary status of the consignment has been maintained* would retain the opportunity of the country of re-export to opt for issuing either a certificate for re-export or a certificate for export (under the conditions set out in this standard).
- [30] The EWG agreed to retain and clarify the current notion of ISPM 12 that when a phytosanitary action is taken prior to re-export, the country of re-export should have the choice to issue either a certificate for re-export or a certificate for export. It was noted that while the responsibility of the country of re-export is clear from the model phytosanitary certificate for re-export, such responsibility could be clarified in the core text of ISPM 12.
- [31] The EWG agreed to altogether avoid the use of the term “phytosanitary status”.
- [32] The EWG discussed whether a phytosanitary treatment applied to a consignment prior to re-export could be considered as being a process to change the nature of the commodity. If that was the case, the NPPO of the country of re-export would have to issue a phytosanitary certificate for export and not re-export. The EWG noted that ISPM 12 allows the issuance of a phytosanitary certificate for re-export after a phytosanitary action is carried out in the country of re-export, provided that the nature of the commodity is not changed.
- [33] One member felt that a phytosanitary action like a treatment, as defined in the Glossary, is not a process changing the nature of the commodity.
- [34] One member suggested that it would be beneficial to define a process that changes the nature of a commodity, to avoid different interpretations among NPPOs.
- [35] One member provided the following examples of processes that change the nature of the commodity:
- round wood that is sawn to produce sawn wood
 - grain that is ground to produce flour.

- [36] The Secretariat noted that, if the EWG considers that the NPPO may need guidance on this matter, this could be addressed during the EWG's discussion on implementation issues (agenda item 6.5) while addressing task 5 of Specification 67.
- [37] The EWG noted that there are inconsistencies in the use of the term "contamination" in ISPM 12, which is not always used in association with the term "infestation". The Chairperson highlighted that the EWG would have to pay attention to such inconsistencies when revising the text in detail.
- [38] By telephone, Ms SMITHER introduced her document⁹ proposing several modifications to ISPM 12. She considered that if a consignment is subject to a phytosanitary action such as treatment prior to re-export, the country of re-export should have the right to issue a re-export certificate. In her paper, she suggested using in several instances the term "phytosanitary action" instead of "phytosanitary measure" or "phytosanitary procedure". She noted that in electronic certification systems, it is not always possible to put the country of origin in brackets as requested in section 5 of ISPM 12 (subsection on the *Place of origin*), and asked the other participants whether brackets are used in their country in such situations and whether all the intermediate countries should be mentioned and put in the brackets. She also considered that split or combined consignments are not well covered in ISPM 12.
- [39] In response, one member informed the EWG that in her country the country of origin is provided in brackets.
- [40] The Chairperson highlighted that it is crucial to keep the country of destination duly informed by mentioning the country of origin because a certain pest may be present in the country of origin but not in the country of re-export. He added that an equivalent way need to be developed for the country of origin to be appropriately entered into electronic certificates.
- [41] One member noted that only the country of origin has to be in brackets; any intermediate countries where the consignment has not been subjected to the risk of infestation or contamination could be mentioned without brackets.
- [42] The Chairperson noted that the first sentence of the *Place of origin* subsection, in section 5 of ISPM 12, is unclear as to whether the place of origin is only the place where the plants are grown or whether this could also be a place where the consignment was possibly exposed to infestation or contamination by regulated pests. He considered that the EWG would have to reflect on that during revision.
- [43] The EWG agreed to use the term "phytosanitary action" instead of "phytosanitary measure or "phytosanitary procedure" wherever appropriate.
- [44] Mr NORDBO and Ms BOUHOT-DELDUC presented their joint paper¹⁰ identifying 11 major issues of contradictory, inconsistent or otherwise unclear text parts in and proposing several modifications to ISPM 12. They explained that their aim was to keep the original intention of ISPM 12. In particular, they proposed the structure of section 6 be changed as shown in Table 1 below.

