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**IPPC Secretariat**

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## 1. Opening of the session

- [1] The Director of the FAO Plant Production and Protection Division, Jingyuan XIA, welcomed participants to the Sixteenth Session of the Commission on Phytosanitary Measures (CPM), and extended a particular welcome to Osama EL-LISSY in his role as the new Secretary of the International Plant Protection Convention (IPPC). Noting that this session was being held in virtual mode for the second time because of the COVID-19 pandemic, the director expressed his hope that the CPM would meet in person in 2023.
- [2] The FAO Deputy Director-General Beth BECHDOL also welcomed the new IPPC secretary and expressed her gratitude to the IPPC community and the IPPC Secretariat (hereafter referred to as “the secretariat”) for their work during the year. She highlighted some of the achievements of the year, thanked donors for their contributions, and emphasized the importance of the “One Health” initiative and of aligning efforts in support of the new FAO Strategic Framework and the IPPC Strategic Framework 2020–2030. She finished by looking forward to the first International Day of Plant Health (IDPH) and the first International Plant Health Conference later in the year, and the opportunity that these events presented for increasing the visibility of work on plant health.
- [3] The IPPC secretary thanked Ms BECHDOL for her support for plant-health work in FAO, Mr XIA for his leadership as IPPC secretary over the last seven years, the secretariat for their work during the transition to a new IPPC secretary, and all those who had contributed to IPPC bodies over the years. He looked ahead to some of the activities in 2022 and commented on the role of the secretariat in supporting the CPM in its collective mission to protect plants against pests, facilitate safe trade and hence, ultimately, feed the world.
- [4] Mr XIA added his thanks for the support of Ms BECHDOL, expressed his gratitude to the IPPC community and the secretariat over the duration of his time as secretary, and wished his successor well as secretary.

## 2. Keynote address by the CPM chairperson

- [5] The CPM Chairperson, Lucien KOUAME KONAN, welcomed participants and thanked Ms BECHDOL and Mr XIA for their opening remarks and continuing support for IPPC work. He welcomed the new IPPC secretary and thanked the acting officer-in-charge for daily matters for his contributions and the secretariat for their support. He welcomed all contracting parties (CPs) and observers, and thanked them for endorsing this virtual session.

## 3. Adoption of the agenda

- [6] The CPM chairperson informed the session that the CPM Bureau had agreed that agenda item 8.8.6 of the provisional agenda be deferred and discussed after item 11.3.

[7] The CPM:

- (1) *adopted* the agenda as modified (Appendix 01) and noted the list of documents (Appendix 02).

### 3.1 European Union statement of competence

[8] The CPM:

- (1) *noted* the Declaration of Competences and Voting Rights submitted by the European Union and its 27 member states.<sup>1</sup>

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<sup>1</sup> CPM 2022/CRP/03.

#### 4. Election of the rapporteur

[9] The CPM:

- (1) *elected* Raymonda JOHNSON (Sierra Leone) as rapporteur.

#### 5. Report from the CPM Bureau on credentials

[10] The CPM chairperson informed the session that, in agreement with the FAO Legal Office and noting the content of Rule III of the General Rules of the Organization on “delegations and credentials” as well as the practice and criteria followed by the Organization with respect to the acceptance of credentials, the credentials submitted by CPs for their participation at CPM-16 (2022) had been assessed by the CPM Bureau. He informed the session that 114 valid credentials had been received (plus two non-valid submissions and one from a country that is not a CP), which was enough to constitute the quorum of a majority of CPM members.

[11] The CPM:

- (1) *noted* the report from the CPM Bureau on credentials.

#### 6. Report from the CPM chairperson

[12] The CPM chairperson presented his report, highlighting some of the key achievements and milestones of the last year.<sup>2</sup> These had included various activities to promote and close the International Year of Plant Health (IYPH), the finalization of several key standards, the management of eight capacity-development projects, the deployment of phytosanitary capacity evaluations (PCEs) in several countries, and the first steps towards operationalizing the IPPC Strategic Framework 2020–2030. This work had involved around 37 different expert and focus groups, subsidiary bodies, panels, teams, governance committees, and ad hoc bodies, each requiring support from the secretariat and representation from contracting parties.

[13] The CPM:

- (1) *noted* the report presented by the CPM chairperson.

#### 7. Report from the IPPC Secretariat

[14] The IPPC secretary presented the 2021 annual report of the IPPC Secretariat,<sup>3</sup> highlighting important achievements in various areas of IPPC work.

[15] The CPM acknowledged with appreciation the work of the secretariat, particularly in relation to the transition to a virtual mode of operation for the continuation of the work of the CPM. Some CPs also called for FAO to increase the number of permanent staff positions in the secretariat.

[16] In various interventions from CPs during the meeting, CPs also took the opportunity to welcome and congratulate the new IPPC secretary on his new appointment.

[17] The CPM:

- (1) *noted* the 2021 annual report presented by the IPPC Secretariat.

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<sup>2</sup> CPM 2022/34.

<sup>3</sup> CPM 2022/37.

## 8. Governance and strategy

### 8.1 Report from the Strategic Planning Group

[18] The chairperson of the Strategic Planning Group (SPG) presented the SPG's 2021 summary report,<sup>4</sup> which highlighted some of the strategically important issues addressed by the SPG at its meeting in October 2021. These included, among other issues, the progress of work of the CPM focus groups and discussions within FAO about One Health. He commented on the record number of participants at the SPG meeting and, looking ahead, emphasized the useful role of the SPG as a forum to discuss progress on the implementation of the IPPC Strategic Framework and other matters of interest to the CPM. He finished by thanking the various focus groups and the secretariat for their contributions.

[19] The CPM:

- (1) *noted* the summary of the 2021 meeting of the IPPC Strategy Planning Group.

### 8.2 CPM authorization for the CPM Bureau to operate on its behalf until CPM-17 (2023)

[20] The CPM chairperson presented a paper setting out proposals for the CPM Bureau to take reasonable decisions on behalf of the CPM until CPM-17 (2023), given the travel restrictions arising from the COVID-19 pandemic.<sup>5</sup> Under the proposals, decisions would be in line with decisions taken at CPM-16 (2022) but may have to extend beyond this because of the abbreviated scope of the CPM-16 agenda. The decisions would be communicated to contracting parties and if no objections were received within two weeks after the decision, the CPM Bureau would be entitled to proceed with the actions resulting from the decision.

[21] Some CPs proposed that the length of the "silent-consent period" be four weeks, as agreed for 2021–2022 by CPM-15 (2021), rather than two weeks. In addition, one CP suggested that, in order to support decision-making and widen the participation of CPs, documents submitted for CPM concurrence through the silent-consent procedure should be provided through formal FAO channels in FAO languages.

[22] The CPM *endorsed* and *supported* the CPM Bureau in:

- (1) *advising* the secretariat on administrative and operational matters necessary to continue advancing the CPM-approved initiatives being carried out by the various IPPC staff, committees, focus groups and working groups;
- (2) *addressing* and *making* any other operational-related decision necessary to ensure the IPPC workplan and CPM agenda are addressed in an efficient and timely fashion, including ensuring that funding is directed to CPM-approved workplan activities, as well as resolving any administrative or procedural issues that may hinder or impede CPM-agreed work activities from progressing;
- (3) *providing* advice and direction to subsidiary bodies to enable them to progress their work; and
- (4) *seeking* CPM concurrence electronically on decisions or issues that the chairperson of the CPM Bureau may consider sufficiently important or sensitive to require CPM awareness and engagement (using a four-week silent-consent procedure).

### 8.3 Framework for Standards and Implementation

[23] The secretariat presented the Framework for Standards and Implementation, which had been updated by the Standards Committee (SC) and Implementation and Capacity Development Committee (IC).<sup>6</sup> As a follow-up from the Strategic Planning Group (SPG), the secretariat had also started to develop a database

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<sup>4</sup> CPM 2022/17.

<sup>5</sup> CPM 2022/19.

<sup>6</sup> CPM 2022/09.

on the International Phytosanitary Portal (IPP) to show the framework content and to streamline the process for compiling and maintaining it.

[24] Some CPs thanked the secretariat for their work on the database and suggested that it could be enhanced by adding a tentative date by which standards and implementation resources would be concluded.

[25] The CPM:

- (1) *endorsed* the updated Framework for Standards and Implementation as presented in Annex 1 of CPM 2022/09;
- (2) *noted* the development of the database to show the content of the Framework for Standards and Implementation as presented in Annex 2 of CPM 2022/09;
- (3) *requested* that the secretariat reflect the content of Annex 1 of CPM 2022/09 and the CPM-16 (2022) decisions in the database and update and maintain the database as needed (i.e. after CPM and after publications are released); and
- (4) *requested* that the secretariat add to the database the date by which outputs are expected to be available.

#### 8.4 IPPC dispute settlement procedures revision

[26] The secretariat presented revised procedures for settlement of disputes, which had been prepared by the FAO Legal Office.<sup>7</sup>

[27] The CPM considered some amendments to the wording of the revised procedures proposed by some CPs in CPM 2022/INF/19, and modifications to these as presented in CPM 2022/CRP/04. The CPM also considered an editorial suggestion to move sections 4.1, 4.2 and 4.3 of the procedures into section 1 (Introduction) and to provide an infographic of the procedures.

[28] A few CPs suggested that the procedures be simplified to provide greater access to the IPPC dispute settlement process to contracting parties, including smaller countries, given the resources required to follow the World Trade Organization process.

