

January 2006



منظمة الأغذية  
والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
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## COMMISSION ON PHYTOSANITARY MEASURES

### First Session

Rome, 3 – 7 April 2006

### Preparations for entry into force

### Agenda Item 12.1.1 of the Provisional Agenda

1. At its Seventh session in 2005, the Interim Commission on Phytosanitary Measures received a paper on preparations for entry into force. It noted the analysis of issues and recommendations for action provided in Annex 1 of document ICPM 2005/3, and requested the Secretariat to forward this analysis and the related recommendations to the first meeting of the CPM for its consideration.

2. The paper ICPM 2005/3 is attached to this document.

3. For ease of reference, discussions and recommendations at ICPM-7 are given below.

#### Extract from the report of ICPM-7 (paragraphs 94 to 97)

94. The Secretariat introduced a document<sup>1</sup> containing a status report on adherences to the IPPC and acceptances of the New Revised Text of the IPPC (which reflects the 1997 amendments). It also identified possible actions that would need to be taken for the transition from current procedures to the entry into force of the New Revised Text.

95. Recent progress in the deposit of adherences and acceptances was summarized. As of 1 April 2005, there were 136 contracting parties, among which 74 had accepted the New Revised Text. It was noted that the New Revised Text would enter into force after acceptance by two-thirds of the contracting parties to the IPPC at the time (at the present number of parties, this would be 91), and that steady progress was being made in reaching the figure. The Secretariat also outlined the steps required for the adherence or acceptance by members.

<sup>1</sup> ICPM 2005/3 - Note that there was an error in the Arabic translation of the title of tables in this paper. Table 1 lists Contracting Parties to the IPPC that have not deposited their instrument of acceptance of the new revised text, and Table 2 lists FAO Members and non-member States that have not become Contracting Parties to the IPPC.

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96. Various actions and recommendations to prepare for the entry into force were highlighted, including actions relating to the transition from the ICPM to the Commission on Phytosanitary Measures (CPM).

97. The ICPM:

1. *Welcomed* the analysis and commended its quality.
2. *Urged* contracting parties that had not accepted the new revised text to do so as soon as possible.
3. *Urged* FAO Members and non-member States that were not contracting parties to the IPPC to become contracting parties and accept the new revised text as soon as possible.
4. *Noted* the analysis of issues and recommendations for action provided in Annex 1 of document ICPM 2005/3.
5. *Requested* the Secretariat to forward this analysis and the related recommendations to the first meeting of the CPM for its consideration.
6. *Requested* the Secretariat to provide updates or additional information on the subject of entry into force at subsequent meetings of the ICPM.
7. *Requested* the Secretariat in conjunction with the Bureau and SPTA to develop relevant papers to support the recommendations of the analysis.
8. *Requested* the Secretariat to coordinate a process, in conjunction with the Glossary Working Group and the Standards Committee, to prepare for the first meeting of the CPM:
  - a. A proposal for any necessary adjustments to the translations in the authentic language versions of the Convention, to ensure concordance among them
  - b. A list of any necessary adjustments to translations of glossary terms and definitions in ISPMs.
9. *Requested* the Standards Committee, in coordination with the Glossary Working Group and the Secretariat, to develop a proposal for the first meeting of the CPM on technical adjustments to definitions or other text in ISPMs to promote consistency among standards, taking into account their evolution over time.
10. *Invited* the Subsidiary Body on Dispute Settlement to identify any options or opportunities for consideration at the first meeting of the CPM, to reinforce cooperative means to resolve disputes within the framework of the IPPC and to enhance the structures to review and support compliance, taking into consideration, as appropriate, procedures under other international agreements.
11. *Invited* the Secretariat, in consultation with the SPTA and the Bureau, to identify any options or opportunities to further promote and reinforce technical assistance in light of experience gained, for consideration at the first meeting of the CPM.
12. *Noted* that the reference to enhanced structures to review and support compliance in paragraph 10 of the decision was not intended to constitute an additional function not within the scope of the SBDS.



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## INTERIM COMMISSION ON PHYTOSANITARY MEASURES

### Seventh Session

Rome, 4 – 8 April 2005

### Preparations for Entry into Force of the New Revised Text of the IPPC

#### Agenda Item 8.1 of the Provisional Agenda

1. At the Sixth Session of the ICPM (ICPM-6), the Secretariat presented a paper on issues relating to the entry into force of the 1997 amendments to the IPPC (ICPM 04 INF-8). The paper contained a status report on adherences to the IPPC and acceptances of the new revised text of the IPPC (which reflects the 1997 amendments). It also identified possible actions that would need to be taken for the transition from current procedures to the entry into force of the new revised text.
2. On the basis of its discussions, ICPM 6 requested the Secretariat to prepare a document, for review by the ICPM at its Seventh Session, containing draft recommendations on specified topics identified in the paper presented to ICPM 6 that could be forwarded to the first meeting of the Commission on Phytosanitary Measures (CPM) for its consideration (Report of ICPM 6, paragraph 64).
3. The discussion in Annex 1 is provided in response to the request of ICPM 6. It begins with an update on the status of adherences to the IPPC and acceptances of the new revised text (Part I). It then notes the process by which States and FAO Member Organizations may accept the new revised text (Part II). Finally, it notes topics that will need to be addressed upon entry into force of the new revised text (Part III), and provides recommendations for actions by the CPM in this regard.
4. The recommendations are summarized in the Chart at the end of Annex 1 ("Recommendations on Actions by CPM upon Entry into Force"). The intent is to help prepare for entry into force and facilitate a smooth transition from current procedures.
5. The ICPM is invited to:
  1. *Urge* contracting parties that have not accepted the new revised text to do so as soon as possible.
  2. *Urge* FAO Members and non-member States that are not contracting parties to the IPPC to become contracting parties and accept the new revised text as soon as possible.
  3. *Note* the analysis of issues and recommendations for action provided in Annex 1.
  4. *Request* the Secretariat to forward this analysis and the related recommendations to the first meeting of the CPM for its consideration.

