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	منظمة الأغذية والزراعة للأمم المتحدة	联合国 粮食及 农业组织	Food and Agriculture Organization of the United Nations	Organisation des Nations Unies pour l'alimentation et l'agriculture	Продовольственная и сельскохозяйственная организация Объединенных Наций	Organización de las Naciones Unidas para la Alimentación y la Agricultura
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COMMISSION ON PHYTOSANITARY MEASURES

Seventh Session
Rome, 19 - 23 March 2012
Reports of Observers: Ozone Secretariat
Prepared by the Ozone Secretariat\
Agenda item 12.4 of the Provisional Agenda

I. Introduction

1. The Twenty-Third Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer was held in Bali from 21 to 25 November 2011. Decision XXIII/5 from that meeting covered quarantine and pre-shipment uses of methyl bromide.
2. This document provides some background information on how the Montreal Protocol has been addressing the use of methyl bromide for quarantine purposes which is an issue of common interest between the Montreal Protocol and the International Plant Protection Convention. The document attempts to suggest some ways that the two multilateral agreements might work together further, through their Secretariats, to ensure that the Parties are able to share the fullest possible information on alternatives to methyl bromide for quarantine purposes.

II. Background

3. In the late 1980s, scientific reports indicated that methyl bromide used widely as fumigation purposes in agriculture had a high ozone-depletion potential, and thus, posed a threat to the earth's ozone layer. On the basis of further scientific investigation, the Parties to the Montreal Protocol decided in 1992 to amend the Protocol to enable the control of the production and consumption of methyl bromide. Further adjustments of that control schedule over the years have resulted in the establishment of a 2010 deadline for the phase-out of production and consumption of controlled uses of methyl bromide in developed countries, and a 2015 deadline for the phase-out in developing countries.

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4. The Parties to the Montreal Protocol have always expressed a clear understanding of the important role that methyl bromide has played in suppressing the spread of dangerous pest species through international trade. Consistent with that understanding, the Parties to the Montreal Protocol have agreed and maintained an explicit exemption from the Montreal Protocol controls for methyl bromide that is to be used for quarantine and pre-shipment applications.
5. In this context, the Parties to the Montreal Protocol defined quarantine applications with respect to methyl bromide as: treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where: (i) official control is that performed by, or authorized by, a national plant, animal or environmental protection or health authority; and (ii) quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed and being officially controlled. As has been noted in the past, this definition is similar to that used by the International Plant Protection Convention, differing by only one word – “economic”.
6. The concept of pre-shipment applications is unique to the Montreal Protocol. Those applications are defined as treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country. Official requirements are those which are performed by, or authorized by, a national plant, animal, environmental, health or stored product authority.
7. Under the International Plant Protection Convention, the model Phytosanitary certificate from the Guidelines for Phytosanitary Certificates provided in, for example, ISPM 12. 2011 *Phytosanitary Certificates* contains the following optional clause: “They are deemed to be practically free from other pests.” This would relate to any ‘pre-shipment’ applications where a certification is needed to meet commodity shipping requirements.
8. While, as noted above, methyl bromide uses that fall under the quarantine and pre-shipment definitions have been exempt from the specific reduction and phase-out requirements of the Montreal Protocol, the Parties to the Protocol have, for many years, urged member states to strive to use alternatives to methyl bromide wherever feasible, to investigate and develop alternatives, and to reduce emissions associated with methyl bromide fumigation as much as possible through best fumigation practices, recapture, recovery and recycle. In this context, members states have been asked to report various information on quarantine and pre-shipment uses.
9. The Montreal Protocol’s Methyl Bromide Technical Options Committee now estimates that there are alternatives available for 22-30% of the methyl bromide used for quarantine and pre-shipment purposes (2010 Report of the Methyl Bromide Technical Options Committee: 2010 Assessment, page 295 http://ozone.unep.org/Assessment_Panels/TEAP/Reports/MBTOC/MBTOC-Assesment-Report-2010.pdf). Further, many Parties have taken action to cease the use of methyl bromide for quarantine and pre-shipment uses. This includes the European Union which promulgated regulations prohibiting the use of methyl bromide for such uses effective March 2010. Finally, many other Parties are working towards the replacement of methyl bromide in quarantine and pre-shipment uses.