[29] Noting that the transfer of the dispute settlement functions to the CPM Bureau was not intended as a permanent arrangement, the CPM recognized the need to consider how best to institutionalize this oversight function on a more permanent basis.

[30] The CPM:

- (1) *adopted* the revised IPPC Dispute Settlement Procedures, subject to the amendments proposed in CPM 2022/INF/19 and CPM 2022/CRP/04 and the inclusion of sections 4.1, 4.2 and 4.3 in section 1 (Introduction) (the final version being as presented in Appendix 03);
- (2) *repealed* all prior IPPC Dispute Settlement Procedures relating to the IPPC, including the 1999 and 2001 Dispute Settlement Procedures and the 2006 Dispute Settlement Manual, these being superseded by the newly adopted IPPC Dispute Settlement Procedure;
- (3) *assigned* the role of the Dispute Settlement Oversight Body to the CPM Bureau; and
- (4) *requested* that the CPM Bureau:
  - consider whether the newly adopted IPPC Dispute Settlement Procedures can be simplified and be more user-friendly (including an infographic of the procedures) to make the process more accessible to all contracting parties,
  - consider how best to institutionalize the oversight function of the Dispute Settlement Oversight Body on a more permanent basis, and
  - present its recommendations and options to CPM-17 (2023).

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<sup>7</sup> CPM 2022/05.

## 8.5 The IPPC Secretariat and One Health

[31] The secretariat presented a summary of discussions held at the SPG meeting in October 2021 on the extent of the involvement of plant health in the One Health approach.<sup>8</sup> The secretariat highlighted the links between this and the IPPC Strategic Framework development agenda item on pest outbreak alert and response systems and also the ongoing work related to antimicrobial resistance.

[32] There was a general consensus among CPs that the secretariat should continue to participate in FAO discussions on the One Health concept, but also a recognition by some CPs that there was, as yet, an incomplete collective understanding among CPs about how plant health is related to the One Health concept, what lies within the scope of the IPPC, and the benefits of greater IPPC involvement with the FAO One Health mission. A few CPs suggested that the SPG therefore devote some time to this issue in October 2022, and that CPs be encouraged to provide discussion papers for the SPG meeting. The CPM noted a project supported by the European Food Safety Authority to collect data on the use of antibiotics and the emergence of antimicrobial resistance in plant pathogenic bacteria.<sup>9</sup>

[33] The CPM:

- (1) *noted* that, as advised by the SPG, the secretariat will continue monitoring and participating in the FAO One Health discussions and reporting back to the SPG and CPM Bureau, while ensuring any work or commitments are strictly aligned with the secretariat's work and strategic priorities; and
- (2) *encouraged* contracting parties to submit discussion papers on One Health to the SPG for more discussion about the role of the IPPC secretariat in the One Health approach.

## 8.6 Adoption of the revision of the Implementation and Capacity Development Committee Terms of Reference and Rules of Procedure

[34] The secretariat presented a paper on proposed revisions to the Terms of Reference and the Rules of Procedure of the IC, which were designed to achieve better alignment with those of the SC and to bring greater clarity.<sup>10</sup> Further to concerns raised by CPs at CPM-15 (2021), the revisions had been discussed by the SPG in October 2021, who had agreed that the representatives on the IC from the regional plant protection organizations (RPPOs) and the SC should be considered as full IC members without the possibility of taking on the role of IC chairperson or vice-chairperson. The SPG had also recommended that the oversight of the IPPC dispute settlement procedure be removed from the IC Terms of Reference (see agenda item 8.4), but dispute avoidance be maintained within the IC mandate.

[35] The CPM chairperson acknowledged the call from one CP for the secretariat and CPM Bureau to continue to consider providing interpretation at IC meetings in order to allow the full participation of CPs, but commented that this would require some thought about how to manage this problem.

[36] The CPM:

- (1) *adopted* the revision of the IC Terms of Reference and Rules of Procedure as presented in Appendix 04 of CPM 2022/04 and *revoked* all previous versions.

## 8.7 Recommendations and report from the Task Force on Topics from the IPPC 2021 Call for Topics: Standards and Implementation

[37] The acting chairperson of the Task Force on Topics (TFT) presented a report on the 2021 Call for Topics: Standards and Implementation, including the TFT's recommendations for consideration by the CPM.<sup>11</sup> He reported that, for one of the submitted topics (*Safe provision of food and other humanitarian aid*

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<sup>8</sup> CPM 2022/13.

<sup>9</sup> CPM 2022/CRP/05.

<sup>10</sup> CPM 2022/04.

<sup>11</sup> CPM 2022/27.

(2021-020)), it had proved difficult to reach a consensus on the best way forward and so the SC, with agreement from the IC, had proposed the establishment of a CPM focus group (see agenda item 9.3.3).

[38] The CPM considered the recommendation to revise International Standard for Phytosanitary Measures (ISPM) No. 26 (*Establishment of pest free areas for fruit flies (Tephritidae)*), with some CPs supporting the revision of ISPM 26 given the economic impact on fruit flies in many countries, but others questioning the usefulness of such a revision given that ISPM 26 had only recently been revised as part of the reorganization of fruit fly standards. The acting TFT chairperson recalled that the SC's intention, in recommending that the topic be progressed as a revision of ISPM 26, had been to allow information that was now out of date because of technological advancements to be transferred to implementation material, which could be kept up-to-date more easily.<sup>12</sup> Given the differing views expressed by CPs, a compromise was reached to include the topic but with priority 2 rather than priority 3.

[39] With regard to topics that the TFT had not recommended, the submitting country for the topic proposal *Requirements for the use of testing laboratories* (2021-012) informed the CPM that it wished to continue to consider how to address the issues raised in the proposal, as it considered that a standard would be beneficial to CPs when laboratories are authorized under ISPM 45 (*Requirements for national plant protection organizations if authorizing entities to perform phytosanitary actions*).

[40] The CPM:

- (1) *adopted* the recommended topics in response to the 2021 Call for Topics: Standards and Implementation as presented in Table 1 of Appendix 05;
- (2) *adopted* the recommended priorities for standards in response to the 2021 Call for Topics: Standards and Implementation, subject to the change of priority from 3 to 2 for the topic *Revision of ISPM 26* (2021-010), as presented in Table 1 of Appendix 05;
- (3) *requested* that the SC and the IC integrate the adopted topics into their respective lists of topics;
- (4) *noted* the TFT's recommendations on SC subjects (for diagnostic protocols) outlined in Table 2 of Appendix 05;
- (5) *encouraged* contracting parties, regional plant protection organizations and other interested parties to provide support to deliver high-priority topics.

## 8.8 CPM focus groups

### 8.8.1 Recommendations and report from the CPM Focus Group on Pest Outbreak Alert and Response Systems

[41] The chairperson of the CPM Focus Group on Pest Outbreak Alert and Response Systems presented a report on the activities of the focus group.<sup>13</sup> The group had drawn up a set of recommendations for the CPM to consider regarding the development, implementation and maintenance of a global Pest Outbreak Alert and Response System (POARS) coordinated by the secretariat. These considerations included a proposal for a new CPM subsidiary body, the POARS Committee, but as this option was costly it was proposed that a steering group would first be set up to advance POARS activities.

[42] The proposals from the focus group generated a lengthy discussion among CPs. Some CPs supported the establishment of an interim steering group, whereas others did not and commented on the budgetary implications and potential overlap with existing initiatives. One alternative suggested was to use the same model as has been used by FAO for fall armyworm (*Spodoptera frugiperda*) and Fusarium banana wilt TR4 (caused by *Fusarium oxysporum* f. sp. *cubense* Tropical Race 4) whereby technical working groups gather information and develop supporting materials for specific emerging pests. No CPs expressed support for a new subsidiary body and one commented on the need to first have stronger support and consensus on the role and focus of IPPC functions on pest response.

<sup>12</sup> SC 2021-11 (focused meeting), agenda item 4.

<sup>13</sup> CPM 2022/36, CPM 2022/INF/22.

- [43] With respect to the development of the global POARS itself, the CPM noted that any global system would need to be aligned with regional systems but that alternative options to the model proposed could include addressing the scope of POARS through FAO regions and RPPOs or trying a regional system before expanding to a global system. The need to secure sufficient funding was raised and concern was expressed that the proposals were moving too far, too fast. Given the synergies between the proposed POARS and national reporting obligations (NROs), some CPs also advocated the use of measures to incentivize CPs to meet their NROs and to report (in future) to the POARS.
- [44] Given the range of views, the CPM chairperson suggested that interested CPs participate in a Friends of the Chair meeting, which took place outside of the session and resulted in revisions to the recommendations for CPM decision and revisions to the draft terms of reference for the POARS steering group.<sup>14</sup> The latter included increasing the number of NPPO representatives and removing the international or regional research-institution representative so that the group comprised those most familiar with the topic. The Friends of the Chair recognized that the terms of reference were not finalized and that the CPM Bureau may wish to make further changes and submit them for CPM approval through the silent-consent process.
- [45] The CPM:
- (1) *thanked* the members of the CPM Focus Group on POARS for their work over the year of the focus group's mandate;
  - (2) *agreed*, as an interim measure, to establish a POARS Steering Group to work on establishing a POARS capability;
  - (3) *agreed* to the POARS Steering Group Terms of Reference in CPM 2022/CRP/07 being revised to reflect the discussions of the CPM and submitted to the CPM Bureau for approval, and *requested* that the secretariat open a call for experts once the bureau has given its approval;
  - (4) *requested* that the Finance Committee consider how to allocate an appropriate level of resources to continue the work on POARS during 2022;
  - (5) *encouraged* CPs to contribute extra-budgetary resources to help fund the POARS workplan; and
  - (6) *invited* the SC to invite the Technical Panel for the Glossary to consider the term “emerging pest” for inclusion in ISPM 5 (*Glossary of phytosanitary terms*) and the suggestion made by the POARS focus group for this definition.