Table 1. Structure of ISPM 12 proposed in document 5

Current ISPM 12	Proposal by document 5
6. Considerations for Re-Export Situations and Transit	6. Considerations for Re-Export Situations and Transit
6.1 Considerations for issuing a phytosanitary certificate for re-export	6.1 Considerations for issuing a phytosanitary certificate for re-export <ul style="list-style-type: none"> 6.1.1 Examination of the country of destination's phytosanitary import requirements 6.1.2 Repacking, splitting or combining consignments

⁹ 12_EWG_FR-ISPM12_2019_Dec

¹⁰ 05_EWG_FR-ISPM12_2019_Dec

	6.1.3 General considerations
	6.2 Considerations for issuing a phytosanitary certificate for export in certain re-export cases
6.2 Transit	6.3 Transit

[45] The EWG agreed that the new proposed structure has the advantage of separating the issues related to the phytosanitary certificate for re-export from those relating to the phytosanitary certificate for export in certain re-export situations.

6. Development of Text for the Draft ISPM

[46] The Chairperson reminded the EWG about the reference documents for drafting ISPMs, which are the *IPPC style guide*¹¹ and annotated templates, ISPM 5¹² and the Guidelines for a consistent ISPM terminology (in the *IPPC procedure manual for standard setting*¹³).

6.1 Brainstorming session to develop the focused revision

[47] The EWG agreed to elaborate the focused revision based on a working document prepared by the Chairman, based on the current version of ISPM 12, into which all the written comments sent by the EWG members prior to the meeting, as well as comments for consistency raised by the TPG during its November 2019 meeting, had been inserted. The working document followed the new structure proposed for section 6 of ISPM 12 (see Table 1 above).

[48] The EWG agreed that the new structure for section 6 could be questioned during the discussion and that they would address each instance one by one.

[49] The Chairperson informed the EWG that there would be an opportunity, if time permitted, to consider comments made by the TPG during its meeting on November 2019 regarding consistency, even when not focused on re-export.

[50] The EWG noted that several technical comments received prior to the meeting did not relate particularly to the re-export situation but were of a general nature, and in many cases the EWG felt those comments were outside the scope of the EWG mandate. The EWG decided to first deal with comments relating to re-export issues. Subsequently, the EWG took time to consider other comments. However, to ease readability, the following report section 6.2 follows the order of the standard's sections.

[51] Other received, technical comments related to perceived difficulties of implementing the current wording of ISPM 12 in an ePhyto system. The EWG decided this was outside its mandate and, supported by the Secretariat, suggested that such issues be resolved by the ePhyto Steering Committee developing appropriate equivalent features that would retain “electronic phytosanitary certificates...(as) the electronic equivalents of phytosanitary certificates in paper form” (quoting ISPM 12, Appendix 1, Introduction). The EWG also agreed that a future revision of ISPM 12 may be necessary, in conjunction with the ePhyto project, in order to realize the full benefits of electronic certification.

[52] The EWG invites the SC to:

- (1) – *consider* encouraging the ePhyto Steering Committee to develop appropriate equivalent features that would resolve any outstanding discrepancy between the requirements of ISPM 12 and electronic phytosanitary certificates under development, such that the concept of electronic phytosanitary certificates as the electronic equivalents of phytosanitary certificates in paper form is fully fulfilled.

¹¹ See <https://www.ippc.int/en/publications/132/>

¹² See <https://www.ippc.int/en/publications/622/>

¹³ See <https://www.ippc.int/en/publications/85024/>

6.2 Focused revision of the text of ISPM 12

[53] Sections of ISPM 12 not mentioned below were not subject to comments or discussion by the EWG and so were not modified.

As regards: Outline of requirements

[54] The EWG modified the last paragraph to provide a better description of re-export situations, particularly when the country of re-export does not require a phytosanitary certificate for importing the commodity but the country of destination does require specific phytosanitary measures to be implemented in the country of origin.

[55] A comment proposing modification to the second paragraph by deleting the absence of risk of infestation as a condition for issuance a phytosanitary certificate for re-export was rejected by the EWG, because the absence of risk of infestation is mentioned as a prerequisite in the model phytosanitary certificate for re-export. The concept of adding that commodities are often re-exported multiple times to various destinations was accepted but moved to a more appropriate section of the standard.

[56] Other comments made by EWG members (e.g. on the fourth and sixth paragraphs) were not within the scope of the focused revision.

REQUIREMENTS FOR PHYTOSANITARY CERTIFICATION

As regards: Section 1.2 Types and form of phytosanitary certificates

[57] The EWG considered some editorial comments proposed but agreed not to apply them.

As regards: Section 1.3 Attachments to phytosanitary certificates

[58] The EWG did not accept a comment proposed on this section as it was outside the scope of the focused revision.

