



## **Dispute Avoidance and Settlement**

### **Implementation and Capacity Development Committee (IC) Sub-group**

#### **Terms of Reference <sup>1</sup>**

##### **1. Purpose**

The IC Sub-group will provide support, guidance and advice on phytosanitary related disputes to the IC and IPPC Secretariat in accordance with the relevant CPM procedures.

##### **2. Duration**

The IC Sub-group will operate until May 2020. Term duration may be lengthened upon agreement by the IC

##### **3. Membership**

The IC Sub-group should consist of 4 to 6 members with combined technical, phytosanitary and if possible legal experience, considering wide geographic representation (including developing country participation)

##### **4. Conflict of interest**

The IC Sub-group will take the necessary measures to avoid any conflicts of interest that may arise from the operations of the IC Sub-group.

##### **5. Tasks**

The IC Sub-group operates under the guidance and supervision of the IC, and serves as a forum to:

###### 5.1 Dispute avoidance:

1. Provide guidance on options for dispute avoidance.
2. Provide support and inputs for the development of advocacy and guidance materials to promote dispute avoidance.
3. Support capacity development activities which promote dispute avoidance.
4. Identify and analyze case studies and lessons learned from publicly available disputes and specific trade concerns to be used in the development of a work plan for dispute avoidance.
5. Provide advice on the actions or ways to promote dispute avoidance procedures.
6. Undertake other functions related to dispute avoidance as directed by the IC.

###### 5.2 Dispute settlement:

1. Oversee the revision of the CPM adopted procedures for dispute settlement, as needed.
2. Review nominations of independent experts based on the relevant CPM procedures and make recommendations to the IC.
3. Provide advice on the actions or ways to promote the dispute settlement procedures.
4. Undertake other functions related to dispute settlement as directed by the IC.

##### **6. Reporting**

The IC Sub-group reports to the IC annually and if necessary, upon request.

##### **7. Rules of Procedure**

The IC Sub-group Rules of Procedure will apply to the IC Sub-group on Dispute Avoidance and Settlement.

##### **8. Amendments**

Amendments to these Terms of Reference, if required, shall be approved by the IC.

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<sup>1</sup> IC Sub-group on DAS TOR approved by IC November 2018