III. Cooperation between the IPPC and the MP

10. In 2004, the Parties to the Montreal Protocol, at their Sixteenth Meeting, requested the Ozone Secretariat to make contact with the IPPC Secretariat. The Parties wished to stress their commitment to the reduction of methyl bromide with specific reference to the International Standard for Phytosanitary Measures (ISPM) 15.2009, *Guidelines for regulating wood packaging material in international trade*, and to exchange information with a view to encouraging the development of alternatives to methyl bromide as a treatment for wood packaging material. At the seventh meeting of the Interm Commission on Phytosanitary Measures (ICPM-7) in 2005, the ICPM noted this decision and several points related to the use of methyl bromide and stressed the importance of cooperation between the Montreal Protocol and the IPPC. During that meeting, several ICPM members requested

that the work on the development of alternatives to methyl bromide be accelerated. The ICPM also encouraged countries to liaise with their appropriate research organizations and to stress the importance and urgency in developing alternatives to methyl bromide for use for quarantine purposes.

11. Since then the two Secretariats have cooperated to keep their respective Parties informed of the relevant decisions and activities of the other Parties. Each Secretariat's representatives have participated in the meetings of the governing bodies of the other treaty when possible. Even when such participation was not possible, the Secretariats communicated to ensure that relevant information and reports were provided to each other on a regular basis to enable appropriate reporting to the governing bodies.

12. The Parties to the Montreal Protocol have long appreciated the cooperation that the IPPC Secretariat has provided on methyl bromide issues. This has included the IPPC Secretariat's review of the document on the definitions of quarantine and pre-shipment under the Montreal Protocol including a comparison with the IPPC definitions, and our collaboration on a brochure on methyl bromide issues that we produced in 2007 at the occasion of the 20th Anniversary of the Montreal Protocol <http://ozone.unep.org/Publications/UNEP-Ozone-Secretariat-MP-Brochure.pdf>. The brochure was well received.

13. In response to IPPC contracting parties raising concerns about replacing or reducing the use of methyl bromide as a phytosanitary measure, an IPPC Expert Working Group on Alternatives to Methyl Bromide was held to develop recommendations on the use of methyl bromide. In 2008, the recommendations were presented to the governing body of the IPPC, the Commission on Phytosanitary Measures (CPM). The recommendations were adopted as the IPPC Recommendation: *Replacement or reduction of the use of methyl bromide as a phytosanitary measure* (Report of the CPM-3 (2008), Appendix 6: [https://www.ippc.int/index.php?id=1110798&frompage=13330&tx_publication_pi1\[showUid\]=202719&type=publication&L=0](https://www.ippc.int/index.php?id=1110798&frompage=13330&tx_publication_pi1[showUid]=202719&type=publication&L=0)). The recommendation encourages contracting parties to put in place a strategy to reduce the use of methyl bromide for phytosanitary measures and/or reduce emissions of methyl bromide. The following areas for possible action were included:

- replacing methyl bromide use
- reducing methyl bromide use
- physically reducing methyl bromide emissions
- accurately recording methyl bromide use for phytosanitary measures.

14. The Chair of the CPM Bureau and the IPPC Secretariat participated in the Montreal Protocol Workshop on Methyl Bromide Uses for Quarantine and Pre-shipment Purposes held in conjunction with the Meeting of the Parties in November 2009 in Port Ghalib. The IPPC Secretariat also assisted and participated in the Technology and Economic Assessment Panel's Quarantine and Pre-shipment Task Force which submitted its report to the Meeting of the Parties in 2009.

