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**Conceptual challenges in standards development in terms of
implementation - Commodity and pathway specific International Standards
for Phytosanitary Measures**

Agenda item 9.3

Prepared by the CPM Bureau members with input from the IC and SC

I. Issues for CPM-13 (2018) discussion

1. During the November 2017 Standards Committee (SC) meeting, members had discussions on how to move forward on International Standards for Phytosanitary Measures (ISPMs) for commodities (for this paper it also includes commodity class), due to the number of issues still remaining, making progress on these types of ISPMs is difficult. These include whether these ISPMs should cover a broad or narrow scope of regulated articles, or whether or not they should include specific requirements for specific pests. The SC is seeking guidance from the CPM-13 (2018) on a number of specific issues related to the development of ISPMs for commodities.

2. The Bureau discussed how to move forward on the development and implementation of ISPMs for commodities and pathways. It was noted that these issues and the actions needed to make progress on the concept, development and implementation of ISPMs for commodities and pathways, as proposed in the draft IPPC Strategic Framework 2020 – 2030. The draft IPPC Strategic Framework's vision is that by 2030 many new ISPMs will have been adopted and implemented for specific commodities and pathways by 2030. It was also hoped that these ISPMs would be, accompanied by appropriate diagnostic protocols and phytosanitary treatments to support their implementation. These ISPMs would provide National Plant Protection Organizations (NPPOs) with ready-made phytosanitary measures, which they may use instead of undertaking their own pest risk analysis or bilaterally negotiating unique treatments for common pests. This should simplify trade and expedite market access negotiations.

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3. In order to facilitate the work on ISPMs on commodities and pathways, the draft IPPC Strategic Framework proposes to:

- Develop a priority list of commodity and pathway specific ISPMs, and secure country and industry commitments to support their development.
- Develop two initial commodity specific ISPMs with accompanying diagnostic protocols, phytosanitary treatments, surveillance methods, and other guidance material, and to adjust the IPPC standard setting procedure and implementation support processes as necessary.
- Undertake an assessment of the critical factors necessary for an NPPO to effectively implement a new commodity ISPM, and the barriers that have to be overcome.
- Evaluate the economic, trade, food security, and environmental benefits delivered by a selection of commodity specific ISPMs after their implementation.

4. While the description of the concept in the draft IPPC Strategic Framework is useful, there are still many questions to be considered around:

- The drivers and potential benefits of commodity and pathway ISPMs for both the importing and exporting country;
- The global benefits of such an approach to facilitate safe trade as globalisation of trade continues to expand;
- The potential impacts of these ISPMs on the sovereign rights of each party and other principles in the SPS Agreement and relevant ISPMs;
- The assessment and application of an appropriate level of protection;
- Accommodating technical justification and principles of pest risk analysis;
- The rights and obligations of importing countries to apply more stringent measures than those in these ISPMs.

5. Commodity and pathway ISPMs will direct the terms and conditions of international trade of goods. This will intersect with commercial (industry's) interests, which will expect to be involved in the development of standards that impact them. This will need to be recognised and processes put in place to define and, where relevant, accommodate these interests and industry's best practices.

II. Introduction

6. The need to shift the focus of standard setting to include developing more *commodity and pathway ISPMs* to the benefit of both importing and exporting countries has been discussed many times in the IPPC. A Working Group on the Concept of a Commodity Standard was convened in 2015 to define the concept and make recommendation to CPM on their purpose and development.

7. The meaningful development of these ISPMs will support the draft IPPC Strategic Framework's objectives of facilitating trade development and protecting the environment. The draft IPPC Strategic Framework foresees that advances in trade facilitation would be made if ISPMs were developed that established a baseline level of risk management for the major pests associated with a commodity or a pathway. Countries would still be free to negotiate measures for pests of concern not covered by the baseline commodity or pathway specific ISPM.

8. During CPM-11 (2016) discussions on the report of the Working Group and considerations by the Strategic Planning Group (SPG), SC and Capacity Development Committee (CDC), the CPM agreed that a ISPM need not be tagged as a particular type, such as a commodity ISPM, but rather focus on defining requirements or guidance for use when harmonizing phytosanitary measures that are appropriate to the effective management of phytosanitary risks that the ISPM is intended to achieve and which is defined in its scope. The CPM also considered that monitoring how the current commodity-type ISPMs evolve and from this, consider merits, challenges and limiting factors for these type of ISPMs, would inform their development and use. This would inform the actions proposed in the draft IPPC Strategic Framework.

9. ISPMs for commodities and pathways are a relatively recent development in the International Plant Protection Convention (IPPC). In recent years CPM has adopted a number of ISPMs for commodities and pathways, including:

- 1) ISPM 15 (*Regulation of wood packaging material in international trade*)
- 2) ISPM 33 (*Pest free potato (Solanum spp.) micropropagative material and minitubers for international trade*)
- 3) ISPM 36 (*Integrated measures for plants for planting*)
- 4) ISPM 38 (*International movement of seeds*)
- 5) ISPM 39 (*International movement of wood*)
- 6) ISPM 40 (*International movement of growing media in association with plants for planting*)
- 7) ISPM 41 (*International movement of used vehicles, machinery and equipment*)

10. The draft ISPMs for the international movement of grain, wood handicrafts and cut flowers and foliage are under development.

11. Among other things, most of these ISPMs provide guidance to NPPOs for conducting pest risk analysis (PRA) and for establishing phytosanitary measures, harmonized to the requirements contained in the ISPM, to help facilitate safe trade. However, not all of these ISPMs include specific requirements that achieve the objective identified by CPM-11 (2016). Indeed, the adoption of ISPM 39 (*International movement of wood*) was the subject of an objection¹ based on the position that it contained no or very few specific requirements, which is considered by some CPs as the key differentiation between an ISPM and an implementation manual. At the same time, discussions at SC and CPM highlighted that broad scope commodity classes would not have specific requirements.