[59] The EWG also noted inconsistency in ISPM 12, which in section 6 states that the phytosanitary certificate for export should “accompany” the phytosanitary certificate for re-export, while in Annex 2 (*Model phytosanitary certificate for re-export*) and Appendix 1 (*Electronic phytosanitary certificates, information on standard XML schemas and exchange mechanisms*) it says that the phytosanitary certificate for export should be “attached” to the certificate for re-export.

As regards: Section 1.5 Mode of Transmission

[60] The EWG did not accept a comment proposed on this paragraph as it was outside the scope of the focused revision.

As regards: Section 1.6 Duration of validity

[61] The EWG rejected the proposal that “validity” be changed to “acceptability” in the title and first paragraph of section 1.6, as “validity” was felt appropriate, and in any case the issue seems outside the scope of the EWG.

[62] The EWG partially accepted a comment on the second paragraph. As a result, the last sentence was amended to state that a phytosanitary certificate for export may still be used after the period of validity for issuing a phytosanitary certificate for re-export, provided that all the requirements as set out in section 6.1 are fulfilled, thus removing the current text that indicates two requirements only to be met (“the consignment has not been subjected to the risk of infestation and the commodity still achieves the phytosanitary import requirements of the importing country”).

[63] The EWG considered a comment on the third paragraph but did not apply any changes as the proposed wording did not provide additional value.

As regards: Section 2.1 Certified copies of phytosanitary certificates

[64] The EWG rejected the comments on this section, in particular for the reason that the addition proposed for electronic phytosanitary certification is already covered in Appendix 1 (5.4) of ISPM 12.

As regards: Section 2.2 Replacement of phytosanitary certificates

[65] The EWG rejected the comments on the second and third paragraphs because the addition proposed for the second paragraph regarding electronic phytosanitary certificates is already covered by Appendix 1 (5.2) of ISPM 12. The EWG reviewed the current text for section 2.2, stating that when previously issued phytosanitary certificates cannot be returned and have left the care and control of the NPPO (for example because they are lost or in another country), the NPPO may decide that it is appropriate to issue a replacement certificate. The new phytosanitary certificate should not have the same number as the phytosanitary certificate being replaced but should refer to it by including an additional declaration stating that “This certificate replaces and cancels phytosanitary certificate no. [insert number] issued on [insert date]”. The EWG agreed that no changes were needed.

As regards: Section 3 Considerations for Importing Countries and NPPOs Issuing Phytosanitary Certificates

[66] The EWG rejected the comments on the second paragraph because the quoting of different examples does not provide additional clarity and is not relevant for this standard.

As regards: Section 3.1 Unacceptable phytosanitary certificates

[67] The EWG rejected the comments on this paragraph because the sentence proposed did not provide additional value.

As regards: Section 3.1.1 Invalid phytosanitary certificates

[68] The EWG rejected the comment on the first paragraph that aimed to delete the seventh indent because it is necessary to refer to the period of validity (see comments on section 1.6 above).

As regards: Section 3.1.2 Fraudulent phytosanitary certificates

[69] The EWG did not accept the comment on the second paragraph referring to electronic phytosanitary certification, because such issues are outside the EWG mandate.

As regards: Section 4 Specific Considerations for the Preparation and Issuance of Phytosanitary Certificates

[70] The EWG considered this section in detail and provided modifications as described below.

[71] In the second paragraph, the EWG clarified that phytosanitary certificates should only be issued if the NPPO is confident that the phytosanitary import requirements are met.

[72] In the seventh paragraph, the EWG clarified that for re-export of consignments, the NPPO of the country of re-export may need specific information from the country of origin; however, this may not be available on a phytosanitary certificate for export (e.g. lack of the specific information for the additional declaration of a phytosanitary certificate for export, or a phytosanitary certificate for export itself is not required by the country of re-export). In such cases, if the specific phytosanitary import requirements cannot be met within the country of re-export, a phytosanitary certificate for re-export should not be issued. However, the NPPO of the country of origin may, upon request, support any subsequent re-export process as follows:

- Where the phytosanitary certificate for export is required by the country of re-export, the NPPO of the country of origin may provide additional phytosanitary information (e.g. the results of a growing season inspection) to that required by the country of re-export.
- Where a phytosanitary certificate for export is not required by the country of re-export, the NPPO of the country of origin may nevertheless issue a phytosanitary certificate for export. This would be for consignments intended for re-export to other countries in order to provide additional phytosanitary information necessary for the issuance of phytosanitary certificates for re-export.

