[PleaseReview document review. Review title: 2021 ICD Draft Specification: Guide Legislation (2018-008). Document title: 2021\_ICD\_DraftSpecification\_GuideLegislatio (2018-008)\_EN.docx]

***[1]*Specification for Development and implementation of regulations and legislation to manage phytosanitary risks on regulated articles for NPPOs, Guide (2018-008)**

***[2]*Status box**

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| ***[3]***This status box is not an official part of the Guide and will be modified by the IPPC Secretariat |
| ***[4]*Topic number**  | ***[5]***2018-008 |
| ***[6]*Title** | ***[7]***Development and implementation of regulations and legislation to manage phytosanitary risks on regulated articles for NPPOs, Guide (2018-008) |
| ***[8]*Type of implementation resource**  | ***[9]***IPPC Guide |
| ***[10]*Date of this document** | ***[11]***2021-04-12 |
| ***[12]*Current document stage** | ***[13]***Draft Specification |
| ***[14]*Major stages completed** | * ***[15]***2019-04: CPM-14 (2019) added this topic to List of Implementation and Capacity Development Topics; priority 1

***[16]***2019-05: Implementation and Capacity Development Committee (IC) lead identified (Mr Chris DALE (AU))* ***[17]***2021-04: draft Specification was updated by the Implementation and Facilitation Unit (IFU) with input from IC lead
* ***[18]***2021-04: Commented by IC though OCS
* ***[19]***2021-05: Comments reviewed of by IC lead
* ***[20]***2021-05: IC approved draft specification for consultation (e-decision 2021\_eIC\_09)
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| ***[21]*Implementation and Capacity Development Committee (IC) lead** | ***[22]***2020-07 IC Mr Chris DALE (AU) |
| ***[23]*IPPC Secretariat lead** | ***[24]***2021-03 IFU Ms Natsumi YAMADA |
| ***[25]*Working Group experts**  | ***[26]*** |
| ***[27]*Notes** | ***[28]*** |

***[29]***

***[30]***1. Title

***[31]***Development and implementation of regulations and legislation to manage phytosanitary risks on regulated articles for NPPOs (2018-008)

***[32]***2. Type of implementation resource

***[33]***New Guide

***[34]***3. Convention articles, ISPMs and CPM recommendations to be addressed by the proposed implementation resource

***[35]***International Plant Protection Convention[[1]](#footnote-1) (Articles I, II, IV, VII: Provisions to manage phytosanitary risks on regulated articles)

***[37]***ISPM 41: *International movement of used vehicles, machinery and equipment*[[2]](#footnote-2)

***[39]***CPM recommendation (R-06): *Sea containers* [[3]](#footnote-3)

***[41]***CPM recommendation (R-09): *Safe Provision of food and other humanitarian aid to prevent the introduction of plant pests during an emergency situation*[[4]](#footnote-4)

***[43]*4. Scope**

***[44]***This guide will describe the framework for NPPOs to develop and implement legislation to manage phytosanitary risks on regulated articles beyond plants and plant products. The regulated articles included are storage facilities, packaging, conveyances (aircraft, vessels etc), shipping containers, soil and any other organism, object or material capable of harbouring or spreading plant pests. The scope of this guide does not include plants and plant products. The guide will provide model legislation and guidance to assist NPPOs to work with border agencies and provide recommendations to harmonize the use of phytosanitary measures across non-commodity regulated articles.

***[45]*5. Purpose**

***[46]***Provide guidance for NPPOs to develop and apply legislation to enable them to manage phytosanitary risks in regulated articles beyond plants and plant products.

***[47]*** In addition provide NPPOs with the necessary guidance to implement the relevant provisions of the Convention. It will further improve global trading systems by harmonising the management and governance of non-commodity regulated articles (including phytosanitary measures). It will encourage and guide NPPOs in working with other agencies within their governments by providing model legislation and frameworks for sharing biosecurity functions with organisations which may not traditionally hold them.

***[48]***The development of guidance, including a generic international model on how to manage risk when using multiple organisations along the import pathway, will minimise risks and promote safe trade.

***[49]***The guide will enhance and improve the understanding throughout contracting parties of the presence, impact and management of contaminating pests. This will involve the development of supporting material for identifying conveyances, potential contaminating pests and their impacts on natural and production ecosystems, management activities and environmental limitations.

***[50]***The guide will also provide procedures, guidance and supporting criteria for regulating non-commodity regulated articles that may not be managed by contracting parties. The implementation resource will not focus on specific regulated articles, however, create a framework for NPPOs to assess and make decisions on how to regulate non-commodity regulated articles and conveyances such as international vessels, shipping containers, international aircraft, airfreight containers, mail articles and international vessel and aircraft passengers.