5. *Request* the Secretariat to provide updates or additional information on the subject of entry into force as appropriate at subsequent meetings of the ICPM.
6. *Request* the Secretariat to develop relevant papers to support the recommendations of the analysis.
7. *Request* the Secretariat to coordinate a process in order to prepare, for the first meeting of the CPM:
  - i. A proposal for any necessary adjustments to the translations in the authentic language versions of the Convention, to ensure concordance among them;
  - ii. A list of any necessary adjustments to translations of glossary terms and definitions in ISPMs.
8. *Request* the Standards Committee, in coordination with the Glossary Working Group and the Secretariat, to develop a proposal for the first meeting of the CPM on technical adjustments to definitions or other text in ISPMs to promote consistency among standards, taking into account their evolution over time.
9. *Invite* the Subsidiary Body on Dispute Settlement to identify any options or opportunities, for consideration at the first meeting of the CPM, to reinforce cooperative means to resolve disputes within the framework of the IPPC, and to enhance the structures to review and support compliance, taking into consideration, as appropriate, procedures under other international instruments.
10. *Invite* the Secretariat, in consultation with the SPTA and the Bureau, to identify any options or opportunities to further promote and reinforce technical assistance in light of experience gained, for consideration at the first meeting of the CPM

## Annex 1

**I. Status of entry into force of the new revised text**

1. Document ICPM 04 INF-8, submitted to ICPM 6 in April 2004, provided a status report on entry into force of the new revised text.<sup>1</sup> It noted that the new revised text will come into force on the thirtieth day after it is accepted by two-thirds of the contracting parties to the IPPC.<sup>2</sup> It further indicated the following information as of December 1, 2003:

- Number of acceptances of the new revised text: 53
- Number of contracting parties to the IPPC: 125

2. Taking into consideration the rate of acceptances at that time, it was estimated that the new revised text would enter into force in approximately 3 years from the date of December 1, 2003. It was noted that this time frame was contingent, however, on decisions by States and FAO Member Organizations.

3. Since that time, several additional countries have adhered to the IPPC and/or accepted the new revised text, in line with their specific situation. The status of acceptances/adherence to the IPPC as of January 5, 2005 is:

- Number of acceptances of the new revised text: 69
- Number of contracting parties to the IPPC: 132

The status of individual countries is indicated in the three tables attached to this document.

**II. Process by which States and FAO member organizations may accept the 1997 amendments****(a) States that are contracting parties to IPPC but have not yet accepted the 1997 amendments**

4. States that are already contracting parties to the IPPC may indicate their acceptance of the new revised text by depositing (submitting) their instrument of acceptance of the new revised text with the Director General of FAO. A Model Instrument of Acceptance of the Amendments for Countries Already Parties to the Convention that may be used for this purpose is included as Attachment 1 to this document.

**(b) States that are not contracting parties to the IPPC**

5. Pending entry into force of the new revised text, States that are not contracting parties to the IPPC need to deposit (submit) their instrument of adherence to the IPPC with the Director General of FAO and should, at the same time, indicate whether they also accept the new revised text. For purposes of clarity, it is strongly recommended that the instrument address explicitly both adherence to the IPPC and acceptance of the new revised text, taking into account that an increase in the number of acceptances is needed for entry into force of the new revised text. A Model Instrument of Adherence that may be used for this purpose is included as Attachment 2 to this document.

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<sup>1</sup> The term "IPPC" refers to the IPPC currently in force, without the 1997 amendments. The terms "new revised text" and "IPPC (1997)" refer to the IPPC with the 1997 amendments (not yet in force).

<sup>2</sup> See Article XXI.4 of the new revised text. At ICPM 6, it was noted that entry into force of the new revised text would apply to all contracting parties, including those that have not accepted the new revised text at the time of entry into force. It was also noted that the "two-thirds" figure is calculated on the basis of the number of parties to the treaty at the time of deposit of each instrument of acceptance of the amendments, which may change over time.

(c) **Member organizations of FAO**

6. Member organizations of FAO are regional economic integration organizations that have been admitted as a Member of FAO. They may submit their instrument of adherence to the new revised text (reflecting the 1997 amendments), in accordance with Article XVII of the new revised text. They will become a party when the new revised text enters into force. As noted in Article XXI.4 of the new revised text, an instrument deposited by a member organization of FAO shall not be counted as additional to those deposited by member states of such an organization.

**III. Actions to promote a smooth transition to entry into force**

7. As explained further below, a number of actions will need to be taken to make the transition from the current interim procedures to entry into force of the new revised text. In addition, other optional actions could be taken upon the occasion of entry into force to strengthen the operation of the Convention. These are reviewed below, and summarized in a Chart included as Appendix 1 (“Recommendations on Actions by CPM Upon Entry into Force”).