15. The Parties to the Montreal Protocol also understand the critical role that the IPPC Secretariat has played in getting the IPPC contracting parties and their stakeholders information on available alternatives to methyl bromide for such important quarantine uses as that related to solid wood packaging. The ensuing efforts by the contracting parties to the IPPC has resulted in the reinstatement of alternatives to methyl bromide treatment being specified as acceptable methods in ISPM 15.

IV. Decision XXIII/5 of the Twenty-Third Meeting of the Parties to the Montreal Protocol, Bali, 21-25 November 2011 (Attachment 1)

16. In paragraph 7 of Decision XXIII/5 taken last year, the Parties request the Ozone Secretariat:

“to consult the Secretariat of the International Plant Protection Convention on how to ensure and improve the exchange of information on methyl bromide uses and alternative treatments between the

Convention and Montreal Protocol bodies and on the systems available to facilitate access to such information by national authorities and private organizations, and to report to the Open-ended Working Group at its thirty-second meeting on the outcome of such consultation and on cooperation in general between the Convention and the Protocol”

17. The Parties to the Montreal Protocol have maintained the quarantine and pre-shipment issue on their agenda over the years and have now requested the Ozone Secretariat to investigate ways to enhance our cooperation and increase information sharing with a view to improving the access of information and methyl bromide treatment and feasible alternatives to our Parties and stakeholders as well as the IPPC Parties and stakeholders. The information to be gathered and exchanged could also include good fumigation practices, recapture, recovery and recycle methods and technologies for emission reduction.

18. Some of the initial ideas for specific actions include the following:

- a) The two Secretariats could continue to exchange documents and reports related to methyl bromide use in quarantine and pre-shipment and alternatives to those treatments.
- b) The two Secretariats could hold meetings (or conference calls) twice a year soon after the meeting of the Commission on Phytosanitary Measures (CPM, the governing body of the IPPC) and the Montreal Protocol Meeting of the Parties to review relevant decisions taken by the respective governing bodies and plan the actions that could be taken, collaboratively and individually in support of those decisions where relevant.
- c) The Ozone Secretariat would like to continue to invite the IPPC Secretariat to participate in the Meetings of the Parties and the Open-ended Working Group as well as any other relevant workshops and seminars that may be organized. Specifically at this time the Ozone Secretariat would like to invite the IPPC Secretariat to:
 - o make a brief intervention on possible modes of cooperation during the discussion of decision XXIII/5 that will take place during the thirty-second meeting of the Open-ended Working Group which will take place in Bangkok, Thailand from 23-27 July 2012.
 - o hold a side event at the Twenty-Fourth Meeting of the Parties to the Montreal Protocol scheduled to be held from 12 to 16 November 2012 in Geneva. Such an event could inform interested Parties about the IPPC and its operation.
- d) The IPPC Secretariat could continue to invite the Ozone Secretariat to participate in the sessions of the Commission on Phytosanitary Measures.
- e) The two Secretariats could explore enhancing the joint participation of technical experts in the technical bodies of both IPPC and the Montreal Protocol.
- f) The two Secretariats could work together to take stock of the information on methyl bromide use for quarantine and pre-shipment purposes and alternative treatment under the Montreal Protocol and the IPPC, organize the information appropriately and establish an on-line system under the websites of the two Secretariats for easy access by the Parties.

19. The Ozone Secretariat would like to formalize the cooperation with the IPPC Secretariat and is proposing the two Secretariats enter into a Memorandum of Understanding (MoU) (Attachment 2).

