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y la
Alimentación

INTERIM COMMISSION ON PHYTOSANITARY MEASURES

Seventh Session

Rome, 4-8 April 2005

Regionalization

Agenda Item 7.4 of the Provisional Agenda

1. Article 6 of the WTO Sanitary and Phytosanitary Agreement addresses the “adaptation to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence”. Article 6 has been an agenda item for every meeting of the WTO Committee on Sanitary and Phytosanitary Measures since its twenty-sixth meeting in April 2003. The issue has been discussed at several informal meetings and a number of countries have provided formal proposals on Article 6 for consideration by the Committee.
2. The major issues discussed at the Committee on Sanitary and Phytosanitary Measures in relation to Article 6 include:
 - procedures and standards for recognition of pest free areas and areas of low pest prevalence;
 - the international recognition of pest free areas and areas of low pest prevalence for specific pests;
 - the timeliness of the (bilateral) recognition of pest free areas and areas of low pest prevalence and;
 - the costs of establishing and maintaining pest free areas and areas of low pest prevalence.

Considerations at the IPPC Informal Working Group on Strategic Planning and Technical Assistance:

3. The IPPC Focus Group which met in June 2004 to review the strategic plan considered regionalization in relation to the discussions in the Committee on Sanitary and Phytosanitary Measures. The Focus Group chiefly discussed international recognition of pest free areas and areas of low pest prevalence. The Informal Working Group on Strategic Planning and Technical Assistance (SPTA), which met in Rome in October 2004, reviewed the report of the Focus group. The SPTA recommended that the Interim Commission on Phytosanitary Measures consider the issue further at its next session in April 2005.

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4. The relevant section of the SPTA report is reproduced below:

“Regionalization

The SPTA discussed regionalization. It noted that this topic was under discussion in the SPS Committee. The issues of discussion in the SPS Committee concerned administrative measures (in particular undue delays in the procedures leading to bilateral recognition of pest free areas) and the multilateral recognition of pest free areas. It was also noted that the issue of regionalization was addressed in several ISPMs and draft ISPMs, and that the new draft revised ISPM No. 1 proposed new language covering undue delays.

The SPTA recognized that further action was required to meet the concerns raised in the SPS Committee and it recommended that the general role of the IPPC with regard to regionalization and administrative delays should be discussed by an open-ended working group during ICPM-7. Discussion papers for this working group would be developed by the Bureau and the Secretariat. The discussion papers would include the issues related to the SPS Committee and the experience of OIE on the recognition of disease free areas. Representatives of OIE and SPS will be invited to present their views or perspective of their respective organizations during the ICPM plenary, and will also be invited to participate in the open-ended working group.”

5. A discussion of the IPPC provisions and standards related to this issue is given in Annex 1 to this document. The SPS Secretariat and the OIE Secretariat have been requested to provide discussion papers on relevant issues. The OIE and SPS Secretariats have been invited to participate in the open-ended working group if ICPM agrees to convene it.
6. Significant issues for consideration by the ICPM include:
- The ICPM has established concept standards that address regionalization in general. Many of the standards provide general guidance for the establishment or aspects of the establishment of pest free areas, pest free places of production of places with low pest prevalence.
 - The ICPM has established a technical panel, the work of which may result in standards that address regionalization for specific pests (i.e. fruit flies).
 - The ICPM has not yet initiated the development of further guidance on the interpretation of Article VII.2h concerning modification of phytosanitary measures and the timeliness of modification. The Expert Working Group on the revision of ISPM No. 1 has in its review proposed further general language on undue delay.
 - The ICPM has not yet considered a system for international recognition of pest free areas.
7. The ICPM is *invited* to establish an open-ended working group to meet during its seventh session to consider:
1. Whether further general technical guidance is required on regionalization beyond the existing relevant standards and draft standards.
 2. Whether further guidance is required on regionalization in relation to specific pests, and if so which specific pests.
 3. Whether further guidance needs to be developed on article VII.8h and, if so whether guidance specific to regionalization would be required.
 4. If further guidance needs to be developed, to indicate the scope, priority and timescale of such guidance.
 5. The desirability of developing a system for recognition of pest free areas and areas of low pest prevalence.
 6. If the ICPM considers this desirable, to consider steps to be taken to propose and adopt a system, taking into account operationability, international acceptance, costs and benefits.