(a) **Transition from ICPM to CPM**

8. The present Convention is governed by the FAO Conference. In resolution 12/97, the FAO Conference established the Interim Commission on Phytosanitary Measures (ICPM) and delegated a number of its tasks to the ICPM. The present functions of the ICPM cover Article XI but not Article XXI. *See* Terms of Reference of ICPM.

9. Once the new revised text enters into force, the ICPM will cease to exist and will be superseded by the CPM. The CPM will function as a governing body of the IPPC, in accordance with the provisions of the Convention.

10. At that time, the CPM will have the responsibility to promote the full implementation of the objectives of the Convention, and in particular to carry out the responsibilities identified in Article XI and XXI of the new revised text. Several of these responsibilities involve operational actions, such as the establishment of subsidiary bodies, the adoption of rules of procedure, and the establishment and review of arrangements and procedures for the development and adoption of standards.<sup>3</sup>

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<sup>3</sup> Article XI.1 indicates that the CPM is established “. . . within the framework of [FAO]. Article XI(2) provides that “[t]he functions of the Commission shall be to promote the full implementation of the objectives of the Convention and, in particular, to:

- (a) Review the state of plant protection in the world and the need for action to control the international spread of pests and their introduction into endangered areas;
- (b) Establish and keep under review the necessary institutional arrangements and procedures for the development and adoption of international standards, and to adopt international standards;
- (c) Establish rules and procedures for the resolution of disputes, in accordance with Article XIII;
- (d) Establish such subsidiary bodies of the Commission as may be necessary for the proper implementation of its functions;
- (e) Adopt guidelines regarding the recognition of regional plant protection organizations;
- (f) Establish cooperation with other relevant international organizations on matters covered by this Convention;
- (g) Adopt such recommendations for the implementation of the Convention as necessary;
- (h) Perform such other functions as may be necessary to the fulfilment of the objectives of the Convention.”

Other provisions of Article XI provide, *inter alia*, that:

- “Membership in the Commission shall be open to all contracting parties.” *See* Article XI(3)
- “The Commission may adopt and amend, as required, its own Rules of Procedure, which shall not be inconsistent with this Convention or with the Constitution of FAO.” *See* Article XI.7
- “The Chairperson of the Commission shall convene an annual regular session of the Commission.” *See* Article XI.8
- “The Commission shall elect its Chairperson and no more than two Vice-Chairpersons, each of whom shall serve for a term of two years.” *See* Article XI.9.

Article XXI addresses amendments to the Convention, and specifies the role of the CPM in this regard.

11. In general, the CPM may wish to carry out these responsibilities on the basis of approaches adopted by the ICPM. It may decide, on the other hand, to make changes in the existing arrangements as it considers appropriate, in accordance with the Convention. In either case, two important points should be highlighted.
12. First, certain adjustments will need to be made from ICPM practices to correspond to the provisions of the new revised text. For example, the rules of membership of the CPM will differ from those of the ICPM. In particular, membership in the ICPM is open to all FAO members and contracting parties (see FAO Conference Resolution 12/97), while membership in the CPM will be open only to contracting parties.<sup>4</sup>
13. As a result, States and Member Organizations of FAO that are not contracting parties to the new revised text will not have the right to participate in the consensus and/or voting decisions of the CPM. Rather, they will have the opportunity to attend the CPM meetings only as observers, subject to the relevant rules of procedures.
14. This change in the status of countries will need to be reflected in the operational procedures at the meetings of the CPM after entry into force. It will also need to be reflected in the Rules of Procedure of the CPM and, where appropriate, of its subsidiary bodies, as well as in other actions taken by the CPM at its first meeting. Specific recommendations in these regards are summarized in the Chart at Appendix 1.
15. Second, as a procedural matter, the CPM may consider that it needs to take certain formal decisions or actions to carry out its responsibilities under the Convention upon entry into force. This follows from the fact that these responsibilities are given specifically to the CPM in the new revised text. Moreover, the fact that membership of the CPM will be different than that of the ICPM, as discussed above, suggests the importance of having the CPM take these actions even if they result, in some cases, in little change from ICPM practice.<sup>5</sup>
16. The Chart attached as Appendix 1 lists procedural actions that the CPM may need to take upon entry into force. These actions correspond to the responsibilities of the CPM indicated in Article XI of the new revised text, and include some additional related items. Although the Convention generally does not specify the timing for such actions, it may be considered that the actions listed in the Chart should be taken at the first meeting of the CPM following entry into force.
17. For each action, relevant elements are noted. These include adjustments that are needed if a decision is made to follow existing ICPM practices (“Needed Adjustments”), as well as optional adjustments that could be taken upon the occasion of entry into force (“Optional Adjustments”). Further information on certain key actions is provided in the discussion below.

**(b) Rules of Procedure**

18. Article XI.7 of the new revised text provides that the CPM may adopt and amend its own rules of procedure, which shall not be inconsistent with the Convention or the Constitution of FAO.
19. The CPM may wish to base its own Rules of Procedure on those of the ICPM. If it does so, however, certain changes will need to be made to reflect the difference in membership

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<sup>4</sup> See Article XI.3 of the new revised text. As noted above, this includes all contracting parties and is not limited to those that have deposited an instrument of acceptance of the new revised text.

<sup>5</sup> One possible mechanism for these actions would be for the CPM to adopt the various rules and other practices of the ICPM *mutatis mutandis*. This would mean that all necessary changes (e.g., due to changes in Membership) are understood to be applied. A drawback of this approach, however, is that it would leave in place the existing terminology, which could create confusion over time

between the ICPM and CPM, and other changes that will occur upon entry into force. These are summarized in the Chart in Appendix 1.