Attachment 1**Decision XXIII/5 of the Twenty-Third Meeting of the Parties to the Montreal Protocol,
Bali, 21-25 November 2011 on: Quarantine and pre-shipment uses of methyl bromide**

Recognizing the value of developing a strategic view on the use of methyl bromide for quarantine and pre-shipment purposes and the importance of enhancing the data available for that purpose,

Mindful that consistent reporting on methyl bromide consumption for quarantine and pre-shipment purposes would facilitate monitoring and review of quarantine and pre-shipment consumption and uses,

Recalling decision XI/13, and in particular its paragraph 3, requiring each party to provide the Secretariat with statistical data on the amount of methyl bromide used annually for quarantine and pre-shipment applications,

Recalling also the recommendation of the Commission on Phytosanitary Measures of the International Plant Protection Convention on the replacement or reduction of the use of methyl bromide as a phytosanitary measure¹, adopted in 2008, and decisions XX/6 and XXI/10, encouraging parties to the Montreal Protocol to implement that recommendation,

Recalling the definitions of “quarantine” and “pre-shipment” set forth in decisions VII/5 and XI/12 and noting the importance of applying them consistently,

Recalling that under specification 16 alternatives to methyl bromide use for phytosanitary purposes approved by national plant protection organizations are to be submitted under the International Plant Protection Convention,

1. To encourage parties to follow the recommendation of the Commission on Phytosanitary Measures of the International Plant Protection Convention that data on current usage of methyl bromide as a phytosanitary measure should be accurately recorded and collated, including information on the quantities of methyl bromide used in kilograms, a description of the articles fumigated, where appropriate, whether the use was on imported or exported commodities and target pests;
2. To invite parties in a position to do so, on a voluntary basis, to submit information to the Ozone Secretariat by 31 March 2013 on:
 - (a) The amount of methyl bromide used to comply with phytosanitary requirements of destination countries;
 - (b) Phytosanitary requirements for imported commodities that must be met through the use of methyl bromide and to request the Secretariat to forward the information to the Technology and Economic Assessment Panel;
3. To urge parties to comply with the reporting requirements of Article 7 and to provide data on the amount of methyl bromide used for quarantine and pre-shipment applications annually and to invite parties in a position to do so, on a voluntary basis, to supplement such data by reporting to the Secretariat information on methyl bromide uses recorded and collated pursuant to the recommendation of the Commission on Phytosanitary Measures;
4. To encourage parties to consider avoiding requiring multiple treatments of consignments with methyl bromide unless a risk of an infestation with a pest has been identified;
5. To request the Technology and Economic Assessment Panel to provide, for consideration by the Open-ended Working group at its thirty-second meeting, a concise report that:
 - (a) Summarizes data submitted under article 7 of the Montreal Protocol on a regional basis, providing analysis of trends in that data;
 - (b) Provides guidance on procedures and methods for data collection on methyl bromide use for quarantine and pre-shipment for parties that have not yet established such procedures and methods or wish to improve existing ones;
6. To request the Technology and Economic Assessment Panel to provide, for consideration by the Open-ended Working group at its thirty-third meeting, a concise report based on the information provided in accordance with paragraph 2 above;
7. To request the Secretariat to consult the Secretariat of the International Plant Protection Convention on how to ensure and improve the exchange of information on methyl bromide uses and alternative treatments between the Convention and Montreal Protocol bodies and on the systems available to facilitate access to such information by national authorities and private organizations, and to report to the Open-ended Working group at its thirty-second meeting on the outcome of such consultation and on cooperation in general between the Convention and the Protocol;

Attachment 2**PROVISIONAL** (15 March 2012)

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE OZONE SECRETARIAT
OF THE UNITED NATIONS ENVIRONMENT PROGRAMME
AND
THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
ON BEHALF OF
THE SECRETARIAT OF THE INTERNATIONAL PLANT PROTECTION CONVENTION
ON COLLABORATION
ON ISSUES RELATED TO METHYL BROMIDE

This Memorandum of Understanding (herein referred to as the MOU) is concluded between:

The Food and Agriculture Organization of the United Nations (FAO) on behalf of the Secretariat of the
International Plant Protection Convention

(herein referred to as the IPPC Secretariat)