### 8.8.2 Update from the CPM Focus Group on Implementation of the IPPC Strategic Framework 2020–2030

- [46] The chairperson of the CPM Focus Group on Implementation of the IPPC Strategic Framework 2020–2030 Development Agenda Items referred the CPM to a paper giving an update from the focus group.<sup>15</sup> He explained that good progress had been made, but that it had been a very challenging task and would take a few more months to complete. It was anticipated that a draft of the overarching implementation plan would be presented to the CPM Bureau and SPG in late 2022, with a view to proposing it to CPM-17 (2023) for approval. He noted, however, that – as is the case for all plans – the implementation plan would need to be reviewed and adjusted subsequently as time progressed.
- [47] Some CPs expressed their support for the continuation of the work of the focus group, also highlighting the need for a realistic plan for funding and for resource mobilization both among donors and through the core regular funding of the secretariat. One suggestion was to include both an optimal plan and a minimal plan, to allow for a focused discussion with the FAO.

<sup>14</sup> CPM 2022/CRP/07.

<sup>15</sup> CPM 2022/35.

[48] In response to a query, the CPM chairperson and the focus group chairperson clarified that the membership of the focus group had been selected from a call for experts, based on the criteria in the terms of reference, but not all regions had submitted a nomination.

[49] The CPM:

- (1) *noted* the report from the CPM Focus Group on Implementation of the IPPC Strategic Framework 2020–2030;
- (2) *noted* the issues raised in the report for the CPM and the secretariat to consider;
- (3) *agreed* that the focus group should continue to operate until the overarching and integrated implementation plan has been developed and approved by the CPM, and that this is anticipated to be at CPM-17 (2023).

### **8.8.3 Update from the CPM Focus Group on Climate Change and Phytosanitary Issues**

[50] The chairperson of the CPM Focus Group on Climate Change and Phytosanitary Issues presented an update from the focus group.<sup>16</sup>

[51] The action plan received broad support from CPs and Japan informed the CPM of its intention to provide an in-kind contribution towards the secretariat’s work on climate change.

[52] Some CPs suggested that the cooperation and exchange of information on climate change and plant-health matters with the Intergovernmental Panel on Climate Change and other international and regional organizations should be added to the prioritized activities in the action plan. They also suggested that the CPM consider adding a global seminar or webinar on the impacts of climate change on plant health to the programme of the first International Plant Health Conference London in September this year.

[53] The CPM:

- (1) *noted* the update from the CPM Focus Group on Climate Change and Phytosanitary Issues;
- (2) *welcomed* the offer from Japan to provide an in-kind contribution to support the secretariat’s work on climate change;
- (3) *approved* the 2022–2025 action plan for the implementation of the development agenda item “Assessment and Management of Climate Change Impacts on Plant Health”; and
- (4) *requested* that the CPM Bureau review the funds available for delivery of the action plan at its June meeting and report back to CPM-17 (2023).

### **8.8.4 Update from the CPM Focus Group on Communications**

[54] The chairperson of the CPM Focus Group on Communications presented a paper giving an update from the focus group, which outlined the progress made to date towards developing a new IPPC Communications Strategy for the rest of the decade.<sup>17</sup> The group had agreed on four high-level, strategic-communication objectives and had identified the levels of influence and interest of different audiences and stakeholders. However, given the short space of time since the focus group’s first meeting in September 2021, the group had concluded that a one-year extension would be required to allow the necessary input and feedback in order to ensure a robust communications strategy. The focus group would also be taking part in the process of establishing the IPPC annual themes, together with the secretariat and in collaboration with all parties involved.

[55] The CPM:

- (1) *noted* the report of the CPM Focus Group on Communications;

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<sup>16</sup> CPM 2022/14.

<sup>17</sup> CPM 2022/39.

- (2) *encouraged* national plant protection organizations (NPPOs) and RPPOs to contribute to the IPPC Communication Strategy through the focus group members in their region;
- (3) *encouraged* the North America region to nominate a person to join the CPM Focus Group on Communications; and
- (4) *agreed* to postpone the adoption of the IPPC Communication Strategy to CPM-17 (2023).

#### **8.8.5 Update from the CPM Focus Group on Sustainable Funding for the IPPC ePhyto Solution**

[56] The CPM agreed to consider this item under agenda item 14, because of time constraints.

#### **8.8.6 Proposed establishment and draft terms of reference for a CPM Focus Group on Sea Containers**

[57] This item was considered under agenda item 11.3.

## **9. Standard setting**

### **9.1 Report from the Standards Committee**

[58] The SC chairperson presented the report of the SC's activities during 2021.<sup>18</sup> He informed the CPM that progress had been made on more than 50 of the 100 topics on the SC work programme. In addition to this, the SC had rationalized the *List of topics for IPPC standards* and reviewed new topics submitted as part of the 2021 Call for Topics. He referred the CPM to the paper for this agenda item for further details of matters considered by the SC during the year. The SC chairperson commented on the importance of the continued collaboration between the SC and the IC and thanked all those involved in the standard setting process, including Brazil for providing in-kind staff support. He also gave special thanks to the Standard Setting Unit of the secretariat and concluded by hoping for a return to face-to-face meetings, to engender a more productive working environment for the SC.

[59] The CPM expressed its gratitude and appreciation to the SC chairperson, who would shortly be finishing his term of office, for his excellent leadership of the SC.

[60] Some CPs suggested that at least one face-to-face SC meeting be held during 2022, with the same applying to all strategic meetings, such as those of the CPM Bureau and the IC.

[61] The CPM:

- (1) *noted* the report on the activities of the SC in 2021.

### **9.2 Adoption of International Standards for Phytosanitary Measures**

[62] The secretariat introduced the papers for this agenda item, which presented the draft ISPMs proposed by the SC for adoption by the CPM, the diagnostic protocols (DPs) adopted by the SC on behalf of the CPM since the last session of the CPM, and activities related to translation of adopted standards.<sup>19</sup> The summary paper also highlighted the need for a coordinator for the Language Review Group for French.

[63] The secretariat informed the CPM that the deadline for objections specified in the Standard Setting Procedure was three weeks before CPM-16 (2022), namely 17 March 2022, but by that date no objections had been received.<sup>20</sup> The secretariat explained that, according to the procedure, the CPM should therefore adopt the standards without discussion. The secretariat informed the CPM, however, that a statement on two of the draft ISPMs had been received from one CP for consideration by the CPM.<sup>21</sup>

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<sup>18</sup> CPM 2022/30.

<sup>19</sup> CPM 2022/24 (including attachments 01–09).

<sup>20</sup> CPM 2022/INF/15.

<sup>21</sup> CPM 2022/INF/16.

- [64] The CP in question explained its concerns. One was that the necessary differences in requirements between audits conducted by a NPPO in its own territory and audits in an exporting country were not reflected in the draft ISPM on *Audit in the phytosanitary context* (2015-014) and it would be better if these two sets of requirements were described separately. The second related to the draft ISPM on *Commodity-specific standards for phytosanitary measures* (2019-008), which the CP thought did not make clear whether and how the criteria for evaluating the effectiveness of measures would be shared with the CPM for its review and approval. The CP suggested that after the Technical Panel on Commodity Standards (TPCS) has developed the draft criteria, the criteria should be shared with the CPM and perhaps added to the standard as a supplement or annex with a cross-reference in the core text of the standard.
- [65] The CPM noted the concern expressed by the CP regarding the draft audit standard and acknowledged that the relevant subsidiary bodies would consider a possible future review of the standard. The CP confirmed that its statement did not represent an objection and that, given these assurances, it would agree to adoption of the draft audit standard without any change.
- [66] For the draft standard on commodity-specific standards, some CPs expressed the view that it was not intended that the TPCS further develop the criteria for evaluating the effectiveness of measures, as the criteria were already in the draft ISPM and this task was not included in the specification for the TPCS. They suggested that the CPM consider whether a technical update to clarify the text was deemed necessary and, if so, this could be applied as an ink amendment after adoption. The CP that had submitted the statement agreed with these comments and also confirmed that its statement did not represent an objection. The CPM noted the concern expressed by this CP and agreed that an amendment of the standard would be considered by CPM-17 (2023) if a technical update was deemed necessary.
- [67] The CPM:
- (1) adopted ISPM 46 (*Commodity-specific standards for phytosanitary measures*) (2019-008) (Appendix 06);
  - (2) adopted ISPM 47 (*Audit in the phytosanitary context*) (2015-014) (Appendix 06);
  - (3) adopted the focused revision of ISPM 12 (*Phytosanitary certificates*) in relation to re-export (2015-011) (Appendix 06) and *revoked* the previously adopted version;
  - (4) adopted the 2019 and 2020 amendments to ISPM 5 (*Glossary of phytosanitary terms*) (1994-001) (Appendix 06) and *revoked* the previously adopted version;
  - (5) adopted PT 40 (Irradiation treatment for Tortricidae on fruits) (2017-011) as Annex 40 to ISPM 28 (*Phytosanitary treatments for regulated pests*) (Appendix 06);
  - (6) adopted PT 41 (Cold treatment for *Bactrocera zonata* on *Citrus sinensis*) (2017-013) as Annex 41 to ISPM 28 (*Phytosanitary treatments for regulated pests*) (Appendix 06);
  - (7) adopted PT 42 (Irradiation treatment for *Zeugodacus tau*) (2017-025) as Annex 42 to ISPM 28 (*Phytosanitary treatments for regulated pests*) (Appendix 06);
  - (8) adopted PT 43 (Irradiation treatment for *Sternochetus frigidus*) (2017-036) as Annex 43 to ISPM 28 (*Phytosanitary treatments for regulated pests*) (Appendix 06);
  - (9) adopted PT 44 (Vapour heat–modified atmosphere treatment for *Cydia pomonella* and *Grapholita molesta* on *Malus pumila* and *Prunus persica*) (2017-037 and 2017-038) as Annex 44 to ISPM 28 (*Phytosanitary treatments for regulated pests*) (Appendix 06);
  - (10) noted that the SC adopted on behalf of the CPM the following DPs as annexes to ISPM 27 (*Diagnostic protocols for regulated pests*):
    - DP 30 (*Striga* spp.) (2008-009),
    - DP 31 ('*Candidatus Liberibacter*' spp. on *Citrus* spp.) (2004-010);
  - (11) thanked the experts of the groups who drafted the adopted standards for their active contribution to the development of these standards (Appendix 06);