[73] Still in the seventh paragraph, the reference to exporters was deleted, because they are not the only ones who can request action from the NPPO of the country of origin.

[74] In the eighth paragraph, the EWG deleted the text about the maintenance of the identity of the consignment and the absence of risk of infestation. Instead, the EWG clarified that in both cases above (i.e. described in the seventh paragraph), the country of re-export should appropriately address the considerations for re-export situations set out in the revised section 6 of ISPM 12.

[75] The EWG invited the SC to:

(2) *consider* the EWG proposals for revision of section 4 of ISPM 12.

As regards: Section 5 Guidelines and Requirements for Completing Sections of a Phytosanitary Certificate for Export

[76] In reviewing the *TO: Plant Protection Organization(s)* of part of this section, the EWG decided to clarify that in cases where the consignment will be imported and then re-exported to another country, the names of both countries may be inserted, provided the phytosanitary import requirements of both countries (i.e. the country of re-export and country of destination) have been met.

[77] Aiming at clarifying the text, the EWG drafted several changes in the *Place of origin* part of this section. Thus, the first paragraph explains the meaning of “place of origin” and possible requirements of the importing country in that relation, while the second paragraph is devoted to the special cases when there can be more than one place of origin if a commodity is moved, because it may be exposed to infestation or contamination by regulated pests, or, in contrast, be processed, disinfected or treated, thereby removing possible infestation or contamination. In such cases, each country and place, where necessary, should be declared with the initial place of origin in brackets (e.g. declared as “country *X* of export (country *Y* of origin)”).

[78] With regard to a commodity having more than one place of origin if moved, it is not specified whether this “move” takes place between and within countries or only between countries, and the EWG left this issue open.

[79] In response to a comment whether in case of movement of the commodity it is necessary to keep mentioning brackets for the initial place of origin (given that some electronic certification systems do not support the use of free text in the origin block), the EWG agreed that this requirement is important and should be retained. Therefore, electronic certification systems will need to develop equivalent features to adhere to this requirement.

[80] The EWG invited the SC to:

(3) *note* that the EWG left it open from the original text whether a “move” may take place between and within countries or only between countries for a commodity to possibly gain more than one place of origin,

(4) *note* that the EWG considered it necessary to retain the requirement for brackets for the initial place of origin in case of movement of the commodity and that, therefore, electronic certification systems will need to develop equivalent features to adhere to this requirement.

As regards: Section 6 Considerations for Re-Export Situations and Transit

[81] The EWG agreed to dedicate this section exclusively to re-export and therefore removed “and Transit” from the title. Furthermore, the EWG agreed to separate all text of Section 6 into subsection 6.1 devoted to the issuance of phytosanitary certificates for re-export, and new subsection 6.2 devoted to the issuance of phytosanitary certificates for export in certain re-export cases.

As regards: Section 6.1 Considerations for issuing a phytosanitary certificate for re-export

[82] As mentioned above (agenda item 5.3), the EWG agreed to insert in section 6.1 a comprehensive list summarizing requirements that have all to be met for issuing a phytosanitary certificate for re-export: consignment for re-export consisting entirely of imported plants or plant products or other regulated articles, that are all covered and accompanied by original phytosanitary certificates for export or certified copies, plants or plant products of the consignment for re-export not having been grown or processed to

change their nature in the country of re-export, and consignment not having been subjected to the risk of infestation or contamination.

[83] The EWG also agreed to insert a footnote to draw attention to the fact that some commodities, in particular seeds, are often re-exported multiple times to various countries of destination. Consignments that have been re-exported on multiple occasions would entail a series of phytosanitary certificates that have been issued by successive NPPOs. However, to keep the description simple, the requirements set out for issuing a phytosanitary certificate for re-export mention only a country of origin (issuing a phytosanitary certificate for export), a country of re-export (issuing a phytosanitary certificate for re-export) and a country of destination.

As regards: New subsection “6.1.1 Examination of the phytosanitary import requirements of the country of destination”

[84] With introduction of the list of requirements into section 6.1, the EWG agreed to create three new subsections with further details, the first being *6.1.1 Examination of the phytosanitary import requirements of the country of destination*. This subsection addresses the examination of the phytosanitary import requirements of the country of destination by the NPPO of the country of re-export. It describes the situation when the country of destination have phytosanitary import requirements (e.g. growing season inspection, soil testing) that cannot be fulfilled by the country of re-export. In such cases, the country of re-export may still be able to issue a phytosanitary certificate for re-export if:

- particular information on compliance has been included or declared on the phytosanitary certificate for export by the country of origin; or
- an alternative phytosanitary action can be performed by the country of re-export (such as additional inspection, test or treatment), that is considered equivalent and in accordance with the phytosanitary import requirements of the country of destination.