20. It should also be noted that with the disappearance of the ICPM upon entry into force, its Terms of Reference (*see* Report of FAO Conference, 1997, Appendix H) will no longer have effect. The CPM may decide that it does not need to adopt new Terms of Reference, on the basis that it will operate in accordance with the functions given to it by the Convention. If, however, it wishes to adopt new Terms of Reference following the practice of the ICPM, certain changes would need to be made. These are indicated in the Chart in Appendix 1.

**(c) *Subsidiary Bodies***

21. The ICPM has established a number of standing and *ad hoc* bodies to support its work. These bodies are identified in the Chart in Appendix 1. Their functions are governed by their respective terms of reference and rules of procedure.

22. Upon entry into force, with the disappearance of the ICPM, its subsidiary bodies will cease to exist. The CPM, at its first session, may wish to review which bodies should be formally re-established or re-constituted, in light of Article XI.2(d) of the new revised text.

23. Entry into force might also have significant implications for membership and participation by countries in at least some of these bodies. In parallel to the change in membership of the governing body, the CPM may wish to limit membership of subsidiary bodies to members nominated and drawn from, or nominated by, contracting parties. In such case, FAO Members that have not become contracting parties by the time of entry into force will only be able to participate as observers, subject to any rules regarding observers for the specific bodies.

24. As a result, if the CPM wishes to use existing rules of procedure and terms of reference for these bodies, certain adjustments will need to be made. These are noted in the Chart included in Appendix 1.

25. At the operational level, the CPM, at its first session, will have to decide on membership of subsidiary bodies. The CPM should be prepared at its first meeting to appoint members so that the subsidiary bodies can begin work immediately. This is also noted in the attached Chart.

26. Contracting parties to the new revised text, upon its entry into force, may also wish to consider other changes in subsidiary bodies in light of experience gained during the current period and in light of differences of membership.

**(d) *International Standards***

27. Once the new revised text enters into force, the contracting parties may wish to consider whether further action is needed with respect to the existing ISPMs that have been developed under or before the ICPM.

28. As indicated in the document presented to ICPM 6, there are, for example, references within the existing standards that may need to be updated upon entry into force. These are noted in the Chart attached as Appendix 1, with possible revisions.

29. The first meeting of the CPM also presents an opportunity to address other technical matters relating to the standards. These might include technical adjustments to harmonize definitions, as well as translations. These are noted in the Chart in Appendix 1. In any event, it may be noted that the existing standards have been properly adopted under the Convention presently in force, pursuant to the procedures established by the FAO Conference in 1997. Consequently, the CPM should work on this basis, so that present standards will continue to apply until otherwise changed through the normal standard-setting procedures.



(e) *Dispute Settlement*

30. The new revised text of the IPPC contains specific provisions on the settlement of disputes. See Article XIII. It also calls for the establishment of rules and procedures for the resolution of disputes in accordance with Article XIII.

31. The ICPM has already taken several actions in this regard. Among other things, it has adopted rules of procedure for the settlement of disputes and established a Subsidiary Body on Dispute Settlement (SBDS). The SBDS has, in turn, produced several documents relating to the workings of the IPPC dispute settlement system. Many of these are reproduced in the Manual on the Dispute Settlement System developed by the SBDS.

32. As a matter of procedure, the CPM may consider that it is appropriate to re-affirm the ICPM rules and procedures on dispute settlement, and establish or re-constitute the subsidiary body on dispute settlement. If this is done on the basis of the existing approach, certain technical adjustments will need to be made. These are set forth in the Chart in Appendix 1.

33. In light of experience and discussions within the SBDS, the CPM may also wish to consider whether to develop further guidance on the use of the dispute settlement system under the IPPC. In particular, the current Manual on Dispute Resolution produced by the Subsidiary Body highlights opportunities for cooperative means to resolve disputes within the framework of the IPPC, as well as the possibility to enhance the structures to review and support compliance. The ICPM may wish to invite the SBDS to develop and present any proposals in this regard to the CPM.

(f) *Other Matters*

34. The CPM may also wish to consider several other matters addressed by the ICPM upon the occasion of entry into force of the new revised text, with a view to promoting a smooth transition into entry into force. These include, among others, the following:

**(1) Financial Rules and Procedures; Long-Term Funding Situation**

35. The new revised text of the IPPC does not call upon the CPM to develop and adopt financial rules and procedures. Rather, it provides that the CPM shall operate “. . . within the framework of the [FAO].” See Article XI.1. It also indicates that the CPM rules of procedure “shall not be inconsistent with [the Convention] or with the Constitution of FAO.” See Article XI.7.

36. There has been considerable discussion within SPTA and other IPPC bodies regarding possible funding options for the IPPC. These discussions are noted, for example, in Document ICPM 2005/7 presented to ICPM 7 under Agenda Item 8.4.2.

37. In this regard, the SPTA considered, in its October 2004 meeting, that there should be an evaluation of the IPPC and possible long-term funding options before entry into force of the new revised text. This proposal is presented to ICPM 7 in Document ICPM 2005/7 noted above.

38. The CPM may consider that entry into force provides an occasion to review and enhance long-term funding of the IPPC.

**(2) Translations**

39. Article XII.5 of the new revised text indicates that the Secretary shall provide translations in the official FAO languages of documentation for meetings and international standards. Article XIX notes that the authentic languages of the Convention shall be all official languages of FAO.

