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COMMISSION ON PHYTOSANITARY MEASURES

First Session

Rome, 3 – 7 April 2006

Composition of Working Group and Terms of Reference for Working Group on the Feasibility of the Recognition of Pest Free Areas

Agenda Item 12.8 of the Provisional Agenda

I. Background

1. At its Seventh session in 2005, the Interim Commission on Phytosanitary Measures tasked the Focus Group (FG) with developing the Terms of Reference and composition of a working group to carry out a feasibility study on the international recognition of pest free areas (PFAs).

II. Discussion

2. The FG considered its task and discussed issues surrounding the topic. It agreed that, by identifying what the outcome of the study should contain and what questions it should answer, the Terms of Reference for the working group could be developed.
3. The FG felt that the meaning of the international recognition of a PFA was unclear and that it should be defined.
4. The FG thought that the benefits of an international recognition system needed to be identified. The benefits would include those for importing and exporting countries, developing and least-developed countries, and international trade in general.
5. The role of the IPPC in the recognition of PFAs needed to be investigated. It was thought that the IPPC could be directly involved in the recognition process, could identify the body to carry out the recognition or could certify the results of the recognition process.
6. The FG discussed the recognition system of the World Organization for Animal Health (OIE). It felt that an understanding of the OIE experience would be helpful for the feasibility study and thought that a member of OIE could be invited to the working group meeting.

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7. The role of ISPMs in international recognition of PFAs was discussed. It was uncertain if an ISPM on the subject was needed before any work could be done or if additional pest specific standards would be needed before international recognition could take place.

8. Who would fund the process of international recognition and the costs of such a system were considered. It was thought that there could be several ways to finance the system but the different options and their practicality needed some investigation.

9. The liability and responsibility of the international recognition of PFAs were felt to be key issues. In cases of error, it would be important to know at which stage of the recognition process the fault laid. Assurance and verification could also be important for this reason.

III. Terms of reference for the working group

10. The questions that the FG felt the working group should answer and the issues they deemed to be important were used to construct Terms of Reference (attached as Annex 1).

IV. Composition of the working group

11. The FG felt that the working group should be small and should include a representative from each of the FAO regions, plus the Bureau. The members of the working group should have phytosanitary experience, and knowledge of PFAs and accreditation and auditing systems. It was also felt that an understanding of the OIE experience would be helpful for the feasibility study and that the working group could invite a member of OIE to attend the meeting. The composition of the working group is part of the Terms of Reference, provided in Annex 1.

V. Discussion by the Strategic Planning and Technical Assistance group

12. The report of the FG was considered by the Strategic Planning and Technical Assistance group (SPTA). It had been reported to the SPTA that the expert working group (EWG) on the ISPM for the *Recognition of pest free areas and areas of low pest prevalence* did not know what PFAs had been established and for what organisms. The EWG had felt that before work was conducted on the analysis, a survey should be made and a database created on PFAs. The survey could include recognized areas, size of area recognized, commodity involved, pest involved, authority recognizing the area etc.

13. The SPTA also felt that modifications/additions needed to be made to the Terms of Reference covering economic issues, ecological issues, liability, evidence provided by the supply country and re-accreditation, and the Terms of Reference were amended accordingly.

14. The SPTA discussed the funding of the study in line with the anticipated budget and whether the working group should undertake the study in 2006 or in 2007 (data could be assembled in 2006). Recognizing the needs of the WTO-SPS Committee, the SPTA felt that, by utilizing the international experience of some countries with fruit flies, information could be gathered in 2006 and the feasibility study undertaken in 2007.

15. The CPM is invited to:

1. *Note* the report of the Focus Group (as modified by the SPTA).
2. *Adopt* the terms of reference for the working group as outlined in Annex 1.
3. *Agree* that data on existing PFAs be assembled during 2006 and that depending on the availability of data, the feasibility study be undertaken in 2007.
4. *Agree* that the completed feasibility study be submitted to CPM-3 via the SPTA.

Terms of Reference

Working group on the feasibility of international recognition of pest free areas

The working group is to carry out a **feasibility study** on the international recognition of pest free areas, taking into account legal, technical and economic factors and assess the feasibility and sustainability of such a system.