[85] The EWG agreed to delete the text dealing with the examination of the degree of similarity between the phytosanitary import requirements of the re-exporting country and the country of destination, which over-complicated the issue and was considered unnecessary.

As regards: New subsection “6.1.2 Repacking, splitting or combining consignments”

[86] The new subsection *6.1.2 Repacking, splitting or combining consignments* explains that a phytosanitary certificate for re-export may still be issued if the consignment has been repacked, reloaded, stored, split up or combined with other imported consignments, provided that it has not been exposed to infestation or contamination by pests.

[87] If the consignment is split up and the resulting consignments are re-exported separately, then phytosanitary certificates for re-export and certified copies of the original phytosanitary certificate for export should accompany all such consignments.

[88] Where imported consignments are combined, the original phytosanitary certificates for export or their certified copies must be available for all the regulated articles forming part of the consignment for re-export, and all those articles must meet the phytosanitary import requirements of the country of destination.

As regards: New sub-section “6.1.3 General considerations”

[89] The remaining requirements from the original text not covered already by subsections 6.1.1 or 6.1.2 are described in the new subsection *6.1.3 General considerations*. The EWG agreed to change the order and wording of some paragraphs to clarify the text.

[90] Of particular importance, the EWG considered that, while it is implicit in the current ISPM 12, for the sake of clarity and harmonized implementation the situation of multiple re-exports should be explicitly described. Therefore, the EWG added to this subsection information elaborating on the issue. In case of multiple re-exports, all phytosanitary certificates for re-export or their certified copies should accompany the consignment. The phytosanitary certificate number indicated in the certifying statement

of the phytosanitary certificate for re-export should be the number of the phytosanitary certificate issued by the NPPO of the most recent country of re-export.

As regards: New section “6.2 Consideration for issuing a phytosanitary certificate for export in certain re-export cases”

[91] In this new section, the EWG agreed to emphasize that, in cases where one or more of the requirements according to section 6.1 for issuing a phytosanitary certificate for re-export cannot be fulfilled, a phytosanitary certificate for re-export should not be issued. Instead, the NPPO of the country of re-export, on request by exporters, may carry out inspection, testing, treatment or another appropriate phytosanitary action, and if the NPPO is confident that the phytosanitary import requirements are met, it should issue a phytosanitary certificate for export. The country of origin should still be indicated in brackets in the *Place of origin* section of the phytosanitary certificate for export.

As regards: Section 7, previously section 6.2, Transit

[92] The EWG agreed to renumber this section as a new section, 7 *Transit*. No changes were made to the text because the proposed changes were outside the scope of the focused revision.

Revision for consistency

[93] For the sake of consistency within this ISPM and between ISPMs, the EWG proposed some modifications to ISPM 12 beyond the scope of the focused revision. Most modifications were in line with those proposed by the TPG during its meeting held in November 2019.

[94] In the *Outline of requirements* section, second paragraph, the EWG proposed that “or contamination” be added after “infestation”, in consistency with sections 1.6, 5 and 6.1 of ISPM 12.

[95] In section 1.2 *Types and forms of phytosanitary certificates*, third paragraph, the EWG agreed with the TPG proposal to replace “phytosanitary status” with “pest risk”.

[96] In section 3.2 *Import requirements for the preparation and issuance of phytosanitary certificates*, heading and first paragraph, the EWG agreed with the TPG proposal to add “phytosanitary” before “import requirements”, for the correct use of the full Glossary term “phytosanitary import requirements”.

[97] In section 5 *Guidelines and Requirements for Completing Sections of a Phytosanitary Certificate for Export*, the EWG agreed with the TPG proposals:

- to replace “phytosanitary status” with “pest risk” in the fourth paragraph of the *Place of origin* part;
- to replace “commodity” with “consignment” in the *Declared means of conveyance* part, as this is the correct Glossary term for a given ‘quantity’ of a commodity transported after certification;
- in the *II. Additional Declaration* part, to add in the first paragraph “and regulated articles” after “regulated pests” to conform with the revised definition of “additional declaration”, and to clarify the wording of the last two paragraphs; and
- in the first paragraph of the *Name of authorized officer, date and signature* part, to use “should” instead of “is” to express the intended level of obligation.