40. In recent years, discussions have identified potential issues relating to the concordance of translated text into the different languages. These issues have arisen both in respect to glossary terms and definitions in the standards and, in a more limited way, with respect to certain elements of the authentic texts of the Convention.

41. Entry into force may provide an appropriate opportunity to consider technical adjustments in translations to ensure consistency and concordance of text. A proposal to this effect is contained both in the Chart in Appendix 1, and in the Decision accompanying this document.

### **(3) Strategic Plan**

42. The ICPM currently has developed and approved a detailed Strategic Plan to guide work under the IPPC. Upon entry into force, the CPM may wish to re-affirm this strategic plan. In any event, certain technical changes will be needed to reflect changed conditions upon entry into force. These are noted in the Chart in Appendix 1.

43. More generally, the CPM may consider that entry into force provides an occasion for a review of the overall strategic plan, taking into account the reports and conclusions of the SPTA and experience under the ICPM.

### **(4) Technical Assistance**

44. There currently are a number of activities under the IPPC in relation to technical assistance. These are reflected in the Strategic Plan, and in other documentation produced for this and previous ICPM meetings.

45. The entry into force of the new revised text provides an occasion to continue and reinforce these efforts. It may be noted in this regard that Article XX (Technical Assistance) is part of the 1997 amendments, and will come into force with entry into force of the new revised text. The CPM may, accordingly, wish to consider whether there are additional opportunities to promote technical assistance activities. It is recommended that the Secretariat, in consultation with the SPTA and the Bureau, identify any possible options in this regard, for consideration at the first meeting of the CPM.

### **(5) Official communications and information exchange**

46. Entry into force of the new revised text provides an important occasion to review approaches for official communication and information exchange in relation to the IPPC (1997). It is recommended that the Secretariat, in consultation with the Bureau, consider whether any further adjustments might be needed to the current approaches in anticipation of entry into force in order to facilitate exchange of information and, if so, to present these as a proposal to the first meeting of the CPM.

## Recommendations on Actions by CPM upon Entry into Force

Action by CPM	Elements of CPM Action
1. Adopt rules of procedure of the CPM (Art. X1.7)	<p><b>Current ICPM approach.</b> The ICPM rules of procedure are in Appendix 2 of the Report of ICPM 1. The Annex (on standard setting procedures) to the ICPM rules of procedure is in Appendix VII of the Report of ICPM 2.</p> <p><b>Needed adjustments.</b> The CPM may wish to use these existing rules of procedure as the basis for its own rules of procedure. If so, the following adjustments should be made:</p> <ul style="list-style-type: none"> <li>• Modify Rule 1 to reflect that only contracting parties to the new revised text may be members of the CPM</li> <li>• Modify various provisions to substitute “CPM” for “ICPM”, and “Commission” for “Interim Commission”, as appropriate</li> <li>• Modify Rule IV to delete the words “in principle”, given that the new revised text states that the chairperson “shall convene an annual regular session of the Commission”</li> <li>• Modify Rule VII.2 (Observers) to delete, in its first line, the phrase “or Members or Associate Members of the Organization”, as those States which are not contracting parties will become observers upon entry into force</li> </ul> <p>In making adjustments, the following should be taken into account:</p> <ul style="list-style-type: none"> <li>• Rule VII.4 is based on the current situation that the FAO Conference is the governing body of the IPPC (but has delegated tasks to the ICPM). Consideration should be given to whether this provision should be modified once the CPM is established.</li> <li>• Rule IX (Subsidiary Bodies) currently indicates, <i>inter alia</i>, that membership in subsidiary bodies shall come from the “Interim Commission”. Changing this to “Commission” will have a potentially significant impact on membership in subsidiary bodies.</li> <li>• As indicated by Article X1.7 of the new revised text, the Rules of Procedure “. . . shall not be inconsistent with [the] Convention or with the Constitution of FAO.”</li> </ul> <p><b>Optional adjustments.</b> Other changes could also be made to reflect the recommendations of SPTA, or in light of experience gained under the IPCM.</p> <p><b>Note on Terms of Reference.</b> With the disappearance of the ICPM, its Terms of Reference (page 30, Procedural Manual 2004) will no longer have effect. The CPM may decide to operate on the basis of the new revised text, without adopting Terms of Reference. If, however, it wishes to adopt Terms of Reference using the approach of the ICPM, the following adjustments will be needed:</p> <ul style="list-style-type: none"> <li>• Revise paragraph 3, or insert a new paragraph, to incorporate all functions given to the Commission under the new revised text (e.g., include Article XXI as well as Article XI)</li> <li>• Ensure that paragraph 4 is consistent with the corresponding provision on membership contained in the CPM Rules of Procedure (see Rule 1, noted above)</li> </ul>
2. Adopt institutional arrangements and procedures for adoption of standards (Art. XI.2(b))	<p><b>Current ICPM approach.</b> The ICPM has established a number of arrangements and procedures for the adoption of standards. They include:</p> <ul style="list-style-type: none"> <li>• Improvements in the current standards setting process (Appendix IX, Report of ICPM 6)</li> <li>• Fast-track standard setting process (Appendix X, Report of ICPM 6)</li> <li>• Other Considerations on Standard Setting Procedures (<i>see</i> ICPM 2 Report, Appendix VII)</li> <li>• Establishment of Procedures for Identifying Topics and Priorities for Standards (Report of ICPM 4, Appendix XIV)</li> <li>• Rules for Directed Financial Assistance for Standard Setting (Sponsorship of Standards), (Report of ICPM 4, Appendix 11)</li> <li>• Topics and Priorities for Standards (under continuing review)</li> <li>• Others that may be adopted by the ICPM (e.g., at ICPM 7 or subsequent sessions)</li> </ul>