THE IPPC AND THE SPS DISCUSSIONS ON REGIONALIZATION

1. This discussion paper outlines the relevant text, provisions and standards of the IPPC relevant to the Committee on Sanitary and Phytosanitary Measures discussion on Article 6 of the Sanitary and Phytosanitary Agreement.

I. *The text of the International Plant Protection Convention*¹

2. Article II Use of terms

This article contains the definitions of an area of low pest prevalence: “Area of low pest prevalence - an area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures”.

3. Article IV General Provisions relating to the organizational arrangements for national plant protection.

This article outlines general responsibilities of a national plant protection organization. Paragraph 2 states:

“The responsibilities of an official national plant protection organization shall include:

e) the protection of endangered areas and the designation, maintenance and surveillance of pest free areas and areas of low pest prevalence”.

4. Several other responsibilities included in paragraph 2 of Article IV are also relevant to procedures involved in establishing, maintaining and certifying pest free areas and areas of low pest prevalence. These include the responsibility for issuance of certificates (IV.2a), surveillance (IV.2b) and pest risk analysis (IV.2h).

5. Several provisions in the IPPC relate to timeliness, technical justification and minimisation of the impact of measures on the exporting country. These include Article VII, Requirements in relation to imports. Paragraph 2 states:

“In order to minimize interference with international trade, each contracting party, in exercising its authority under paragraph 1 of this Article, undertakes to act in conformity with the following:

g) Contracting parties shall institute only phytosanitary measures that are technically justified, consistent with the pest risk involved and represent the least restrictive measures available, and result in the minimum impediment to the international movement of people, commodities and conveyances.

h) Contracting parties shall, as conditions change, and as new facts become available, ensure that phytosanitary measures are promptly modified or removed if found to be unnecessary.”

¹ The 1997 text of the International Plant Protection Convention, although not yet in force is taken as the basic text as it provides an interpretation of the Convention as accepted by the FAO Conference that did not result in additional obligations to parties

II. International Standards on Phytosanitary Measures relevant to regionalization

6. Most International Standards for Phytosanitary Measures (ISPMs) have relevance to regionalization. Some of the more directly relevant standards are:

ISPM No. 1 (Principles of plant quarantine) was drafted before the text of the convention was revised and is currently under review to harmonize the language with the 1997 Text. In the current version of the draft text:

Timeliness is covered as in the Convention Article VII paragraph 2, sub-paragraph e;

Modification is covered as in the Convention Article VII paragraph 2, sub-paragraph h; and

A new principle is proposed called Administrative delays: [When a contracting party requests another contracting party to establish or modify phytosanitary import requirements, this request should be considered without undue delay. Requirements, including related actions involved in the development of these requirements, should be performed, established or modified, as appropriate, also without undue administrative delay. Related actions include, but are not limited to, Pest Risk Analysis, the recognition of pest free areas or the recognition of equivalence.]

ISPM No. 4 (Requirements for the establishment of pest free areas) describes the requirements for the establishment and use of pest free areas (PFAs) as a risk management option. The standard allows for the different types of PFAs including an entire country or part of a country. Guidance is given on phytosanitary certification of plants and plant products and other regulated articles exported from the PFA and on the scientific justification for phytosanitary measures taken by an importing country for protection of an endangered PFA.

ISPM No. 6 (Guidelines for surveillance) describes the components of survey and monitoring systems for the purpose of pest detection and the supply of information for use in pest risk analyses, the establishment of pest free areas and, where appropriate, the preparation of pest lists.

ISPM No. 8 (Determination of pest status in an area) describes the content of a pest record and the use of pest records and other information in the determination of pest status in a given area. It defines categories of pest status and makes recommendations on reporting practices.

ISPM No. 9 (Guidelines for pest eradication programmes) describes the components of a pest eradication programme which can lead to the establishment or re-establishment of pest absence in an area.