Invitation to the Standards Committee

[98] The EWG invited the SC to:

- (5) *consider* the draft focused revision of ISPM 12, as elaborated during the meeting.

6.3 Potential relevance of using the terms “identity”, “integrity” and “phytosanitary security”

[99] The TPG Steward, Ms BOUHOT-DELDUC, explained the considerations of the TPG about the definitions of the three terms, which had been proposed to the SC in May 2015¹⁴ as:

- Addition “Identity (of a consignment)”: “The constituents, quantities and origins of a consignment as described in the accompanying phytosanitary certificate”.
- Revision “Integrity (of a consignment)”: “The identity of a consignment, maintained without loss, addition or substitution”.
- Revision “Phytosanitary security (of a consignment)”: “Maintenance of the identity of a consignment and prevention of its infestation and contamination by regulated pests, through the application of appropriate phytosanitary measures”.

[100] The TPG Steward explained that the concept of identity could be used to compare the description of the consignment on the phytosanitary certificate and the real consignment submitted to phytosanitary import control. However, the quantity physically submitted to the control could be different from that described in the phytosanitary certificate without necessarily calling into question the export certification or suspecting a fraud; for example, a part of the goods could have been lost or damaged en route. For this reason, she would now be in favour of replacing “the constituents, quantities and origins” with “composition” in the proposed definition of identity.

[101] One EWG member highlighted that the concept of identity is useful for recognition of a consignment, but it could also include some additional elements (e.g. in relation to the packaging or marks). Reference to the integrity of a consignment could be beneficial, for instance if sealing or packaging is damaged. The member considered that integrity is also needed in cases such as when a phytosanitary action like a treatment is carried out on a consignment. Since the term “phytosanitary status” should be avoided, reference to the integrity could be beneficial.

[102] The participants agreed that the EWG had not felt challenged in revising ISPM 12 by avoiding the use of the three terms during the drafting process of the sections dealing with re-export. However, they recognized that the new or revised definitions of these terms would be useful in the future.

[103] Based on their discussion, the EWG concluded that while the TPG should continue its work on the definitions, there is no urgent need for using the three terms “identity”, “integrity” and “phytosanitary security” in the sections of ISPM 12 dealing with re-export, nor an urgent need for any new terms as ‘short-cuts’.

[104] The EWG invited the SC to:

- (6) *note* that the EWG considered that there is not an urgent need for using the terms “identity”, “integrity” and “phytosanitary security” or any new single-word terms in the sections of ISPM 12 dealing with re-export to improve comprehension of the revised standard.

6.4 Potential benefit of expanding on some additional re-export situations in ISPM 12 or of giving guidance in a manual

[105] The EWG had already addressed the multiple re-export situation in a new sub-section, 6.1.3 *General considerations*, elaborating the following text:

In case of multiple re-exports, all phytosanitary certificates for re-export or their certified copies should also accompany the consignment. The phytosanitary certificate number indicated in the certifying statement of the phytosanitary certificate for re-export should be the number of the phytosanitary certificate issued by the NPPO of the most recent country of re-export.

The EWG agreed that there is no need to expand further on other additional situations in ISPM 12.

¹⁴ 08_EWG_FR-ISPM12_2019_Dec

[106] The EWG agreed that some further considerations could be included in the implementation material, regarding situations when a process changes the nature of a commodity, in particular when the name of the commodity thereby has been changed and the phytosanitary import requirements of the country of destination are different for both commodities.

[107] The EWG therefore considered that the following sentence could be introduced in implementation material in relation to the possible change of nature of a commodity as a consequence of a process: “The parameters to be considered by NPPOs for deciding whether a commodity was processed to change its nature could include whether there was a change in the name of the commodity and whether the phytosanitary import requirements of the country of destination are the same for both commodities.”

[108] The EWG invited the SC to:

- (7) *note* the EWG proposal that there is no need to expand further in ISPM 12 on other re-export situations, beyond what has already been covered in the proposed revised text on multiple re-export situations
- (8) *consider* the EWG proposals for inclusion into implementation materials.

6.5 Possible operational and technical implementation issues and possible recommendations for the revised standard

[109] The participants considered that the focused revision proposed by the EWG provided clarification to ISPM 12, and would not cause additional implementation issues.