	<p><b>Needed adjustments.</b> The CPM may wish to adopt and re-affirm these arrangements and procedures. If so, the following adjustments will be needed to the various documents:</p> <ul style="list-style-type: none"> <li>• Modify various provisions to substitute “CPM” for “ICPM”, as appropriate</li> <li>• Ensure that any cross-references to subsidiary bodies correspond to the decisions made by the CPM regarding subsidiary bodies (e.g., the role of the SPTA, etc.)</li> </ul> <p><b>Optional adjustments.</b> Other changes could be made to the standard setting procedure to reflect recommendations of the Standards Committee, or in light of experience gained under the ICPM.</p>
<p>3. Establish rules and procedures for the resolution of disputes, in accordance with Art. XIII (Art. XI.2(c))</p>	<p><b>Current ICPM approach.</b> The rules of procedure on dispute settlement of the ICPM are in Appendix IX of the Report of ICPM 2)</p> <p><b>Needed adjustments.</b> If the CPM wishes to adopt this approach, the following adjustments are needed:</p> <ul style="list-style-type: none"> <li>• Substitute “CPM” for “ICPM” in: paragraphs 6 and 7 under “General Considerations”; the second and third paragraphs under “Expert Rosters”; the first paragraph under “Enhancing Participation . . .”; and the final paragraph under “Format . . . “</li> </ul> <p><b>Optional adjustments.</b> Other changes could also be made, e.g., in line with documents produced by ICPM Subsidiary Body on Dispute Settlement. These are discussed in paras. 30-33, above.</p>
<p>4. Establish such subsidiary bodies as may be necessary (Art. XI.2(d))</p> <ul style="list-style-type: none"> <li>• See also paras. 21-26, above</li> </ul>	<p><b>Current ICPM approach.</b> The ICPM has established a number of standing and <i>ad hoc</i> bodies. They include:</p> <ul style="list-style-type: none"> <li>• Standards Committee (SC-25)</li> <li>• Standards Committee expert group (SC-7)</li> <li>• Subsidiary Body on Dispute Settlement (SBDS)</li> <li>• Glossary Working Group</li> <li>• Strategic Planning and Technical Assistance Working Group (SPTA)</li> <li>• Expert Working Groups</li> <li>• Technical Panels</li> <li>• Informal Working Group on Liaison with Research and Educational Organizations</li> </ul> <p>The updated rules of procedure and terms of reference for these bodies are being compiled into the (forthcoming) Procedural Manual 2005. In addition, the various rules and procedures relevant to the SBDS and the dispute settlement system of the new revised text are attached as appendices to the Manual on Dispute Settlement developed by the SBDS.</p> <p><b>Needed adjustments/actions.</b> The CPM may wish to establish or re-constitute these bodies on the basis of their existing rules of procedure and terms of reference. If so, the following adjustments will be needed:</p> <ul style="list-style-type: none"> <li>• Substitute “CPM” for “ICPM” in various provisions, as appropriate</li> <li>• The CPM should also be prepared, at its first session, to decide on officers and members of the subsidiary bodies, taking into account a decision (if made) that membership will be open only to contracting parties.</li> <li>• In the Terms of Reference for Standards Committee, revise Rule 1 to indicate that the Standards Committee is established by the CPM (assuming this is the case)</li> </ul> <p><b>Optional adjustments.</b> The CPM may wish to consider whether other adjustments should be made to the overall system of subsidiary bodies used by the ICPM, or to individual bodies as appropriate, in light of experience gained under the ICPM.</p>
<p>5. Adopt guidelines regarding recognition of RPPOs (Article XI.2(e))</p>	<p><b>Current ICPM approach.</b> The ICPM guidelines regarding the recognition of RPPOs are found at Appendix XIV of the Report of ICPM 2.</p> <p><b>Needed adjustments.</b> The CPM may wishes to adopt these. If so, the following adjustments are needed:</p> <ul style="list-style-type: none"> <li>• Substitute “CPM” for “ICPM” in paragraphs 1, 3 and 4</li> </ul>

