



COMMISSION ON PHYTOSANITARY MEASURES

Fourteenth Session

Rome, 1-5 April 2019

Proposed independent status for the Sea Containers Task Force

Agenda item 11.2

Prepared by the CPM Bureau

I. Background

1. During the 12th Session of the Commission on Phytosanitary Measures (CPM 12; 2017), contracting parties requested the establishment of a Sea Container Task Force (SCTF) for a period of five years and endorsed a related Sea Containers Complementary Action Plan¹. CPM 12 also identified that the SCTF should report to the Implementation and Capacity Development Committee (IC).

2. The SCTF's objective is to facilitate the efficient implementation of the Complementary Action Plan for assessing and managing the pest threats associated with sea containers. The Complementary Action Plan includes the following core activities:

- Measuring the impact of the CTU shipping code through the development of a joint IPPC/IMO/industry protocol for the collection of [relevant] data and monitoring the uptake and implementation of a code of practice for packing of containers through industry reporting and NPPO monitoring;
- Increasing awareness of pest risks of sea containers;
- Providing oversight and governance, including coordinating with industry.

¹ CPM-12 Report - https://www.ippc.int/static/media/files/publication/en/2017/05/CPM-12_Report-2017-05-30_withISPMs.pdf



3. Advancing these objectives requires active engagement by, and strong support from, key industry stakeholders.

II. Current situation

4. Experience gained through operation of the SCTF over the past two years has confirmed that active engagement of industry is vital: both by direct, active participation of key industry representatives within the SCTF, and of broader industry engagement by the SCTF. Ensuring that key industry members have meaningful input into the early stage development of recommendations on mitigating pest risks presented by the movement of sea containers, as well as their involvement in advancing the Complementary Action Plan, will maximise subsequent industry uptake of those recommendations.

5. The SCTF is unique among IPPC groups as any related or resulting CPM decisions will have the potential for immediate and significant industry impacts on what is a very complex and time-sensitive logistics system. For the IPPC community to realise our desired success from the sea container work and receive recommendations that are supported by industry, the implementation of which industry must also support, it is essential that industry is actively and fully engaged in consensus-based development of related recommendations. This is the path to successful, sustained improvement of risk management relating to potential contamination of sea containers by plant pests.

6. While the SCTF may take decisions relevant to its mandate and advancing its objectives, these decisions are limited to this role and, therefore, do not restrict decision-taking by any other IPPC body, e.g., the CPM. Essentially, decisions taken by the SCTF relate only to its mandate as contained in its terms of reference². Such decisions therefore create no restriction on, nor direction of, subsequent decisions taken by other IPPC bodies. The finalisation of decisions relating to sea containers and the IPPC's role with respect to sea containers will rest with the CPM.

7. As the SCTF was established as a sub-group of the IC³, its scope is presently restricted by the IC's Rules of Procedure for IC sub-groups⁴ relating to "decision-taking authority" of members and observers of such sub-groups. Furthermore, FAO recent legal advice has indicated that industry members should not participate in decision-taking within formal FAO bodies.

8. In light of this, a new proposal is now being made to assign independent status to the SCTF so that it is not considered a formal IPPC body. This proposal is being made in order that selected industry and government partners can work together on developing recommendations and advancing the Complementary Action Plan. This approach will maximise the likelihood of strong, ongoing industry support for IPPC work on sea containers. It will not restrict or direct CPM deliberation and decision-taking on any recommendations.

9. The independent nature of this group can be conferred by identifying it as an "Ad Hoc, Independent Shipping Containers Advisory Group" (since these conveyances are most commonly referred to as "shipping containers"), as well as developing a dedicated terms of reference with appropriate content on reporting arrangements. Instead of having a formal reporting relationship that resides directly with any IPPC body, it could report to and be managed and chaired by a national plant protection organization. The use of Secretariat resources to facilitate its work would depend on budget availability (it should be noted in this regard that voluntary contributions targeted towards SCTF work have been made).

10. Recognising the desire for balance between NPPOs and industry participants, and the need to limit the size of the Ad Hoc, Independent Shipping Containers Advisory Group, three industry

² SCTF ToR- <https://www.ippc.int/en/publications/84513/>

³ IC May 2018 meeting report -

https://www.ippc.int/static/media/files/publication/en/2018/06/Report_IC_May_2018_2018-06-07_REV01.pdf

⁴ IC Sub-groups Rules of Procedures - <https://www.ippc.int/en/publications/86147/>

representative bodies are proposed as full members of the independent group, along with the existing NPPO members (Australia, China, Kenya and the United States). These industry bodies are:

- Representative from World Shipping Council (WSC)
- Representative from Global Shippers Forum (GSF)
- Representative from the Container Owners Association (COA)

11. Collectively these three industry bodies represent the full spectrum of sea container logistics activities and they are thus best placed for full membership. Any other industry participants would have observer status only and therefore will not have a role in decision-taking, but would be able to participate fully in discussions and deliberations.

12. Other members would reflect the current membership of the SCTF, so they would include: a representative of: RPPOs, the World Bank, the World Customs Organization, and the International Maritime Organization. Observers may be invited by the members.

13. In order to advance this proposal, in consideration of previous CPM decisions, it is being presented to CPM-14 for their approval.

14. The CPM is invited to:

- 1) *Endorse* the proposal that the SCTF be re-designated as an Ad Hoc, Independent Shipping Containers Advisory Group, to be asked to develop recommendations on mitigating pest risks presented by the movement of sea containers and advance the Complementary Action Plan;
- 2) *Agree* that the Terms of Reference and for this new Independent Shipping Containers Advisory Group should match as closely as possible those for the SCTF, differing only in the independent nature of the new group.
- 3) *Agree* that it will be managed, chaired and reported on by a representative of an NPPO who is also a member of the Bureau and *invite* an NPPO to volunteer for this role as soon as possible;
- 4) *Agree* that the Secretariat will continue to provide a supporting role to the group as long as the required budgetary resources are available
- 5) *Invite* the existing NPPO members of the SCTF to participate as members of the new Independent Shipping Containers Advisory Group.