***[51]***6. Content for proposed implementation resource

***[52]***The proposed guide should include the content based on the outcomes of following tasks:

1. ***[53]***Identify relevant ISPMs, which consider phytosanitary risks on regulated articles, and consider how these ISPMs can be reflected in national legislation
2. ***[54]***Discuss phytosanitary measures currently applied by NPPOs to address phytosanitary risks on regulated articles and consider risk management measures when multiple organizations are associated with the import pathway
3. ***[55]***Identify types of legislation currently applied by NPPOs to address phytosanitary risk on regulated articles
4. ***[56]***Identify challenges in regulating imports of non-commodity regulated articles and discuss how to address these challenges
5. ***[57]***Identify the types of contaminating pests that may be associated with non-commodity regulated articles and discuss possible phytosanitary measures that may be applied to mitigate and manage these risks
6. ***[58]***Develop a draft model legislation and regulations for regulating non-commodity regulated articles that may be adapted for use by an NPPO
7. ***[59]***Identify, prioritise and regulate non-commodity regulated articles and reduce phytosanitary risks on the pathways
8. ***[60]***Identify critical elements and requirements to be included in the above framework
9. ***[61]***Provide guidance to assist NPPOs to implement provisions of the Convention pertaining to regulated articles, considering input from the Sea Container Task Force
10. ***[62]***Provide guidance to NPPOs regarding communicating phytosanitary requirements to exporting countries, as well as best practices for communicating these best practices and posting on country page on the IPP
11. ***[63]***Suggest best practices with respect to working with other border agencies (e.g. Customs)
12. ***[64]***Suggest best practices for non-compliance and emergency action and reporting
13. ***[65]***Provide case studies and examples to enhance the information in the guide
14. ***[66]***Identify existing, relevant technical resources that could be made available on the IPP

***[67]*7. References and supporting materials**

***[68]***Background information for the IPP: Development of the draft ISPM on Minimising Pest Movement by Sea Containers (2008-001) (IPPC Secretariat, 2017) Available at: https://www.ippc.int/en/publications/84267/

***[69]***IPPC factsheet on Sea Container Cleanliness (IPPC Secretariat, 2018), Available at: http://www.fao.org/documents/card/en/c/I8960EN

***[70]***Complementary Action Plan for Assessing and Managing Pest Threats Associated with Sea Containers (IPPC Secretariat, 2017), Available at: https://www.ippc.int/static/media/files/publication/en/2017/07/Complementary\_Action\_Plan\_CPM12.pdf

***[71]***IPPC factsheet on Reducing the spread of invasive pests by sea containers (IPPC Secretariat, 2020), Available at: http://www.fao.org/documents/card/en/c/ca7670en

***[72]***Sea container supply chains and cleanliness (IPPC Secretariat, 2020), Available at: http://www.fao.org/documents/card/en/c/ca7963en

***[73]***Sea Container Surveys (IPPC Secretariat, 2019), Available at: http://www.fao.org/documents/card/en/c/ca7740en

***[74]***Code of Practice for packing of cargo transport units (CTU code) (IMO/ILO/UNECE, 2014), Available at: https://www.worldshipping.org/industry-issues/safety/MSC\_1-Circ\_1497\_-\_CTU\_Code\_Jan\_2015.pdf

***[75]***8. Financial and in-kind contributions

***[76]***This guide will be developed under the FAO “Supporting the implementation of the International Plant Protection Convention (IPPC) (GCP/GLO/025/EC)”.

***[77]***9. Selection criteria for working group experts

***[78]***A working group should be formed to help develop this guide and should be composed of experts with relevant technical and practical expertise in the subject matter and have a wide geographical representation from both developing and developed countries to ensure that the material developed is globally applicable and reflects best practices from all over the world. The following criteria should be used for selecting working group members:

***[79]*** (1) Practical expertise and knowledge in one or more of the following areas

* ***[80]***Developing legislation, regulation and policies to identify, prioritise and manage phytosanitary risks on regulated articles
* ***[81]***Implementing risk management and risk mitigation controls on regulated articles
* ***[82]***Managing phytosanitary import and export systems
* ***[83]***Conducting investigations, coordinating pest notifications, response, and emergency actions in association with contaminating pests

***[84]*** (2) Strong working knowledge of English and ability to formulate ideas and write clearly in English

1. ***[36]*** <https://www.ippc.int/en/publications/131/> [↑](#footnote-ref-1)
2. ***[38]*** <https://www.ippc.int/en/publications/84343/> [↑](#footnote-ref-2)
3. ***[40]*** <https://www.ippc.int/en/publications/84233/> [↑](#footnote-ref-3)
4. ***[42]*** <https://www.ippc.int/en/publications/89314/> [↑](#footnote-ref-4)