- (12) *requested* that the SC consider the possible changes to ISPM 46 proposed at this meeting and advise CPM-17 (2023) accordingly;
- (13) *acknowledged* that the relevant subsidiary bodies would consider a possible future review of ISPM 47;
- (14) *noted* that the following eleven ISPMs (including seven phytosanitary treatments (PTs)) had been reviewed by the Arabic, Chinese, Russian and Spanish Language Review Groups and FAO Translation services, and that the IPPC Secretariat had incorporated the modifications accordingly and posted the new versions on the Adopted Standards page of the IPP to replace the previous versions:
- ISPM 5 (*Glossary of phytosanitary terms*),
  - ISPM 8 (*Determination of pest status in an area*),
  - ISPM 44 (*Requirements for the use of modified atmosphere treatments as phytosanitary measures*),
  - ISPM 45 (*Requirements for national plant protection organizations if authorizing entities to perform phytosanitary actions*),
  - annexes to ISPM 28 (*Phytosanitary treatments for regulated pests*):
    - PT 33 (Irradiation treatment for *Bactrocera dorsalis*),
    - PT 34 (Cold treatment for *Ceratitis capitata* on *Prunus avium*, *Prunus salicina* and *Prunus persica*),
    - PT 35 (Cold treatment for *Bactrocera tryoni* on *Prunus avium*, *Prunus salicina* and *Prunus persica*),
    - PT 36 (Cold treatment for *Ceratitis capitata* on *Vitis vinifera*),
    - PT 37 (Cold treatment for *Bactrocera tryoni* on *Vitis vinifera*),
    - PT 38 (Irradiation treatment for *Carposina sasakii*),
    - PT 39 (Irradiation treatment for the genus *Anastrepha*);
- (15) *thanked* contracting parties and regional plant protection organizations involved in the Language Review Groups, as well as FAO Translation services, for their efforts and hard work to improve the language versions of ISPMs, including annexes;
- (16) *acknowledged* the contributions of the members of the SC who had left the committee in 2021:
- Estonia, Olga LAVRENTJEVA,
  - France, Laurence BOUHOT-DELDUC,
  - Guinea-Bissau, Luis Antonio TAVARES,
  - Nigeria, Moses Adegboyega ADEWUMI,
  - Sudan, Abdelmoneem Ismaeel ADRA ABDETAM;
- (17) *acknowledged* the contributions of the members of the Technical Panel on Phytosanitary Treatments who had left the panel in 2021:
- Australia, Matthew SMYTH (member),
  - United States of America, Andrea BEAM (member);
- (18) *acknowledged* the contributions of the following member of the Technical Panel on Diagnostic Protocols who had left the panel in 2021:
- Australia, Brendan RODONI (member);
- (19) *acknowledged* the contributions of the members of the Technical Panel for the Glossary who had left the panel in 2021:
- China, Hong NING (member for the Chinese language),
  - European and Mediterranean Plant Protection Organization, Andrei ORLINSKI (member for the Russian language),

- Estonia, Olga LAVRENTJEVA (Steward and member for the Russian language); and
- (20) *expressed* its gratitude to the SC chairperson, Ezequiel FERRO (Argentina), who would soon be finishing his term of office, for his excellent leadership of the SC.

[68] The secretariat presented a paper on proposed ink amendments to adopted ISPMs arising from consistency reviews.<sup>22</sup> Only one such ink amendment had been proposed and the SC had agreed to it.

[69] The CPM:

- (1) *noted* the ink amendment to the definition of the Glossary (ISPM 5) term “area of low pest prevalence” (as presented in Attachment 01 of CPM 2022/18 in English) to avoid redundancy in the term definition;
- (2) *noted* that the ink amendment will be implemented into the language versions of the standard concerned as resources permit; and
- (3) *agreed* that, once the secretariat has applied the ink amendment, the previous versions of ISPM 5 (*Glossary of phytosanitary terms*) are replaced by the newly implemented versions.

### 9.3 Standards Committee recommendations to the CPM

#### 9.3.1 Adoption of the List of topics for IPPC standards

[70] The SC chairperson presented a paper on changes to the *List of topics for IPPC standards*.<sup>23</sup> This listed the modifications to subjects (Glossary terms, DPs and PTs for consideration by the relevant technical panels) that had been made by the SC and proposed the removal of seven topics.

[71] Some CPs suggested that the topic *Criteria for treatments for wood packaging material in international trade* (2006-010) be retained in the list of topics, as it was no longer lacking scientific data following the publication of a relevant scientific paper in January 2022.

[72] The CPM:

- (1) *noted* the adjustments made by the SC to the list of subjects in the *List of topics for IPPC standards* (as presented in Part II of CPM 2022/22);
- (2) *agreed* to retain the topic *Criteria for treatments for wood packaging material in international trade* (revision of ISPM 15) (2006-010);
- (3) *agreed* to remove the following topics from the *List of topics for IPPC standards*:
  - *Efficacy of measures* (2001-001),
  - *Safe handling and disposal of waste with potential pest risk generated during international voyages* (2008-004),
  - *International movement of cut flowers and foliage* (2008-005),
  - *International movement of grain* (2008-007),
  - *International movement of wood products and handicrafts made from wood* (2008-008),
  - *Supplement Guidance on the concept of probability of transfer to a suitable host and establishment as used in a pest risk analysis for quarantine pests* to ISPM 11 (2015-010);
 and
- (4) *adopted* the *List of topics for IPPC standards*, with the above adjustments.

<sup>22</sup> CPM 2022/18.

<sup>23</sup> CPM 2022/22.

### 9.3.2 *Adjustments to the standard setting process to facilitate the development of phytosanitary treatments*

- [73] The secretariat presented a paper proposing adjustments to the standard setting process to facilitate the development of phytosanitary treatments.<sup>24</sup> These adjustments would allow the SC to recommend draft PTs for adoption by the CPM after the first consultation if no significant or major technical comments were made during the consultation, rather than all draft PTs being submitted for a second consultation. The paper identified the proposed changes to the Standard Setting Procedure and the criteria that the SC would use when deciding whether a second consultation was needed.
- [74] Some CPs proposed a modification to the proposed adjustments to clarify that the SC decides for each PT whether a second consultation is needed.<sup>25</sup> The CPM agreed to these amendments.
- [75] One CP suggested that draft PTs for which there are major disagreements and disputed technical parameters are submitted to two rounds of consultation, with verification tests organized when necessary to ensure the scientific nature of the standards. The CP also suggested that a mechanism be established to review PTs and regularly evaluate their application and effectiveness, and that a fast track be established for the approval of ISPM topics to ensure that existing standards can be revised to take account of new technologies where needed.
- [76] Another CP emphasized the importance of transparency in decision-making and suggested that the responses to first consultation comments be published, together with the detailed reasoning for the SC's decisions about whether comments were significant. The secretariat clarified that the responses to consultation comments for all draft DPs and PTs were posted on the IPP (unlike the responses for draft ISPMs, which were reported in SC meeting reports).
- [77] The CPM:
- (1) *adopted* the modified Standard Setting Procedure recommended by the SC, as amended in this meeting (Appendix 07); and
  - (2) *invited* the SC to consider the suggestions made at this meeting.

### 9.3.3 *Discussions on the topic Food and other humanitarian aid in a phytosanitary context and a proposal for the establishment of a CPM focus group*

- [78] The secretariat presented a paper from the SC outlining the discussions within the TFT, SC and IC on the topic "Safe provision of food and other humanitarian aid" (2021-020), which had been submitted in response to the 2021 Call for Topics.<sup>26</sup> Recognizing that the topic was challenging to address as a standard because of the extensive scope of regulated articles to be covered by it, the TFT, SC and IC had considered alternative options but had not been able to reach a consensus. The SC, with the support of the IC, had therefore proposed that a CPM focus group be established to address the barriers to development of the topic as a standard and determine a possible way forward.
- [79] The proposal to establish a focus group received broad support from CPs, with some CPs also expressing support for the future development of a standard.
- [80] Some CPs suggested that, for consistency with the scope of the IPPC, the term "risk" be changed to "pest risk" in the Purpose section of the terms of reference.<sup>27</sup>

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<sup>24</sup> CPM 2022/21.