<p>6. Commission shall elect its Chairperson and no more than two Vice-Chairpersons (Article XI.9)</p>	<p><b>Current ICPM approach.</b> The ICPM elects its chairperson and vice-chairpersons in accordance with Rule II of the ICPM Rules of Procedure. These Rules of Procedure reflect Article XI.9 of the new revised text; in addition, they specify that Officers must be from “Members” of the ICPM.</p> <p><b>Needed action.</b> As the ICPM effectively disappears upon entry into force, and the CPM will have a different membership than the ICPM, the CPM will need to elect its chairperson and vice-chairpersons in line with Article XI.9 and its Rules of Procedure. It may wish to re-elect the individuals having those positions at the time of entry into force assuming (if required under the CPM Rules of Procedure) that they are from Members of the CPM.</p>
<p>7. International Standards</p> <ul style="list-style-type: none"> <li>• See also paras. 27-29, above</li> </ul>	<p><b>Current ICPM approach.</b> The ICPM has adopted a number of ISPMs under the current procedures.</p> <p><b>Needed adjustments.</b> Certain technical adjustments should be made to these ISPMs to correspond to the situation in place upon entry into force. These include the following:</p> <ul style="list-style-type: none"> <li>• Substitute “CPM” for “ICPM”, unless not appropriate to context (e.g., where the standard is describing historical actions taken by the CPM)</li> <li>• Harmonize references to the IPPC, as appropriate to the context, to reflect the fact that the new revised text has entered into force</li> </ul> <p><b>Optional adjustments/actions.</b> The CPM may also consider that entry into force is an appropriate time to make other, technical adjustments to promote consistency among standards, taking into account the evolution of standards over time. These might include:</p> <ul style="list-style-type: none"> <li>• Technical adjustments to definitions or other text contained in the standards to promote consistency between the standards, taking into account the evolution of standards over time</li> <li>• Technical adjustments to address issues of translation (see discussion of translation, below)</li> </ul> <p>The ICPM may wish to request the Standards Committee, in coordination with the Glossary Working Group and Secretariat, to develop proposed adjustments for consideration at the first meeting of the CPM.</p>
<p>8. Translation matters</p>	<p><b>Current ICPM approach.</b> In accordance with the Convention, the Secretariat provides translations of ISPMs. See Article XI.5. In addition, the Glossary Working Group considers issues of translation as they relate to definitions of terms used under ISPMs. The actual text of the new revised text of the IPPC is authentic in the official languages of FAO.</p> <p><b>Optional adjustments/actions.</b> The CPM may wish to consider further action to address questions and issues regarding the translation of the IPPC and/or its standards. In this regard, and in anticipation of entry into force, it is recommended that the Secretariat coordinate a process to:</p> <ul style="list-style-type: none"> <li>• Prepare a proposal/procedure, in accordance with international law and practice, to make any needed translation adjustments to the authentic language versions of the Convention in order to ensure concordance among them</li> <li>• Prepare any needed technical adjustments to translations of glossary terms and definitions contained in ISPMs.</li> </ul>
<p>9. Financial Matters</p>	<p><b>Current ICPM approach.</b> The current approach to funding is described in various papers produced for the ICPM. In addition, Document ICPM 2005/7 presented under Agenda Item 8.4.2 of ICPM 7 sets forth a recommendation for a two-stage approach to evaluate long-term funding options to enhance the financial basis of the IPPC.</p> <p><b>Optional adjustments/actions.</b> The CPM may wish to consider whether further action should be taken to enhance the funding basis of the IPPC, in light of options for long-term funding.</p>
<p>10. Strategic Plan</p>	<p><b>Current ICPM approach.</b> The current proposed strategic plan is set forth under Agenda Item 8.6 of ICPM 7.</p> <p><b>Optional adjustments/actions.</b> The CPM may wish to consider whether to carry out a review of the Strategic Plan, and consider any revisions in light of experience gained, on the occasion of the entry into force of the new revised text.</p>
<p>11. Technical Assistance</p>	<p><b>Current ICPM approach.</b> The current activities on technical assistance are described in various documents presented to the ICPM, and in the Strategic Plan. Article XX (Technical Assistance) of</p>

	<p>the new revised text also relates to this item.</p> <p><b>Optional actions:</b> The CPM may wish to consider whether there are additional opportunities to provide technical assistance on the occasion of entry into force. It is recommended that the Secretariat, in consultation with the SPTA and the Bureau, identify possible options in this regard that could be considered at the first meeting of the CPM.</p>
12. Official communications and information exchange	<p><b>Current ICPM approach.</b> Current approaches on information exchange are noted, among other places, in Appendix XV of the report of ICPM-3.</p> <p><b>Needed adjustments.</b> The terminology used in the context of information exchange and official communication will need to conform to the situation upon entry into force. For example:</p> <ul style="list-style-type: none"> <li>• “CPM” will need to be inserted for “ICPM” (e.g., on the IPPC internet site, etc.)</li> <li>• Adjustments will need to be made, as appropriate to the context, to indicate that the new revised text has, in fact, entered into force.</li> </ul> <p><b>Optional adjustments/actions.</b> The CPM may wish to consider adjustments to official communications, information exchange and use of contact points under the IPPC, in order to facilitate exchange of information.</p>

Table 1

The following are Contracting Parties to the IPPC that have not deposited their instrument of acceptance of the new revised text (reflecting the 1997 amendments)

Austria	Bahamas	Bahrain
Belgium	Belize	Bhutan
Bolivia	Brazil	Bulgaria
Burkina Faso	Cambodia	Colombia
Dominican Republic	Ecuador	Egypt
El Salvador	Equatorial Guinea	Ethiopia
Finland	France	Germany
Greece	Grenada	Guatemala
Guinea	Guyana	Haiti
India	Indonesia	Iran (Islamic Republic of)
Iraq	Ireland	Israel
Italy	Jamaica	Japan
Lao, People's Democratic Republic	Liberia	Libyan Arab Jamahiriya
Luxembourg	Malaysia	Mali
Malta	Panama	Paraguay
Philippines	Poland	Portugal
Solomon Islands	South Africa	Sri Lanka
St. Kitts & Nevis	St. Lucia	Sudan
Suriname	Switzerland	Thailand
Togo	Trinidad & Tobago	Turkey
Venezuela	Yemen	Zambia

Notes and other relevant information may be found on the IPPC internet site at [www.ippc.int](http://www.ippc.int)

Table 2

The following are FAO Members and non-member States that have not become Contracting Parties to the IPPC