Food and Agriculture Organization of the United Nations,
AGP, Room B-764, Viale delle Terme di Caracalla,
00153 Rome, Italy

and

The Ozone Secretariat of
The United Nations Environment Programme (UNEP)
P.O. Box 30552
Nairobi, Kenya

(hereinafter jointly referred to as the “Parties”)

I. BACKGROUND

1. Methyl bromide as a fumigant is recognised as an important tool for the control of some pests and diseases, particularly quarantine pests of plants and plant-derived materials. In some cases, the quarantine use of methyl bromide is critical for preventing spread of plant pests that could have huge economic and/or environmental consequences. Methyl bromide is also a potent ozone-depleting gas. As a result of these properties, methyl bromide is of particular concern in two multilateral agreements – The Montreal Protocol on Substances that Deplete the Ozone Layer and the International Plant Protection Convention.

The Montreal Protocol on Substances that Deplete the Ozone Layer (MP)

2. The Montreal Protocol aims “to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations and bearing in mind the developmental needs of developing countries”. Typically, this is being achieved through agreed controls on production and consumption of all ozone-depleting substances.

3. Methyl bromide was recognised as an ozone-depleting substance under the Montreal Protocol and control measures for the chemical was included in the Copenhagen Amendment in 1992 under Article 2H of the Protocol. Agreed control measures required Parties to phase out the production and consumption of methyl bromide by 1 January 2005 for developed countries and 1 January 2015 for developing countries. Most countries that use methyl bromide are Parties to the Copenhagen Amendment.

4. Three categories of methyl bromide use are exempted from phaseout under the control measures: use as a chemical feedstock, uses that the Parties to the Montreal Protocol deem ‘critical’ under Decision IX/6 of the Parties to the Protocol subsequent to complete phaseout, and use for quarantine and pre-shipment (QPS). The Parties to the Montreal Protocol are required to provide the Ozone Secretariat statistical data on the annual amount of methyl bromide used for QPS purposes. By a number of decisions taken over the years, Parties are also urged to implement procedures to monitor the uses of methyl bromide for QPS purposes by commodity and quantity.

The International Plant Protection Convention (IPPC)

5. The International Plant Protection Convention is a multilateral treaty established under Article XIV of the FAO Constitution which aims at cooperating on plant protection and health. First drafted in 1929, it entered into force in 1952 and has since then been amended twice. The first amendment to the Convention (1979) came into force in 1991 and the second (1997) in 2005. The Convention is deposited with the Food and Agriculture Organization of the United Nations (FAO) and is implemented through the cooperation of contracting parties and regional plant protection organizations. FAO established the Convention Secretariat in 1992. As of March 2012, the Convention has 177 contracting Parties. Article I, paragraph 1 of the Convention defines its purpose as “...securing common and effective action to prevent the spread and introduction of pests of plants and plant products.”

6. The Convention plays a prominent role in the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) under the General Agreement on Tariffs and Trade (GATT) of the World Trade Organization (WTO). Its role is to encourage international harmonization and elaborate international standards to help ensure that phytosanitary measures are not used as unjustified barriers to trade. The latest amendment to the Convention (1997) reflects its contemporary role, particularly with respect to the relationship of the Convention to the SPS Agreement, and

addresses cooperation and the exchange of information toward the objective of global harmonization and the establishment and use of international standards for phytosanitary measures (ISPMs).

7. In the past, several contracting parties to IPPC had raised concerns about replacing or reducing the use of methyl bromide as a phytosanitary measure. An expert working group on Alternatives to Methyl Bromide was held to develop recommendations on the use of methyl bromide and, in 2008, the recommendations were presented to the governing body of the IPPC, the Commission on Phytosanitary Measures (CPM). The recommendations were adopted as the IPPC Recommendation: Replacement or reduction of the use of methyl bromide as a phytosanitary measure¹. The recommendation encourages contracting parties to put in place a strategy to reduce the use of methyl bromide for phytosanitary measures and/or reduce emissions of methyl bromide. The following areas for possible action were included:

- replacing methyl bromide use
- reducing methyl bromide use
- physically reducing methyl bromide emissions
- accurately recording methyl bromide use for phytosanitary measures.