<sup>25</sup> CPM 2022/CRP/04.

<sup>26</sup> CPM 2022/23.

<sup>27</sup> CPM 2022/CRP/04.

- [81] Some CPs commented on the participants of the focus group, suggesting that the membership be expanded to include representatives from developing countries and that food-aid professionals be invited as invited experts.
- [82] A few CPs suggested that, given the wide support for a standard already expressed by CPs and RPPOs, the focus group should concentrate on establishing the principles and other aspects that a standard should contain, rather than re-analysing the strategic value and benefits of developing a standard, and proposed revisions to the draft terms of reference to this effect, with also a reduction in the focus group's mandate to one year.<sup>28</sup> Another CP suggested that the focus group should also analyse the feasibility of implementing a standard, including the potential impediments and challenges for CPs when trying to comply with one, and that consideration should be given to the focus group having at least one face-to-face meeting.
- [83] Given the various suggestions about the draft terms of reference, the CPM chairperson proposed that interested CPs participate in a Friends of the Chair meeting to discuss these further. This took place outside of the session and resulted in a set of consolidated amendments for the CPM to consider, including changes to the membership and purpose of the focus group.<sup>29</sup> The secretariat confirmed that this focus group, like all others, would be under the remit of the CPM Bureau unless the CPM agreed otherwise.
- [84] The CPM:
- (1) *noted* that several regions and individual NPPOs have supported the need for a standard on the safe provision of food and other humanitarian aid, as demonstrated through the submission of this topic to the 2021 Call for Topics;
  - (2) *agreed* to establish a CPM Focus Group on the Safe Provision of Food and other Humanitarian Aid to discuss the issues and determine a way forward for this topic to be developed as a standard or another option that meets the needs of contracting parties;
  - (3) *approved* the Terms of Reference for the CPM Focus Group on the Safe Provision of Food and other Humanitarian Aid as modified in this meeting (Appendix 08); and
  - (4) *requested* that the secretariat open a call for focus group members.

## 10. CPM recommendations

- [85] The secretariat presented a paper outlining the development of draft CPM recommendations in the work programme.<sup>30</sup>

### 10.1 Adoption of draft CPM Recommendation on *Reduction of the incidence of contaminating pests associated with regulated and unregulated articles to protect plant resources and facilitate safe trade (2019-002)*

- [86] Since CPM-15 (2021), the draft CPM Recommendation on *Reduction of the incidence of contaminating pests associated with regulated and unregulated articles to protect plant resources and facilitate safe trade (2019-002)* had been submitted to consultation and had been revised accordingly. Further to these changes, the CPM Bureau had recommended the draft CPM Recommendation to CPM-16 (2022) for adoption.<sup>31</sup>
- [87] Some CPs suggested that “plant or environmental pests” be changed to “contaminating pests” in recommendation (f), for consistency with the other parts of the CPM Recommendation, and that the

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<sup>28</sup> CPM 2022/INF/20.

<sup>29</sup> CPM 2022/CRP/08.

<sup>30</sup> CPM 2022/06.

<sup>31</sup> CPM 2022/06\_01.

introductory stem to the recommendations be amended to refer to RPPOs being encouraged as well as CPs.<sup>32</sup> The CPM agreed.

[88] The CPM:

- (1) *adopted* CPM Recommendation R-10 (*Reduction of the incidence of contaminating pests associated with regulated and unregulated articles to protect plant resources and facilitate safe trade*) (2019-002) as modified in this meeting (Appendix 09).

## 10.2 Inclusion of any other topics submitted by contracting parties into the CPM work programme

[89] No proposals for new CPM recommendations were made.

## 11. Implementation and capacity development

### 11.1 Report from the Implementation and Capacity Development Committee

[90] The IC chairperson presented the IC's report for 2021.<sup>33</sup> He explained how the work of the IC had continued despite the continuing challenges of the COVID-19 pandemic and highlighted the work of the three IC subgroups and the eight IC teams. He finished by recognizing the dedication of the secretariat's Implementation and Facilitation Unit (IFU), but also signalled his concern about a continued reliance on project contracts for staffing within the unit, observing that retaining staff for a long period is a vital component of the success of an organization.

[91] The CPM recognized the need to increase the awareness and use of IPPC implementation materials, and noted a call to publish all materials in all FAO languages to avoid discrimination. The secretariat informed the CPM of the efforts already being made to address the latter issue and assured CPs of their intention to continue pursuing this.

[92] Some CPs called upon the secretariat to continue to provide adequate support for the IC's work and encouraged CPs, RPPOs and other institutions to provide resources for implementation and capacity development activities.

[93] The secretariat thanked donors for financial and in-kind support.

[94] The CPM:

- (1) *thanked* the following experts:
  - for their contributions to the *Pest status guide*:
    - Guadalupe MONTES (Argentina)
    - Wendy ODGERS (Australia)
    - Nelson LAVILLE (Dominica)
    - Ebenezer ABOAGYE (Ghana)
    - Dominic EYRE (United Kingdom of Great Britain and Northern Ireland)
  - for their contributions to the *Surveillance guide*:
    - Chris DALE (Australia)
    - Ruth AREVALO MACIAS (Chile)
    - Pablo CORTESE (Argentina)
    - Hernan ZETINA (Belize)
    - Robert FAVRIN (Canada)

<sup>32</sup> CPM 2022/CRP/04.

<sup>33</sup> CPM 2022/11.

Magda GONZÁLEZ ARROYO (Costa Rica)

George MOMANYI (Kenya)

Ringolds ARNITIS (Latvia)

Paul STEVENS (New Zealand)

Leroy WHILBY (United States of America)

- for their contributions to the fall armyworm prevention guide (*Prevention, preparedness and response guidelines for Spodoptera frugiperda*):

Chris DALE (Australia)

Tek TAY (Australia – Commonwealth Scientific and Industrial Research Organization)

Mekki CHOUIBANI (Near East Plant Protection Organization)

Viliani (Pila) KAMI (Pacific Plant Protection Organization)

Mariangela CIAMPITTI (Italy)

Valerio LUCCHESI (European and Mediterranean Plant Protection Organization)

Roger DAY (CABI)

Alison WATSON (Grow Asia);

- (2) *noted* the work of the IC and the outcomes of the meetings in 2021;
- (3) *noted* the activities of the IC Subgroup on the IRSS;
- (4) *noted* the current status of the IC Subgroup on Dispute Avoidance and Settlement;
- (5) *noted* the activities of the IC Subgroup Sea Containers Task Force;
- (6) *noted* the activities of the IC Team on National Reporting Obligations;
- (7) *noted* the activities of the IC Team on e-Commerce;
- (8) *noted* the activities of the IC Team on Framework for Standards & Implementation;
- (9) *noted* the activities of the IC Team on Guides and Training Materials;
- (10) *noted* the guides and training materials that were published in 2021;
- (11) *noted* the progress on the development of guides and training materials;
- (12) *agreed* to add the following topics to the *List of implementation and capacity development topics*:
  - the guide to *Performing audits in the phytosanitary context* (2021-009) (agreed under agenda item 8.7),
  - the revision of the guide to *National reporting obligations* (2021-026) (agreed under agenda item 11.2);
- (13) *agreed* to delete the following topics from the *List of implementation and capacity development topics*:
  - *Strengthening pest outbreak alert and response systems*, programme (2017-051) (see agenda item 8.8.1),
  - *Dispute settlement*, revision of procedure (1999-005) (see CPM 2022/05),
  - *Modernization of PCE tool* (2017-052) (see agenda item 11.4),
  - *Sea containers*, programme (2016-016) (see agenda item 11.3),
  - *Plant health surveillance* (2015-015), contributed resource,
  - *Designing plant quarantine laboratories* (2018-013), contributed resource,
  - *Management of plants and plant products carried by entry passengers*, awareness materials (2018-017),
  - *Pest diagnostics* (2016-015),
  - *Pest status*, guide (2017-048),
  - *Surveillance*, revised guide (2017-049),

- *Fall armyworm prevention, guide (2020-010);*
- (14) *noted* the status of the development of the various implementation and capacity development topics;
- (15) *noted* the priority levels assigned to the implementation and capacity development topics;
- (16) *noted* the activities undertaken towards advancing the PCE Strategy 2020–2030;
- (17) *noted* the work of the IC Team on Fusarium TR4;
- (18) *noted* the work of the IC Team on Projects;
- (19) *noted* the work of the IC Team on Web-based resources; and
- (20) *thanked* Olga LAVRENTJEVA (Estonia), the former IC chairperson, for her work and important contributions to the work of the IC.

## 11.2 National reporting obligations

[95] The secretariat presented a summary of the 2021 activities on NROs and the workplan for 2022, including work to oversee NROs activities, provide direct assistance to CPs, and develop the NROs capacity of CPs.<sup>34</sup> The secretariat informed the CPM, however, that the extent to which the workplan could be delivered was dependent on funding being available. The secretariat thanked France for providing an in-kind staff contribution to work partly on NROs.

[96] Some CPs commented on the success of a recent pre-CPM regional workshop and asked whether such type of initiatives could be repeated. The secretariat clarified that they were open to any suggestions about activities that CPs may suggest.

[97] The CPM:

- (1) *noted* the summary of the NROs 2021 activities;
- (2) *noted* the summary of the NROs 2022 workplan;
- (3) *added* the revision of the *Guide to national reporting obligations (2021-026)* to the *List of implementation and capacity development topics* and *noted* that the IC would assign a priority level of 1;
- (4) *noted* the IC's decision to allow IPPC contact points to delete any of their NROs documents on their country page on the IPP, and that while the record would no longer be visible on the country page on the IPP, the data would be archived and be made available only to the generator of the record upon request; and
- (5) *noted* that although NROs activities were unfunded, France will provide an in-kind staff contribution to work partly on advancing the NROs 2022 workplan.