ISPM No. 10 (Requirements for the establishment of pest free places of production and pest free production sites) describes the requirements for the establishment and use of pest free places of production and pest free production sites as risk management options for meeting phytosanitary requirements for the import of plants, plant products and other regulated articles.

ISPM No. 17 (Pest reporting) describes the responsibilities of and requirements for contracting parties in reporting the occurrence, outbreak and spread of pests in areas for which they are responsible. It also provides guidance on reporting successful eradication of pests and establishment of pest free areas.

The draft standard for consideration by the ICPM on "Requirements for the establishment of areas of low pest prevalence" describes the requirements and procedures for the establishment, verification, maintenance and use of areas of low pest prevalence (ALPP) for regulated pests. An ALPP may be used in conjunction with other phytosanitary measures.

III. The development of ISPMs for pest free areas and areas of low pest prevalence for specific pests

7. The ICPM at its sixth session in April 2004 established a fast track procedure for certain standards which included the establishment of technical panels. In order to establish the technical requirements for the recognition of fruit flies pest free areas and systems approaches, a panel of fruit fly experts was established to review scientific and technical data.

8. The task of this panel includes:

- Identify the most important fruit fly pest species for priority work.
- Identify case studies that could act as good examples for establishment of pest free areas, areas of low pest prevalence and systems approaches for fruit flies.
- Develop standardized procedures by fruit fly species to establish fruit flies pest free areas and systems approaches, including collection of adequate information, surveys, detection and identification techniques, emergency measures to protect free areas and maintain systems approaches, evaluation, approval, and suspension procedures for fruit flies pest free areas.
- Develop a process, identify criteria needed, set up a protocol and define an evaluation method for the submission of research information.
- Establish the technical requirements for the recognition of fruit flies pest free areas, areas of low pest prevalence and systems approaches, taking into account adequate biological and climatic parameters, applicability and recognition requirements.
- Develop a procedure to consult with international specialists to exchange information about fruit flies.
- Identify measures to be integrated in systems approaches for different species of fruit flies.
- Analyse the feasibility of the measures recommended and evaluate the cost/benefit of the measures, their technical justification and their relationship with the identified risk.
- Consider the relationship between the draft documents proposed and currently approved ISPMs relevant for this subject.
- Determine measures to be integrated in systems approaches for different species of fruit flies, considering the feasibility of the measures recommended and selecting the least trade restrictive.
- Submit draft standards to the Standards Committee including, where appropriate, for fast-track approval.

IV. International recognition of pest free areas

9. At present, recognition of pest free areas and pest free places of production and areas of low pest prevalence is through bilateral negotiations. At the Focus Group meeting the issue of international recognition was discussed:

10. “The Focus Group “suggested that the IPPC develop a system similar to that of OIE for the recognition of Pest Free Areas (PFA). There could be two levels of recognition, a preliminary recognition at a bilateral level, and an international recognition. Such an international system could allow the verification of some elements during bilateral discussions. The Chair noted that a number of countries have been asking in the SPS Committee for the development of guidelines on procedures for the recognition of regionalization in bilateral processes (timeframes, answer to requests, etc.). A number of other countries thought that standard-setting organizations should do this. In addition, a request had been made in the SPS Committee that the IPPC should have a similar system to OIE and should recognize PFAs for its members. Two systems were therefore envisaged: a system in which PFAs are recognized by the IPPC as being pest-free; and a system providing guidelines on bilateral negotiations for granting PFA status. The idea of the IPPC

charging fees for the approval of PFAs was also brought up. These issues were clearly matters for the ICPM to discuss and take action, if this was agreed to.”

11. The Focus Group “stated that the system could benefit every country because it would build confidence in the systems of an exporting country and would avoid duplication of effort by importing countries. International evaluation could also be cheaper than each country making its assessment separately. It was noted however that, since the conditions used for the recognition of pest-free areas depended on a country’s level of protection and on the potential of the pest to establish and spread in the importing country, it may be difficult to produce international guidelines for individual pests. Concerns on the legal responsibility of the recognition were also raised.”