Based on such recommendations, the Parties have decided to enter into the present MoU, in order to facilitate the implementation of the above recommendations.

II. SCOPE OF COOPERATION

8. The Ozone Secretariat and the IPPC Secretariat have agreed to cooperate as follows:
9. To work with their respective Parties to encourage national-level officials and other stakeholders working on MP and the IPPC issues to cooperate and coordinate more closely to ensure that the objectives of both the MP and IPPC are being met when domestic actions are undertaken in relation to methyl bromide use for quarantine and pre-shipment purposes, and in the lead-up to future decision-making by Parties in both multilateral agreements.
10. To encourage their respective Parties to gather data and information on quantities of methyl bromide used for quarantine and pre-shipment purposes by individual application, identify if there are feasible and approved alternatives for any of those applications, and report such data and information to the Secretariats.
11. To encourage the development of alternatives in quarantine and pre-shipment applications when methyl bromide fumigation is the only phytosanitary measure specified.
12. To encourage the use of alternatives in situations where methyl bromide and an alternative are both recommended for a particular quarantine treatment, and the development of a statement of preference or other guidance for the non-methyl bromide alternative.
13. To promote the best fumigation practice in quarantine treatments with methyl bromide, with emphasis on more efficient methyl bromide use and minimised emissions, while maintaining phytosanitary effectiveness.
14. To encourage the use of methyl bromide recovery and recycling technology, when technically and economically feasible, to reduce emissions of methyl bromide from quarantine treatments without alternatives, until such alternatives are available.
15. To promote and facilitate collaboration between the MP and the IPPC through joint participation of technical experts in the technical panels and committees of both treaties, such as the Methyl Bromide Technical Options Committee, the Technical Panel on Phytosanitary Treatments, and

¹ Report of the CPM-3 (2008), Appendix 6

the IPPC Expert Working Group on Alternatives to Methyl Bromide, to enhance communication and advice consistent with the aims of both agreements.

16. To exchange information and documentation with a view to maximize efficiency and effectiveness in advancing the mutual aims of the treaties, minimizing duplication of effort, and facilitating the national-level coordination and consultation among relevant stakeholders. Such information includes: (i) reports and documents of the relevant technical bodies; and (ii) on the development and review of the methyl bromide related standards.

III. GENERAL PROVISIONS

17. Nothing in this MoU or in any document or arrangement relating thereto, shall be construed as constituting a waiver of privileges or immunities of FAO or UNEP.

IV. SETTLEMENT OF DISPUTES

18. Any dispute between the Parties concerning the interpretation and the execution of this MoU, or any document or arrangement relating thereto, shall be settled by negotiation between the Parties. Any differences that may not be so settled shall be brought to the attention of the Executive Heads of the two Institutions for final resolution.

V. ENTRY INTO FORCE

19. This MOU shall enter into force upon signature by the representatives of the Parties and shall be valid for an initial period of five years, following which the Parties will assess the situation and determine the need for an extension.

VI. AMENDMENTS

20. This Memorandum of Understanding may be modified by the written mutual consent of the Parties, in accordance with their respective rules and regulations. Such amendments shall enter into force on the date of the last signature.

VII. TERMINATION

21. This MOU may be terminated by either of the two Parties upon sixty days written notice given to the other Party, provided that termination shall become effective with respect to any ongoing activities and projects only with the concurrence of both Parties.

Signed on behalf of IPPC Secretariat:

Signed on behalf of Ozone Secretariat:

Yukio Yokoi

Marco A. Gonzalez

Secretary

Executive Secretary

International Plant Protection Convention

Ozone Secretariat

Date: _____

Date: _____