## 11.3 Sea Containers Task Force

[98] The CPM also considered agenda item 8.8.6 under this agenda item.

[99] The chairperson of the Sea Containers Task Force (SCTF) presented a paper outlining the work and outcome of the SCTF, which had completed its mandate and produced its final report.<sup>35</sup> He highlighted the complex logistics of sea-container movements; emphasized that, to be effective, phytosanitary measures (such as a standard) must not negatively impact these movements; and explained that although it is possible to reduce pest risk, it would not be possible to eliminate it. He informed the CPM that although the SCTF had not reached clear conclusions, it had drawn up recommendations on how to progress to reach key decisions, including a proposal for a global workshop to be organized in 2022 with representatives of all stakeholders and a proposal for a focus group to be established. The SCTF chairperson explained that it was advisable for the focus group to be established before the workshop,

<sup>34</sup> CPM 2022/12.

<sup>35</sup> CPM 2022/33; SCTF final report: [https://assets.ippc.int/static/media/files/publication/en/2022/02/Draft\\_SCTF\\_final\\_report\\_21\\_Dec\\_2021\\_Combined\\_EDITED\\_Clean.pdf](https://assets.ippc.int/static/media/files/publication/en/2022/02/Draft_SCTF_final_report_21_Dec_2021_Combined_EDITED_Clean.pdf)

to maximize the participation of focus group members in the workshop. The draft terms of reference for the focus group were provided in the paper for agenda item 8.8.6.<sup>36</sup>

[100] In the interests of time-keeping, the CPM Chairperson suggested that interested CPs participate in a Friends of the Chair meeting to discuss the STCF's recommendations. This took place outside of the session and concluded that the establishment of the focus group should not be delayed and the call for members of the focus group should commence immediately after CPM-16 (2022). The Friends of the Chair also agreed on some amendments to the draft terms of reference for the focus group, based on some amendments proposed by one CP before CPM,<sup>37</sup> but with further revision.<sup>38</sup> The revised terms of reference set the focus group's duration as two years, limited the group's membership to CPs and related officials but with members from all seven FAO regions, and allowed for invited experts to participate as needed. The terms of reference also set the focus group the task of revising the existing CPM Recommendation on *Sea containers* (R-06). Recognizing that industry involvement was essential, the Friends of the Chair also suggested that the CPM consider establishing an industry advisory body through the silent-consent process. The SCTF chairperson also recalled that one point made in the Friends of the Chair meeting was that the CPM needed to be open to industry-led solutions that could be applied in combination with IPPC-specific guidance.

[101] The CPM:

- (1) *noted and approved* the SCTF report;<sup>39</sup>
- (2) *thanked* SCTF members for their work over the five years of the task force's mandate;
- (3) *agreed* with the following SCTF recommendations to CPM-16 (2022):
  - to establish a CPM Sea Container Focus Group (see decision point 7 of this agenda item).
  - to organize a global workshop in 2022 (see Annex 3 of the SCTF final report), provided resources are available, to discuss the outcomes of the SCTF with representatives of all stakeholders involved and to discuss the best way forward. The SCTF further recommended that additional elements be collected for inclusion in the programme of the proposed international workshop.
  - that CPM decisions on guidance and/or other next steps should be deferred until after the 2022 workshop. Such decisions should be based on further analysis of the workshop discussions by the new CPM Sea Container Focus Group. The SCTF expects that this will result in the best-informed decisions being taken.
  - that any guidance on sea containers developed under the auspices of the IPPC Secretariat should include in its scope both empty and packed sea containers, as both types move internationally and both types may be contaminated. When developing guidance, the capacity of NPPOs and all other entities that may be impacted by such guidance should be carefully considered.
  - that the CPM Recommendation on *Sea containers* (R-06), originally adopted in 2017, should be retained and revised, either as an interim approach prior to the development of an ISPM, or as a final approach.
  - to remain alert to advances in modern technology, which may be made rapidly, and to opportunities to apply advanced technological approaches, including new detection methods and artificial intelligence, that may exist in the near or mid-term future.
- (4) *agreed* that the CPM Bureau would have oversight of work of the Focus Group on Sea Containers;

<sup>36</sup> CPM 2022/31.

<sup>37</sup> CPM 2022/INF/21.

<sup>38</sup> CPM/CRP/09.

<sup>39</sup> Sea Containers Task Force report (posted on the IPP in English only): [www.ippc.int/en/core-activities/capacity-development/capacity-development-committee/ic-sub-group/ic-sub-group-sea-container-task-force-sctf/sctf-final-report](http://www.ippc.int/en/core-activities/capacity-development/capacity-development-committee/ic-sub-group/ic-sub-group-sea-container-task-force-sctf/sctf-final-report)

- (5) *noted* the following SCTF recommendations to contracting parties and their NPPOs:
- Contracting parties are encouraged to collect data to better define the pest risk and to help measure the uptake of the Code of Practice for Packing of Cargo Transport Units (CTU) Code. Contracting parties are also encouraged to establish/execute sea container surveys according to the IPPC Guidelines on Sea Container Surveys for NPPOs and to submit the survey results to the IPPC Secretariat.
  - Contracting parties are encouraged to contact their national customs counterparts with the aim to explore what ongoing activities and experience are available at national level so that a consolidated approach could be proposed on the ways for potential collaboration between the World Customs Organization and the IPPC Secretariat on this topic.
  - Contracting parties should engage with their national contact points for the International Maritime Organization to support the inclusion of sea container cleanliness among criteria in the International Maritime Organization inspection programmes for CTU.
  - Collaboration and coordination between all border agencies should be undertaken to avoid duplicative and redundant activities, including inspections, compliance and enforcement systems. Border management activities should be risk-based and driven by data. This is in line with the World Trade Organization Trade Facilitation Agreement.
  - Contracting parties are encouraged to conduct a national feasibility study with their national customs counterparts, in order to identify the way forward on how the World Customs Organization Data Model could be used for exchanging information on the cleanliness status of sea containers.
  - Contracting parties are called on to provide input during the process of revising the CTU Code.
- (6) *noted* the following SCTF recommendations to all stakeholders:
- Raising awareness should continue and effective communication will be essential. All players within the chain of custody should be engaged so that the reason and the purpose of the approach applied can be easily understood. Large-scale importers should be engaged in discussions. The most significant challenge for future dissemination programmes will be ensuring that the advice and material developed reaches the many small- and medium-sized entities throughout the containerized supply chain, including those that are responsible for the packing and unpacking of sea containers.
  - The entire text of the CTU Code could be reviewed to make responsibilities and relevant actions clearer and better described along the CTU chain of custody. The language of the proposed amendments should take into account the status of the revised CTU Code: mandatory versus voluntary. This should result in a version of the CTU Code that could be used as an independent document for the management of pest risks. The SCTF recommends that the IPPC Secretariat submits comments and recommendations to this revision.
  - Phasing out of containers with wooden floors and replacing them with either composite containers or steel-floor containers is expected to reduce the risk of contamination and facilitate effective cleaning, and should be explored further.
  - Industry organizations represented on the SCTF recognized the role their respective memberships could play in helping reduce the risk of pest contamination of sea containers. As the work of the SCTF drew to a close, a number of ideas and proposals were identified by each of the organizations, and it is understood that joint discussions to assess and develop these are expected to take place after the Final Report of the SCTF is submitted. These various ideas addressed the roles and responsibilities of different parties in the supply chain, the extent to which container cleanliness could be “verified”, and methods for raising awareness of the risks of contamination and the means of reducing them. The SCTF encourages the organizations concerned to keep the CPM informed of developments.
- (7) *agreed* to establish a CPM Focus Group on Sea Containers and *approved* the terms of reference for it as modified in this meeting (Annex 1 of CPM 2022/CRP/09);

- (8) *requested* that the secretariat open a call for focus group members;
- (9) *agreed* to *support* the establishment of an industry advisory body on sea containers and to have its chairperson and a second representative from it as members of the focus group; and
- (10) *invited* the sea container industry to draft terms of reference for the industry advisory body and submit these to the secretariat.

#### 11.4 Phytosanitary capacity evaluations

[102] The secretariat presented a paper on PCE activities in 2021,<sup>40</sup> including the development of a procedure for certifying PCE facilitators, the production of a confidentiality agreement for PCE observers, plans for a desk study, and discussions about the IC Team on PCEs becoming an IC subgroup.

[103] The CPM recognized how PCE can help countries to improve their phytosanitary systems, including their legal frameworks, and suggested that PCE be implemented in additional countries. A conference room paper (CPM 2022/CRP/02) was submitted jointly by a number of CPs with suggestions regarding the proposed changes to the PCE tool and its implementation to support greater flexibility and access and to enable more CPs to benefit from the PCE.

[104] The CPM recognized the need to ensure that the forthcoming desk study would be independent, impartial and allow all CPs to provide input.

[105] Some CPs suggested that the training course for PCE facilitators should not start until after the desk study has been completed, so that it can accommodate the findings of the study.