[110] The participants noted several comments received concerning perceived difficulties of electronic certificates, but the EWG decided this was outside its mandate and suggested that such issues be resolved by the ePhyto Steering Committee, developing appropriate equivalent features ensuring that electronic phytosanitary certificates are the electronic equivalents of phytosanitary certificates in paper form. The EWG also agreed that a future revision of ISPM 12 may be necessary, in conjunction with the ePhyto project, in order to realize the full benefits of electronic certification.

[111] The EWG invited the SC to:

- (9) *note* the EWG considerations on possible operational and technical implementation issues.

6.6 Consequential changes in other ISPMs

[112] The participants did not foresee necessary changes as a consequence of the draft focused revision of ISPM 12.

7. Any Other Business

[113] The Secretariat explained the next steps to the EWG members, including editing of the draft standard, elaboration of the report, presenting it to the SC and posting it on the IPP¹⁵.

8. Close of the Meeting

[114] The Chairperson thanked the experts for their fruitful participation and the Secretariat for its support in the organization and during the meeting. The Chairperson noted that the experience of the participants was particularly useful to clarify several re-export situations. The Chairperson closed the meeting.

¹⁵ International Phytosanitary Portal – Expert Working Groups: <https://www.ippc.int/en/core-activities/standards-setting/expert-drafting-groups/expert-working-groups/>

Appendix 1: Agenda**MEETING OF THE EXPERT WORKING GROUP (EWG) ON FOCUSED REVISION OF ISPM 12 IN RELATION TO RE-EXPORT (2015-011)**

9-12 December 2019

Cuba Room (B224) FAO HQ, Rome, Italy

Start Monday 9 December 10:00 - End Thursday 12 December 11 17:00

Daily schedule 9:00-17:00

Coffee Monday at 9:30 and 15:30; all other days at 10:30 and 15:30

Provisional Agenda*(Updated 2019-11-20)*

Agenda Item	Document No.	Presenter
1. Opening of the Meeting		
<ul style="list-style-type: none"> Welcome by the IPPC Secretariat Introductions 	--	IPPC Secretariat
<ul style="list-style-type: none"> Presentation of the standard setting process Roles of the Participants 	09_EWG_FR-ISPM12_2019_Dec	ALLEX
2. Meeting Arrangements	--	
2.1 Selection of the Chairperson	--	IPPC Secretariat
2.2 Selection of the Rapporteur	--	CHAIRPERSON
2.3 Adoption of the Agenda	01_EWG_FR-ISPM12_2019_Dec	CHAIRPERSON
3. Administrative Matters	--	
3.1 Documents list	02_EWG_FR-ISPM12_2019_Dec	ALLEX
3.2 Participants list	03_EWG_FR-ISPM12_2019_Dec	
3.3 Local information	Link to local information	
4. Review of Specification	Specification 67 on revision of ISPM 12 in relation to re-export Link to ISPM 12	BOUHOT-DELDUC (Steward)/SAI
4.1 Historical background: reasons for revision Reference documents: <ul style="list-style-type: none"> Paper on "identity" (TPG_2012_Oct_18) TPG paper to SC on "identity and ISPM 12" (10_SC_2015_May) Relevant draft amendments to ISPM 5 (2015): 1994-001 	04_EWG_FR-ISPM12_2019_Dec 06_EWG_FR-ISPM12_2019_Dec 07_EWG_FR-ISPM12_2019_Dec 08_EWG_FR-ISPM12_2019_Dec	NORDBO
4.2 Considerations and outcomes expected for the focused revision of ISPM 12 in relation to re-export (2015-011)	--	BOUHOT-DELDUC
5. Review of discussion papers	--	CHAIRPERSON
5.1 Discussions during TPG meeting November 2019	11_EWG_FR-ISPM12_2019_Dec	BOUHOT-DELDUC
5.2 Experience of re-export in China	10_EWG_FR-ISPM12_2019_Dec	--ALLEX