12. In 2016 several topics were submitted in response to the IPPC Secretariat's call for topics. An ISPM on a specific commodity (apples) was proposed as topic and the SC reviewed this proposal and had concerns that the proposed topic would not provide standardized options for the management of major, globally relevant pests and that the topic did not clearly tackle the need for global harmonization. The SC did not recommend this topic to the CPM. Another topic was proposed for an ISPM on '*phytosanitary measures for commodities*' to provide requirements and criteria for the development of commodity ISPMs. However, at CPM-12 (2017), there was an objection to the addition of this topic to the List of topics for IPPC standards. Consensus could not be reached on the relationship of this topic with ISPM 32 and 11, categorization of commodities, and the scope and content of specific commodities standards.

13. As a result of the insufficient clarity over what an ISPM for commodities or pathways should contain, two draft ISPMs were held up at the November 2017 SC meeting because of lack of specific requirements for pest risk management (draft ISPM on *International movement of cut flowers and foliage* (2008-005)), or because requirements were not well understood, considered to be too stringent or not technically justified and introducing new principles and approaches (draft ISPM on *International movement of grain* (2008-007)).

III. Issues for the CPM discussion

14. The SC has discussed the approach by which the current or future ISPMs for commodities and pathways should be addressed. In order to have guidelines that enable progress in a consensual manner, the SC suggested that CPM discuss and provide guidance on the following issues:

- 1) **Do requirements in ISPMs for commodities and pathways replace the need for technical justification?**

¹ <https://www.ippc.int/en/publications/80430/>

15. Can CPM agree on having ISPMs for commodities and pathways with phytosanitary requirements that can be applied based on global agreement between multiple parties and without technical justification? This would need to consider internal obligations in the SPS Agreement and ISPMs

16. Do specific phytosanitary requirements in the ISPMs for commodities and pathways remove the need for PRA? Does the importing country have to do a PRA for additional phytosanitary requirements only? The adoption of ISPM 15 established a minimum standard for the management of pests in wood packaging moving in international trade, with the understanding that any additional requirements would need to be supported by technical justification.

17. ISPMs 33, 36, 38, 39, 40, and 41 (listed above) provide guidance to NPPOs on conducting PRA for the respective commodities and on applying phytosanitary measures for those commodities in a harmonized way. Do these ISPMs meet CPM's expectations for a commodity ISPM or is more needed? What might this look like?

2) Broad or narrow scope of ISPMs for commodities and pathways?

18. Does CPM believe that ISPMs for commodities and pathways should cover broad or narrow scope of regulated articles (e.g. *grain or grain of maize, cut flowers or cut flowers of roses*)? What should be the criteria for the determination of the scope? This would have a lot of impact on the pest lists and types of measures that could be addressed in these ISPMs. Moreover, if narrow scope ISPMs are preferred, should ISPMs be developed for a wide range of regulated articles representing different categories of commodities (Grain: ISPMs of maize, wheat; Cut flowers: ISPMs of roses, chrysanthemum; Fruits: ISPMs for apples, oranges, bananas, etc.) or for a prioritized list of specific commodities and pathways?

3) Pest or quarantine pest in ISPMs for commodities and pathways?

19. Should ISPMs for commodities and pathways include a list of relevant pests and associated requirements? Do these ISPMs need to deal with pests or just quarantine pests (QP)? If ISPMs for commodities and pathways are to include pests, what should be the criteria for their inclusion? Should these ISPMs include generic phytosanitary measures for pest groups to address risk? They could include relevant phytosanitary treatments (Appendix to ISPM 28).

20. If an ISPM for commodities refers to pests, rather than "QPs", would the ISPM fit into the scope of the IPPC?

4) Should ISPMs for commodities and pathways include requirements or obligations for importing countries?

21. Should an ISPM include requirements or obligations for importing countries? This has emerged as an issue in the draft grain ISPM in relation to the diversion from intended use for imported grain, which may change pest risk of the commodity. The management of the diversion is not the responsibility of the exporting NPPO, so should these requirements be included in an ISPM? A number of adopted ISPMs provide guidance on the roles and responsibilities of both importing and exporting NPPOs, so there may already be precedent for this. Under what circumstances, if any, could an importing country demand additional import requirements to address the increased pest risk resulting from possible diversion from intended use instead of taking measures in the importing country to address the intended use? Can the issue of diversion from intended use be dealt with in commodity ISPMs to achieve a balanced approach?

22. The CPM is invited to:

- 1) *Note* that the concept of commodity and pathway specific ISPMs is an objective in the draft IPPC Strategic Framework 2020 – 2030.

- 2) *Agree* the potential benefits of these ISPMs in providing NPPOs with ready-made phytosanitary measures that eliminate the need for comprehensive pest risk assessments or bilaterally negotiated treatments for common pests, to simplify trade and expedite market access negotiations and facilitate safe trade.
- 3) *Consider* the SC request regarding ISPMs for commodities and pathways, discuss this issue and provide clear guidance to the Standards Committee on how to move forward on this concept.
- 4) *Request* the Bureau, with input from the Secretariat, to develop a path forward for ongoing development of the concept and processes for ISPMs for commodities and pathways with reference to the draft IPPC Strategic Framework.
- 5) *Request* the Implementation and Capacity Development Committee (IC) to commission the IRSS to assess the impact of adopted ISPMs in this class and develop a template that captures the most useful elements of guidance to facilitate safe trade.