[106] The CPM:

- (1) *noted* the Procedure for a PCE Facilitator Certification agreed upon by the IC;
- (2) *noted* that work will begin to develop a PCE facilitators training course (2017-052);
- (3) *noted* the confidentiality agreement for representatives from international organizations and donors participating in the IPPC PCE process as observers;
- (4) *noted* that a desk study on PCE will be undertaken to help identify ways to improve PCE (modules, platform, process, accessibility, lite version);
- (5) *noted* that some of the activities identified in the PCE Strategy 2020–2030 have been implemented and that this strategy will be updated once the results of the desk study to improve PCE has been completed;
- (6) *noted* that the IC is considering establishing an IC Subgroup on PCE, which would replace the existing IC team; and
- (7) *agreed* that the management of PCE should be more intrinsically embedded in the secretariat's activities and consideration should be given to allocating regular-programme funds to the management and improvement of PCE.

#### 11.5 Implementation Review and Support System

[107] The secretariat presented a paper summarizing the preferred options for transitioning the Implementation Review and Support System (IRSS) from being funded by single donors through several projects into a more sustainable system.<sup>41</sup> The proposed changes included changing the name of the system to “IPPC Observatory”, narrowing its scope and allocating baseline funding.

[108] Some CPs, while supporting the proposals, suggested that monitoring of the implementation of the convention, ISPMs and CPM Recommendations be part of every second three-year workplan, rather than every 3–5 years.

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<sup>40</sup> CPM 2022/20.

<sup>41</sup> CPM 2022/26.

[109] The CPM considered the proposal to allocate annual baseline funding for the observatory (to cover the fixed costs, including costs for a full-time post, consumables and supplies, and amounting to USD 185 000 per year) from regular-programme funds. The CPM acknowledged, however, the current underfunding of some secretariat activities and therefore recognized the need to ensure that the funding for the observatory could be sourced without compromising other secretariat activities.

[110] The CPM recognized that the management structure for the observatory was a matter for decision by the secretariat, rather than the CPM.

[111] The CPM:

- (1) *approved* the change of the name of the “Implementation Review and Support System” (IRSS) to “IPPC Observatory” and *requested* that the IC rename the IC subgroup accordingly;
- (2) *agreed* to narrow the scope of the IPPC Observatory by releasing the “support function”, which means that this system will be limited to providing recommendations on ways to address implementation issues identified;
- (3) *requested* that the Finance Committee, with support from the secretariat, consider allocating USD 185 000 per year from the secretariat’s regular programme as baseline funding to cover the fixed costs of the IPPC Observatory (with additional funding to cover studies and surveys to be mobilized from other sources such as the Multidonor Trust Fund, projects and in-kind contributions), with the condition that such funding should not compromise other secretariat activities;
- (4) *requested* that the secretariat consider the management structure of the IPPC Observatory and that the IC and the secretariat, subject to the allocation of baseline funding, take the necessary actions to enable the effective operationalization of the observatory;
- (5) *agreed* that the IPPC Observatory would contribute to monitoring the achievements of the objectives outlined in the IPPC Strategic Framework 2020–2030;
- (6) *approved* the following five guiding principles for the IPPC Observatory: 1) transparency, 2) impartiality and independence, 3) usefulness, 4) driven by a workplan and based on set terms of reference and 5) continuous improvement based on feedback;
- (7) *agreed* that the IPPC Observatory would have a three-year workplan and a three-year communication plan approved by the IC and updated annually as necessary;
- (8) *agreed* that monitoring, evaluation and learning is a part of the IPPC Observatory;
- (9) *requested* that the IPPC Observatory improve the design of surveys and set up an efficient periodic mechanism (in every second three-year workplan) to monitor the implementation of the convention, ISPMs and CPM Recommendations; and
- (10) *encouraged* contracting parties to contribute to the funding of the IPPC Observatory.

## 11.6 Projects managed by the IPPC Secretariat

[112] The secretariat presented a paper on the eight projects managed by the IFU in 2021, each being in line with the strategic objectives of the IPPC.<sup>42</sup>

[113] Some CPs expressed their appreciation for the work of the secretariat in developing the table on the IPP listing the implementation and capacity development topics, in response to a suggestion made at CPM-15 (2021).

[114] The CPM:

- (1) *noted* the transparency and compliance with IC procedures for projects managed by the IFU;
- (2) *noted* the synergies with the IC, and the resulting efficiency, when IFU manage implementation and capacity development projects in order to deliver global outputs following IC procedures;

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<sup>42</sup> CPM 2022/07.

- (3) *noted* the efforts to create synergies between the *List of implementation and capacity development topics*, all under the guidance of the IC, and the outputs of the implementation and capacity development projects with which the IFU is involved;
- (4) *noted* that the deliverables from implementation and capacity development projects are listed in the IFU annual workplan; and
- (5) *noted* that the staff involved in the delivery of projects are presented in the IFU staff list.<sup>43</sup>

## 12. Financial report and budget

### 12.1 IPPC Secretariat financial report 2021

[115] The secretariat presented its financial report, detailing the resources available in 2021 from FAO's regular-programme budget, extra-budgetary and in-kind (non-financial) sources.<sup>44</sup> The secretariat explained that the contributions to the IPPC Multidonor Trust Fund had been 15 percent lower than in 2020 but the reduction had been offset by lower expenditure on travel (as a result of the pandemic) and the virtual mode of CPM-15 (2021). In December 2019, the FAO Council had decided to increase the regular-programme funding to the secretariat, but the secretariat's programme of work was constantly expanding and so the secretariat encouraged CPs to continue to contribute and thanked those who had contributed in 2021.

[116] The CPM welcomed the confirmation from the Republic of Korea that it would be contributing USD 160 000 to the Multidonor Trust Fund and would specify the use to which this should be put following consultation with the secretariat.

[117] The CPM also welcomed the confirmation from Canada that it would be providing CAD 190 000 to the Multidonor Trust Fund towards three projects: CAD 100 000 to support the sea containers workshop in 2022, CAD 40 000 towards the IRSS studies on risk-based border management and e-commerce, and CAD 50 000 towards the IPPC workshop on sustainable funding for the ePhyto (Electronic Phytosanitary Certificate) Solution.

[118] The CPM:

- (1) *noted* the financial report of the IPPC Secretariat for 2021;
- (2) *adopted* the financial report for 2021 of the IPPC Multidonor Trust Fund (Special Trust Fund of the IPPC) as presented in CPM 2022/40;
- (3) *encouraged* contracting parties to contribute to the IPPC Multidonor Trust Fund (Special Trust Fund of the IPPC) and IPPC Projects, preferably on an ongoing basis; and
- (4) *thanked* contracting parties that had contributed to the secretariat's programme of work in 2021.

### 12.2 2021 IPPC Secretariat workplan and budget

[119] The secretariat presented the workplan and budget of the secretariat for 2022.<sup>45</sup> This incorporated the increase in regular-programme funding from FAO, which would remain for the 2022–2023 biennium, and the lower amount of travel because of the pandemic. The secretariat explained that the workplan and budget were linked with the IPPC Strategic Framework 2020–2030 and incorporated all parts of the secretariat and all types of funding.

[120] Some CPs suggested that the CPM, in its conclusions of this meeting, express its appreciation for the FAO increased contribution in 2021–2022 from the FAO regular programme and call on the FAO to maintain this increased level of contribution on a permanent basis.

<sup>43</sup> IFU staff list: [www.ippc.int/en/publications/85686](http://www.ippc.int/en/publications/85686)

<sup>44</sup> CPM 2022/40.

<sup>45</sup> CPM 2022/28.

[121] The CPM:

- (1) *approved* the 2022 IPPC Secretariat workplan and budget; and
- (2) *expressed* its appreciation to FAO for its enhanced contribution to the IPPC secretariat and *called upon* FAO to make this funding level permanent.

### 13. Update on emerging-pest activities

[122] The secretariat presented a paper on the IPPC activities carried out in 2021 in relation to emerging pests.<sup>46</sup> These included activities to help address two pests of primary concern for the IPPC community: fall armyworm and Fusarium banana wilt TR4.

[123] The CPM acknowledged the work on these two emerging pests and commended the secretariat for creating an IC Team on Fusarium banana wilt TR4. Contracting parties noted, however, that other pests may also merit attention as emerging pests. Suggestions made by CPs included ‘*Candidatus Liberibacter asiaticus*’, *Spodoptera exempta*, and the causative agent of potato purple top disease. The secretariat suggested that CPs submit these comments to the new POARS Steering Group, once it has been established, and the CPM Bureau and Finance Committee could then consider the suggestions received when planning the work on specific emerging pests.

[124] The CPM:

- (1) *noted* the current IPPC Secretariat activities on emerging pests;
- (2) *invited* CPs and RPPOs to submit suggestions to the POARS Steering Group (once established: see agenda item 8.8.1) on other pests to be considered for inclusion in IPPC Secretariat activities on emerging pests;
- (3) *agreed* to promote the use of the global materials for prevention, preparedness and response for fall armyworm and Fusarium banana wilt TR4 developed under the auspices of the IPPC Secretariat; and
- (4) *agreed* to encourage contracting parties, NPPOs, RPPOs and stakeholders to participate actively in webinars, workshops and activities related to emerging pests.

### 14. Update on ePhyto activities

[125] The CPM also considered agenda item 8.8.5 under this item.

[126] The secretariat presented a paper on ePhyto activities, together with a verbal update.<sup>47</sup> The secretariat showed a map of those countries that were registered with the ePhyto Solution, those that were testing it, and those that were exchanging ePhytos. The secretariat informed the CPM that interest in, and usage of, the ePhyto Solution was increasing, with the number of ePhytos exchanged now being more than two million and close to a thousand people participating in the webinars on ePhyto organized by the secretariat. Progress was being made on translating the ePhyto Solution into FAO languages, and very soon there would be an Arabic version of the Generic ePhyto National System.