Agenda Item		Document No.	Presenter
5.3	Text proposal amending ISPM 12	05_EWG_FR-ISPM12_2019_Dec 12_EWG_FR-ISPM12_2019_Dec 13_EWG_FR-ISPM12_2019_Dec	NORBO/BOUHOT -DELDUC JOHNSON (SMITHER) BELL
6.	Development of text for the draft ISPM¹⁶ <i>Reference documents:</i> <ul style="list-style-type: none"> - <i>IPPC Style Guide and annotated templates</i> - <i>ISPM 5 (Glossary of phytosanitary terms)</i> - <i>Guidelines for a consistent ISPM terminology (in the Procedure Manual for Standard Setting)</i> 	Link to the IPPC Style Guide Link to ISPM 5 Link to Procedure Manual for Standard Setting	CHAIRPERSON
6.1	Brainstorming session to develop the focused revision		CHAIRPERSON/ ALL
6.2	Revision of the text of ISPM 12 dealing with re-export situations to ensure more clarity and the use of correct terminology	ISPM 12	CHAIRPERSON/ ALL
6.3	Potential relevance of using the single-word terms “identify”, “integrity” and “phytosanitary security” to improve comprehension of the revised standard		CHAIRPERSON/ ALL
6.4	Potential benefit in expanding on some additional typical re-export situations in ISPM 12 or in giving additional guidance on more specific situations in a manual		CHAIRPERSON/ ALL
6.5	Possible operational and technical Implementation issues and possible recommendations for the revised standard	--	CHAIRPERSON/ ALL
6.6	Consequential changes in other ISPMs as result of this revision		CHAIRPERSON/ ALL
7.	Any Other Business	--	CHAIRPERSON
8.	Close of the Meeting <ul style="list-style-type: none"> - Evaluation of the meeting - Close of the meeting 	--	IPPC SECRETARIAT / CHAIRPERSON

¹⁶ IPPC Style Guide available at: <https://www.ippc.int/en/publications/81329>

Appendix 2: Documents list**EXPERT WORKING GROUP ON FOCUSED REVISION OF ISPM 12 IN
RELATION TO RE-EXPORT (2015-001)****DOCUMENT LIST***(Last updated: 2019-11-20)*

DOCUMENT NO.	AGENDA ITEM	DOCUMENT TITLE (PREPARED BY)	DATE POSTED / DISTRIBUTED
01_EWG_FR-ISPM12_2019_Dec	2.3	Agenda	2019-11-20
02_EWG_FR-ISPM12_2019_Dec	3.1	Documents list	2019-11-20
03_EWG_FR-ISPM12_2019_Dec	3.2	Participants list	2019-11-21
04_EWG_FR-ISPM12_2019_Dec	4.1	Historical background: reasons for revision	2019-11-20
05_EWG_FR-ISPM12_2019_Dec	5.3	Text proposal amending ISPM 12	2019-11-20
06_EWG_FR-ISPM12_2019_Dec	4.1	Subjects on the TPG work programme: identity	2019-11-20
07_EWG_FR-ISPM12_2019_Dec	4.1	Identity, integrity and phytosanitary security of a consignment	2019-11-20
08_EWG_FR-ISPM12_2019_Dec	4.1	Draft amendments to ISPM 5 (2015)	2019-11-20
09_EWG_FR-ISPM12_2019_Dec	1	PPT Standard Setting Process	2019-11-20
10_EWG_FR-ISPM12_2019_Dec	5.2	Experience of re-export in China	2019-11-20
11_EWG_FR-ISPM12_2019_Dec	5.1	TPG discussion paper	2019-11-20
12_EWG_FR-ISPM12_2019_Dec	5.3	Text proposal amending ISPM 12 and other considerations	2019-11-20
13_EWG_FR-ISPM12_2019_Dec	5.3	Text proposal amending ISPM 12	2019-11-20

IPP LINKS:	Agenda item
Local information Link to local information	3.3
Review of specification Specification 67 on revision of ISPM 12 in relation to re-export Link to ISPM 12	4.0
Link to the IPPC Style Link to the IPPC Style Guide	6.0
Link to the ISPM 5 Link to ISPM 5	6.0
Link to procedure manual for SS Link to Procedure Manual for Standard Setting	6.0
Link to ISPM 12 ISPM 12	6.2

Appendix 3: Participants list

EXPERT WORKING GROUP ON FOCUSED REVISION OF ISPM 12 IN RELATION TO RE-EXPORT (2015-001)

09-12 December 2019 in Rome, Italy

PARTICIPANTS LIST

A check (✓) in column 1 indicates attendance at the meeting.

(Updated 2019-12-16)

	Participant Role	Name, mailing address, telephone	Email address
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	Participant Role	Name, mailing address, telephone	Email address
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