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de las  
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Unidas  
para la  
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## INTERIM COMMISSION ON PHYTOSANITARY MEASURES

### Second Session

Rome, 4-8 October 1999

### Items Arising from the First Session of the Interim Commission on Phytosanitary Measures Report of the Expert Consultation on the Strength of Measures

### Agenda Item 6.4 of the Provisional Agenda

## I. Introduction

1. "Strength of measures" is a concept found in the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement). The concept is also reflected explicitly in the New Revised Text of the IPPC where, in Article II (Use of Terms), pest risk analysis is defined as "... the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it".
2. Both the SPS Agreement and the IPPC indicate that the concept involves a relationship between the level of risk and the strength of measures applied to reduce the risk to acceptable levels. However, no practical guidance is currently available to help countries understand the application of the concept in practice. The Secretariat has taken initial steps for the development of such guidance.

## II. Background

3. In June 1998, the Secretariat held an Expert Consultation on the Strength of Measures for Regulated Pests which have a Minor Biological Impact. Funding for this meeting was provided by the North American Plant Protection Organization (NAPPO). The aim of the meeting was to open a dialogue regarding the strength of phytosanitary measures in relation to pest risk. A summary of the meeting was provided to the Interim Commission on Phytosanitary Measures (ICPM) at its first session in 1998. The ICPM requested that this topic be included in the agenda for the present meeting. The same, and some additional information is provided herein to facilitate these discussions.

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4. The Expert Consultation looked at whether it was useful to consider the strength of measures in terms of distinct factors such as the biological impact of pests and the economic effects. It was suggested by the Secretariat that this distinction was a logical extension of the definition for pest risk analysis used by the IPPC and was consistent with the distinction made between biological and economic factors in the SPS Agreement. Consideration was also given to the type of analyses needed to support such judgements.
5. In its discussion paper for the meeting, the Secretariat also suggested that governments may take the decision to apply "no measures" for a pest although the pest fit the defining criteria for a regulated pest. This is based on the principles of sovereignty and managed risk, and recognizing that measures are not justified where pest risk is judged to be acceptable. This can be the case when:
  - a) the level of risk being accepted is commensurate with the benefits and costs of an alternative, i.e., the risks could be significant, but the benefits are judged to be greater or the risk mitigation costs are more affordable; or,
  - b) the risk is below what is considered normal or allowable compared to existing risks that are being accepted; or,
  - c) the risk is unchangeable (must be accepted).
6. The meeting confirmed that pest risk analysis (PRA) should provide the basis for deciding whether phytosanitary measures are required and the appropriate strength of measures, but it did not find it useful to separate biological, economic, and other impacts of pests. Instead, it was deemed more appropriate to consider all pest impacts as being interrelated and ultimately measured in economic terms.
7. Karnal bunt disease of wheat was discussed as an example where the risk is often strongly linked to market losses as a result of quarantine and quality concerns more than serious biological impacts of the disease in the field. The meeting noted that the significance of Karnal bunt varies considerably from country to country and that the strength of measures should correspond to the risk for each country and depends on the options available.
8. The participants expressed the opinion that PRA processes need to be more explicit, and move toward quantitative methods wherever possible to draw from scientific findings and more closely link PRA with the data that can be provided through research. Likewise, the meeting was hopeful that scientists, regulators, industry and the general public could become better informed about the relationship of trade to plant protection and research. These points were also emphasized by some members of the ICPM during brief discussions of this topic in its 1998 session.
9. The ICPM is invited to review the recommendations of the Expert Consultation and endorse the summary conclusions of the Secretariat. The ICPM may also recommend any subsequent actions it deems appropriate for further clarification on the application of the concept of strength of measures.

### **III. General Recommendations of the Expert Consultation on the Strength of Measures**

- a) The relationship between PRA, the acceptable level of risk (or appropriate level of protection) and the strength of measures is fundamental to the concept of safe trade. It is essential that these concepts and their relationship are described as explicitly as possible, and are widely understood by scientists, regulators, industry, and the general public.

- b) It is critical that phytosanitary measures are based on PRA, regardless of the level of resources or degree of complexity involved in conducting the PRA, recognizing that PRA can range from the simple to the complex.
- c) PRA should be further developed to become more quantitative (less subjective), identifying areas of investigation for the research community and drawing data from research wherever possible to maximize the quantitative inputs
- d) Research on risk management is needed to increase the number of options available and thereby offer greater precision in matching the strength of measures to the pest risk.
- e) Guidance is required for defining and evaluating economic factors to be considered in PRA.
- f) PRA is not only the basis for deciding the strength of measures, but also for re-evaluating the strength of measures when conditions change or new information becomes available, and can be used for challenging measures.

#### **IV. Summary Conclusions Regarding the Strength of Measures**

- a) PRA provides the basis for determining the level of risk and the appropriate strength of any phytosanitary measures applied to reduce pest risk.
- b) The level of pest risk, and the strength of measures used to reduce the risk, vary depending on a number of factors, including the pest, the host, the nature of available phytosanitary measures, and the appropriate level of protection set by the country.
- c) The PRA process should account for both biological and economic impacts without distinguishing pests based only on factors related to one or the other type of impact (e.g., pests with a minor biological impact).
- d) The strength of measures should correspond to the level of risk based on PRA.