









IPPC International Symposium Pest freedom guaranties in market access schemes Benefits and challenges

Shizuoka 1 November 2019

Ms. Caroline Boeshertz
European Commission DG TRADE
SPS market access

Dr. Koen Van Dyck
European Commission DG Health & Food Safety
Bilateral International Relations



Outline

- WTO SPS Agreement and IPPC framework
- Open vs closed market access schemes
- EU experiences with PFA and market access
- Way forward for PFA and market access
- Plant health in EU's Free trade agreements



WTO framework

WTO SPS agreement

Article 2.1 – Appropriate level of protection

Article 2.3 - Non-discrimination

Article 2,3 and 5 - Scientific justification

Article 6 - Regional conditions

Article 8 and Annex C – Control, inspection and approval procedures

SPS Committee guidelines on regionalisation

Practical implementation of article 6 to enhance predictability, credibility (e.g. transparency, no undue delay, no discrimination)



IPPC framework

IPPC text (binding)

Article IV.2 - NPPO responsibilities (e.g. PFA)

Article VI – regulated pests

Article VII - requirements in relation to imports

ISPM (4-10-22-26-29-30)

Guidelines on Market access (2013); on Establishing on Maintaining Pest Free Areas, including market access (2019)



Objectives in relation to trade



Facilitate international trade



Market access schemes

Open system

- regulated quarantine pests (e.g. 250 in the EU)
- phytosanitary certificates
- compliance with phytosanitary conditions for regulated pests, based on international standards

Closed system

- regulated pests (or ad hoc series of pests)?
- specific risk assessment by the importing country, before entry, for each origin with specific conditions/measures



Market access – benefits of open system



- High level of plant protection while <u>least</u> <u>trade disruptive</u>: least burdensome, no undue delays for imports (1 day vs up to 10-15 years for closed systems)
- Transparent and predictable: selfassessment by trading partners
- Also <u>beneficial</u> for importing countries as less resource intensive; only further analysis needed in case of numerous interceptions
- Open system implemented by most EPPO Members



Market access – benefits of closed system



- Preventive approach with an intensive analysis of the potential pest risk
- Where based on automatic import licensing system, monitoring of upcoming trade
- Other benefits?



Some success cases (1/2)

- Acceptance of **PFA** established by one EU Member State for *Trogoderma granarium* and *Prosteohanus truncates* for export of rice to an important trading partner -"only" 2 years process
- Acceptance by several trading partners of established
 PFA from Xylella fastidiosa for export of nursing plants after exchange of technical documents.
- **PFA** on *Mediterranean fruit fly, Anoplophora sp and Phythophtora ramorum* accepted by trading partners based on official inspections



Some success cases (2/2)

- **Country freedom** accepted by some trading partners for the following pests: *Striga spp and Curtobacterium flaccumfacians pv flaccumfacians, Synchytrium endobioticum* and *Xylella fastidiosa*.
- Pest free places of production accepted for Orobanche spp for export of carrots
- **Pest free production sites** accepted for sunflower seed for *Alternaria helianthi* and *Phomopsis helianthi* after an inspection by trading partner.



Mixed cases

- EU Member States recognised as country free from certain pests
- However very long process...
- And other EU Member States PFA not yet accepted, despite evidence demonstrating well demarcated and controlled PFA, and no deadline.



Mediterranean fruit fly: a challenging case

Even in case of country freedom:

- cumbersome/expensive testing schemes requested, to show that the pest is not present in the consignments



Enhancing use of PFAs for market access

Better recognition of PFA establishment

- Need better/more specific international standards? On specific pests e.g. top ten most important pests?
- Should contracting parties support IPPC to develop standards on trade with top ten most important commodity and assessment on related pests



Enhancing use of PFAs for market access

Enhance transparency and predictability in market access scheme

- establish a clear and transparent procedure with indicative timeframes, published and made available to applicant countries
- Where delays occur, should remain exceptions and be explained/justified.



Enhancing use of PFAs for market access

- More systematic use of scientific assessment for listing regulated pests

-Recognition of open system in guidelines (IPPC, WTO)



Plant health in EU's Free trade agreements







The European Union

- 28 Countries
- Different structures and and organization of controls
- One policy
- One set of plant health rules
- >500 million of consumers





The European Union



EU's main economic engine. It enables goods, services, money and people to move freely across "EU internal borders".





Responsibilities: imports from non-EU countries

- EU import conditions are equivalent or identical to EU internal market requirements.
- The Member States are responsible for controlling compliance of imports based on harmonized control rules.





Measures should be based on the recommendations of the international standard setting organisations





WTO members can also have a higher level of protection if based on scientific grounds

EU rules are based on solid scientific advice

Measures should reply to the WTO principles

Risk assessment / Science-based

Transparency



Proportionality

Non-discrimination







Objectives of SPS Chapter



Trade facilitation



Problem solving



Food Safety

Collaboration between authorities













Import conditions, import procedures and trade facilitation (1/2)

- Need for adequate information on pest status, surveillance, eradication, containment programmes and results for supporting the pest categorisation;
- Need to establish list of regulated pests and communicate import requirements;
- Audits should not become a permanent measures, alternative verification measures to be explored;
- no import authorisation (license, permit), with exception laid down on IPPC guidelines/recommendations.





Import conditions, import procedures and trade facilitation (2/2)

- Pest risk assessment shall begin promptly and completed without undue delay (SPS plus element);
- Collection of fees for procedures on imported products. Fully compatible with Annex C to the SPS agreement





Adaptation to regional conditions (1/2)

- Parties to recognise the concept of pest free areas, PF places of production, production sites and areas of low pest prevalence in line with IPPC, including the protected zones for their application to trade.
- Parties when establishing import conditions should recognise those zones established by exporting Parties.





Adaptation to regional conditions (2/2)

- Undue delay for completing procedures (SPS plus element);
- Immediate notification for quarantine pest;
- Immediate suspension of export, if requested by importing Party.



Transparency and exchange of information

- Provisions in line with art. 7 SPS and Annex B and C;
- Transparency needed on SPS measures, import conditions, control, inspection and approval procedures including mandatory administrative steps, expected timelines, state of progress of applications;





Electronic certification

- New procedure/policy which aims to:
- Reduce impact on trade;
- Reduce burdensome and human resources at border controls;
- Enhance paperless trade;
- By December 2019 the e-certification will be applied with trade partners which have agreed on sharing data in such form.





Conclusions

- ✓ SPS Chapter in FTAs is both an example of success and progress as well as an area which needs more work
- ✓ SPS work has shown the importance of having **detailed** and clear SPS chapters in FTAs to the benefit of both





Thank you