Afghanistan	Andorra	Angola
Antigua and Barbuda	Armenia	Belarus
Benin	Botswana	Brunei Darussalam
Burundi	Cameroon	China
Comoros	Democratic Republic of the Congo	Djibouti
Dominica	Fiji	Gabon
Gambia	Georgia	Guinea-Bissau
Iceland	Kazakhstan	Kiribati
Kuwait	Lesotho	Liechtenstein
Madagascar	Maldives	Marshall Islands
Micronesia, The Federated States of	Monaco	Mongolia
Mozambique	Myanmar	Namibia
Nauru	Nepal	Niue
Palau	Qatar	Rwanda
Samoa	San Marino	Sao Tome and Principe
Singapore	Slovakia	Somalia
Swaziland	Tajikistan	The Democratic Republic of Timor-Leste
Tonga	Turkmenistan	Tuvalu
Uganda	Ukraine	United Republic of Tanzania
Uzbekistan	Vanuatu	Viet Nam
Zimbabwe		



Table 3

The following are Contracting Parties to the IPPC that have deposited their instruments of acceptance of the new revised text (reflecting the 1997 amendments) on the date indicated

<b>Participant</b>	<b>Acceptance</b>
Albania	29 July 1999
Algeria	10 March 2003
Argentina	5 April 2000
Australia	13 June 2000
Azerbaijan	18 August 2000
Bangladesh	24 November 1998
Barbados	10 August 1998
Bosnia and Herzegovina	30 July 2003
Canada	22 October 2001
Cape Verde	21 December 2004
Central African Republic	27 October 2004
Chad	15 March 2004
Chile	19 August 2004
Congo	14 December 2004
Cook Islands	2 December 2004
Costa Rica	23 August 1999
Côte d'Ivoire	17 December 2004
Croatia	14 May 1999
Cuba	18 February 2002
Cyprus	11 February 1999
Czech Republic	4 April 2001
D.P.R. of Korea	25 August 2003
Denmark	8 July 2002
Eritrea	6 April 2001
Estonia	7 December 2000
Ghana	1 December 2004
Honduras	30 July 2003
Hungary	28 June 2001
Jordan	13 March 2002
Kenya	10 September 2003
Korea, Republic of	9 November 2000
Kyrgyzstan	11 December 2003
Latvia	5 November 2003
Lebanon	27 March 2002
Lithuania	12 January 2000
Malawi	14 June 2004
Mauritania	29 April 2002
Mauritius	13 December 2000
Mexico	28 June 2000
Moldova	25 January 2001
Morocco	8 February 2000
Netherlands	27 August 2001
New Zealand	22 June 1999
Nicaragua	3 November 2004
Niger	18 November 2003
Nigeria	2 September 2003
Norway	29 February 2000
Oman	28 January 2000
Pakistan	1 September 2003
Papua New Guinea	15 January 1999
Peru	22 March 2000
Romania	21 January 1999
Russian Federation	16 January 2002
Saudi Arabia	7 August 2000
Senegal	4 January 2002
Serbia and Montenegro	19 November 2004
Seychelles	14 December 2004
Sierra Leone	15 April 2002
Slovenia	16 November 2000
Spain	5 June 2000
St. Vincent and the Grenadines	15 November 2001
Sweden	7 June 1999
Syria	5 November 2003
The Former Yugoslav Republic of Macedonia	9 August 2004
Tunisia	8 February 1999
United Arab Emirates	5 January 2005
United Kingdom	18 March 2004
United States of America	2 October 2001
Uruguay	12 July 2001

Notes and other relevant information may be found on the IPPC internet site at [www.ipcc.int](http://www.ipcc.int).

## Attachment 1

**INTERNATIONAL PLANT PROTECTION CONVENTION****MODEL INSTRUMENT OF ACCEPTANCE OF THE  
AMENDMENTS FOR COUNTRIES ALREADY  
PARTIES TO THE CONVENTION**

The Government of [ **name of country** ] has the honour to refer to the International Plant Protection Convention, done at Rome on 6 December 1951, which came into force on 3 April 1952 and which was revised in 1979, and to inform the Director-General of the Food and Agriculture Organization of the United Nations that [ **name of country** ] hereby accepts the new revised text of the Convention as approved by Resolution 12/97 of the Twenty-ninth Session of the FAO Conference in November 1997, pursuant to Article XIII, paragraph 4 of the Convention, and undertakes to abide by the said revised text of the Convention.

[ Date ]

[Signature by one of the following  
authorities]

- Head of State
- Head of Government
- Minister of Foreign Affairs
- Minister of Department concerned

[ SEAL ]



## INTERNATIONAL PLANT PROTECTION CONVENTION

### MODEL INSTRUMENT OF ADHERENCE TO THE CONVENTION

The Government of [ **name of country** ] has the honour to refer to the International Plant Protection Convention, done at Rome on 6 December 1951, which came into force on 3 April 1952, and to inform the Director-General of the Food and Agriculture Organization of the United Nations that [ **name of country** ] hereby adheres to the aforesaid Convention pursuant to its Article XII, paragraph 2 and undertakes to abide by its provisions.

Furthermore, the Government declares that, [ **name of country** ] accepts the new revised text of the Convention, as approved by Resolution 12/97 of the Twenty-ninth Session of the FAO Conference in November 1997.

[ Date ]

[Signature by one of the following  
authorities]

- Head of State
- Head of Government
- Minister of Foreign Affairs
- Minister of Department concerned

[ SEAL ]