The study will consider the following elements. The results of the study should be presented in the form of a report. The report should contain clear conclusions and make recommendations.

Legal issues:

- What international recognition of a PFA means.
- Which international organization(s) or individuals could take part in the international recognition process or could provide international recognition of a PFA. If other than the IPPC how would they relate to the IPPC or which role they would play (e.g. IPPC recognized experts, IPPC recognized organizations, other organizations).
- Whether the international recognition body carries any legal responsibility in relation to its international recognition process, what its obligations are in relation to reporting recognition or denial of recognition of a PFA.
- Whether a disclaimer of responsibility can be part of the international recognition process.
- What the obligations of contracting parties to the IPPC will be in regard to an internationally recognized PFA.
- Whether international recognition of PFAs will increase the likelihood of acceptance by contracting parties of the concept of PFAs.
- Whether international recognition of a PFA will reduce undue delays in the recognition of that PFA by trading partners.
- Which organizations or entities can request the international recognition of a PFA, e.g. the NPPO of the exporting contracting party in which the PFA is located (to facilitate exports), the NPPO of the importing contracting party (to recognize a PFA in an exporting country), industry representatives (to facilitate exports and/or imports), the NPPO of the importing contracting party in which the PFA is located (to recognize the PFA in its territory, to justify import requirements), a RPPO on behalf of one or more of its NPPOs.
- Whether liability insurance should be necessary

Technical issues:

- Whether the international recognition of a PFA should result in a statement from the international body that the area is free of the specific pest, or whether it should result in an assurance that the criteria for the establishment and maintenance of a PFA have been applied.
- Whether international recognition of a PFA can only take place if there is a specific ISPM for the establishment and maintenance of a PFA for that specific pest or group of pests.
- Whether, once a PFA has received international recognition, such recognition needs to be renewed on a regular basis, or whether the recognition is valid until the PFA status changes.
- Whether the process of international recognition of PFAs, if such a process is developed, could be applied to areas of low pest prevalence, pest free production sites and pest free places of production.
- Whether a process for the international recognition of PFAs could be put in place for many pests, or only for a limited number of globally relevant pests. If it is determined that such a process could only apply to a limited number of globally relevant pests, what criteria should be used to identify these pests.

- The elements of the international recognition process, including, but not limited to, the assurance and verification procedures and the requirements (including evidence required) to be fulfilled by the country where the PFA is located.
- Whether pest specific ISPMs should recognize that different ecological conditions and associated risk levels may exist in different areas, and therefore the requirements for the establishment and maintenance of the specific PFA may differ. As a result of this, whether the international recognition body should apply judgement in the recognition process.
- Whether there should be specific requirements covering the reinstatement of an area that had lost its are freedom status

Economic issues:

- The benefits and disadvantages of international recognition of a PFA, including, but not limited to:
 - importing countries
 - exporting countries
 - developing and least developed countries (either importing or exporting)
 - market access issues (imports and exports)
 - implementation of the IPPC
 - technical assistance.
- The financial costs of an international recognition system c.f. the current approach of bilateral recognition
- The source(s) and methods of funding for an international recognition system.

Other issues:

- Whether a pilot project, to test the international recognition process for a PFA, would be beneficial. If so, what would the parameters be for such a pilot project, e.g. for a pest for which a pest specific ISPM is available, for a pest for which there are bilaterally recognized PFAs, or for a pest-commodity combination that has international trade significance and for which there is already considerable experience available, etc.

The following areas of expertise should be available in the working group which will carry out the feasibility study:

- general phytosanitary administrative expertise
- knowledge of ISPMs, especially those on PFAs, ALPPs, etc.
- knowledge of operation and maintenance of PFAs in their country
- knowledge of accreditation and audit systems
- legal expertise in phytosanitary issues
- OIE experience in international recognition of PFAs.

Data on existing PFAs (e.g. recognized areas, size of area recognized, recognized by whom, commodity involved, pest involved) should be considered

The expert working group should have 7 members, preferably one from each region, plus 3 Bureau members.