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de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

INTERIM COMMISSION ON PHYTOSANITARY MEASURES

Fifth Session

Rome, 7-11 April 2003

Establishment of a Subsidiary Body on Dispute Settlement

Agenda Item 6.2 of the Provisional Agenda

1. At its Third Session (April 2001) the Interim Commission on Phytosanitary Measures (ICPM) adopted specific procedures for dispute settlement and agreed to establish a Subsidiary Body on Dispute Settlement as well as procedures, structure and composition (see Report of the Third Session of the ICPM, paragraph 17-22). In its adoption of the procedures for the Subsidiary Body on Dispute Settlement the Third Session of the ICPM defined the functions of the subsidiary body as follows:

- a) provide guidance to the Secretariat and disputing parties in selecting appropriate dispute resolution methods and may assist in conducting or administering consultation, good offices, mediation, or arbitration;
- b) propose nominations for independent experts in IPPC Expert Committee procedures where the disputing parties cannot agree on experts proposed by the Secretariat;
- c) approve reports of Expert Committees including verification of all points in Expert Committee procedures (point 4 of the adopted procedure); and
- d) undertake other functions as directed by the ICPM, which may include:
 - i) assist the Secretariat with requests from WTO or other organizations;
 - ii) report on IPPC dispute settlement activities as well as dispute settlement activities undertaken or completed by other organizations that have implications for the phytosanitary community;
 - iii) assist in identifying appropriate experts;
 - iv) assist in review and maintenance of expert rosters; and
 - v) identify appropriate training opportunities.

2. The Third Session of the ICPM also discussed a paper, introduced by the delegate from Uruguay, that proposed to establish a standing item on the agenda of the ICPM which, like that

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existing on the Agenda of the Committee of the SPS Agreement of the WTO, would enable the ICPM to take note, through reports by the Members of situations of non-compliance with the international standards of the IPPC (see Report of the Third Session of the ICPM, paragraph 75). Based on requests by several members who wished to study the proposal in more detail the Third Session of the ICPM agreed that the subject should be further considered by the Subsidiary Body on Dispute Settlement.

3. The Fourth Session of the ICPM confirmed nominations made by the FAO regional groups for membership in the Subsidiary Body on Dispute Settlement. Since the Third Session of the ICPM adopted in its rules of procedure for the Subsidiary Body on Dispute Settlement that meetings of this body should preferably be held once a year around the time of the meeting of the ICPM, the first meeting of the Subsidiary Body would be held on 2-4 April 2003. In its discussions, the Subsidiary Body on Dispute Settlement is expected to agree on Terms of Reference and elaborate a future work programme. The Chairperson of the Subsidiary Body will report to the ICPM on results from the meeting.

4. The ICPM is invited to:

1. *Welcome* the report of the Chairperson
2. *Note* the Terms of Reference of the Subsidiary Body on Dispute Settlement.
3. *Note* the future work programme proposed by the Subsidiary Body on Dispute Settlement.
4. *Bring to the attention* of the Subsidiary Body on Dispute Settlement any matters relevant to its work.