[127] With respect to the CPM Focus Group on Sustainable Funding for the IPPC ePhyto Solution, the secretariat explained that, following a call for experts, the CPM Bureau had selected eight members, although no nominations had been received from three of the seven FAO regions: Africa, Near East, and Latin America and the Caribbean. The group’s first meeting will be on 27 April 2022.

[128] A few CPs shared their experience of the ePhyto Solution, commenting on how it can reduce the incidence of fraudulent phytosanitary certificates, save time, and facilitate data management and hence decision-making, and how particularly beneficial it has been during the COVID-19 pandemic. The CPM

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<sup>46</sup> CPM 2022/10.

<sup>47</sup> CPM 2022/32.

acknowledged, however, that some countries can experience difficulties because of inadequate infrastructure (e.g. poor internet connectivity or lack of computers at border points).

[129] The CPM:

- (1) *noted* the results of the 2021 ePhyto Solution work programme;
- (2) *encouraged* all contracting parties intending to do so to register for and on-board the ePhyto Solution;
- (3) *urged* all contracting parties currently doing so to continue to provide support to the IPPC ePhyto Solution through the Multidonor Trust Fund;
- (4) *encouraged* all contracting parties to support the efforts of the Focus Group on Sustainable Funding for ePhyto; and
- (5) *noted* the update about the CPM Focus Group on Sustainable Funding for the IPPC ePhyto Solution.

## 15. International Year of Plant Health legacies

### 15.1 Update on the first International Plant Health Conference

[130] The secretariat presented a paper giving an update on the first International Plant Health Conference.<sup>48</sup> This confirmed that, following the postponement of the conference because of the COVID-19 pandemic and the withdrawal of Finland as the host country, the conference had been rescheduled and would now be held in the United Kingdom of Great Britain and Northern Ireland on 21–23 September 2022, with FAO as a co-host. It had not proved possible to implement the decision by CPM-15 (2021) to give oversight of the conference to the Technical Advisory Board (TAB) of the IDPH in 2022, because of the late adoption of the IDPH itself and the consequential postponement of the establishment of the IDPH TAB by one year. This situation had also forced the two events – the conference and the IDPH – to take place at two different times during 2022 (May and September).

[131] The CPM discussed the opportunity to keep the oversight of the International Plant Health Conference with the IDPH TAB, once established in 2023, and agreed to continue holding the two events separately to maximize participation and outreach.

[132] The United Kingdom looked forward to welcoming CPM colleagues to London for the conference in September.

[133] The CPM:

- (1) *noted* the paper on the first International Plant Health Conference;
- (2) *thanked* the United Kingdom for hosting the first International Plant Health Conference and Finland, Ireland, the Republic of Korea and the European Union for providing financial support for the event;
- (3) *agreed* that the Technical Advisory Board of the IDPH (once established in 2023: see agenda item 15.2) should have oversight of the International Plant Health Conference in future, and that the conference and the IDPH should be kept separate;
- (4) *agreed* that the IPPC Secretariat and the United Kingdom continue planning for the International Plant Health Conference in September 2022 through an *ad hoc* Organising Committee, ensuring broad participation and inclusion for the IPPC community; and
- (5) *encouraged* IPPC contracting parties to support the International Plant Health Conference.

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<sup>48</sup> CPM 2022/15.

## 15.2 Update on the International Day of Plant Health

[134] The secretariat presented a paper on the IDPH, together with a verbal update.<sup>49</sup> The secretariat informed the CPM that, on 29 March 2022, the United Nations General Assembly had adopted a resolution proclaiming 12 May as the IDPH. The first IDPH would take place in virtual mode and a draft concept note for this event had been annexed to the paper. The paper also referred to the suggestion of the International Steering Committee of the IYPH that the former IYPH Technical Advisory Board be transformed into the IDPH Technical Advisory Board.

[135] The CPM thanked Zambia for tabling the proposal at the United Nations for the establishment of the IDPH and Zambia, in turn, thanked everyone who had supported this initiative.

[136] The CPM recognized the value of there being some degree of harmonization between CPs and regions in how they celebrate the IDPH, for instance by having a common theme, so that they can celebrate it effectively.

[137] The CPM:

- (1) *noted* the update on the IDPH; and
- (2) *agreed* to delay the establishment of the Technical Advisory Board of the IDPH by one year (to CPM-17 (2023)).

## 16. External cooperation

### 16.1 Update on international cooperation

[138] The secretariat presented a report highlighting the main cooperative activities with international organizations, research and academic organizations, and RPPOs in 2021.<sup>50</sup>

[139] The CPM:

- (1) *noted* the report on the 2021 international cooperation activities.

### 16.2 Written reports from international organizations

[140] The following international organizations provided written reports:<sup>51</sup>

- Biological Weapons Convention;
- CAB International (CABI);
- Europe-Africa-Caribbean-Pacific Liaison Committee (COLEACP);
- European Food Safety Authority;
- International Forestry Quarantine Research Group;
- International Olive Council;
- Joint FAO/International Atomic Energy Agency Centre of Nuclear Techniques in Food and Agriculture;
- Ozone Secretariat for the Montreal Protocol on Substances that Deplete the Ozone Layer;
- Phytosanitary Measures Research Group;
- Standards and Trade Development Facility;
- Postal Security Group of the Universal Postal Union;

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<sup>49</sup> CPM 2022/16.

<sup>50</sup> CPM 2022/29.

<sup>51</sup> CPM 2022/INF/03, CPM 2022/INF/04, CPM 2022/INF/05, CPM 2022/INF/06, CPM 2022/INF/07, CPM 2022/INF/08, CPM 2022/INF/09, CPM 2022/INF/10, CPM 2022/INF/11, CPM 2022/INF/13, CPM 2022/INF/14, CPM 2022/INF/18.

- World Trade Organization.

[141] The CPM:

- (1) *noted* the written reports from international organizations and *thanked* them for their contributions to plant health.

## 17. IPPC network activities

### 17.1 Report on technical cooperation among regional plant protection organizations

[142] The chairperson of the thirty-third Technical Consultation among Regional Plant Protection Organizations (TC-RPPOs) presented the report of the meeting, which had been held in virtual mode in three sessions, in October and November 2021 and February 2022.<sup>52</sup> Among the issues considered at the meeting had been the request and dossier submitted by the Economic Community of West African States (ECOWAS) to become the eleventh RPPO. The TC-RPPO had reviewed the submission following the agreed procedure and with guidance from the FAO Legal Office, but had not been able to reach a consensus on whether ECOWAS fulfilled the required criteria. Nevertheless, the majority of the RPPOs had stated on record that ECOWAS met the minimum criteria and hence the TC-RPPOs had recommended to CPM-16 that ECOWAS be recognized as an RPPO.

[143] Earlier in the session, in anticipation of this agenda item, the CPM chairperson had suggested that interested CPs participate in a Friends of the Chair meeting to discuss the ECOWAS submission. This took place outside of the session but, despite lengthy discussions, was not able to reach a consensus. The CPM therefore agreed to return to the matter later in the session.

[144] Later in the session, the CPM chairperson informed the CPM that, following a series of consultations between ECOWAS and many of its stakeholders and partners in the intervening period, ECOWAS had decided to postpone further discussion on their submission until CPM-17 (2023) to give time for further internal dialogue and development of a collective plan. On behalf of the IPPC community, the IPPC Secretary thanked the parties concerned and looked forward to continuing the secretariat's active engagement with colleagues in Africa on this matter.

[145] The CPM noted a suggestion from ECOWAS that a tentative time frame be set for the start and end of this period of consultation. The CPM recognized, however, that although it was important to set a time frame, the times could not be determined at this CPM-16 session as it would depend on the parties involved.

[146] The CPM:

- (1) *noted* the report from the thirty-third meeting of the TC-RPPOs; and
- (2) *agreed* to postpone, until CPM-17 (2023), its discussion on the TC-RPPO's recommendation for ECOWAS to be the eleventh RPPO under the IPPC.

### 17.2 Update on the 2021 IPPC regional workshops

[147] The secretariat presented a paper on the 2021 IPPC regional workshops.<sup>53</sup> The workshops had been held between August and September 2021 in virtual mode, but had attracted a record number of participants. Challenges that emerged during the workshops included insufficient financial support for the interpretation of presentations in some regions, low levels of comments received during the consultation period, and the need for more training on the use of the Online Commenting System.

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<sup>52</sup> CPM 2022/38.

<sup>53</sup> CPM 2022/03.

[148] The CPM:

- (1) *noted* the update on the 2021 IPPC regional workshops.

## **18. Membership and potential replacements for the CPM Bureau, the Standards Committee and the Implementation and Capacity Development Committee**

[149] The secretariat invited the CPM to note a change in the membership of the CPM Bureau.<sup>54</sup>

[150] The CPM:

- (1) *noted* the replacement of Marica GATT (Malta) with Samuel BISHOP (United Kingdom) as the CPM Bureau representative for Europe (Table 1 of CPM 2022/CRP/06); and
- (2) *confirmed* the nomination of Mariangela CIAMPITTI as the second potential replacement member for Europe on the CPM Bureau (Table 2 of CPM 2022/CRP/06).

### **18.2 Membership and potential replacements for the Standards Committee**

[151] The secretariat invited the CPM to confirm the membership and potential replacements for the SC, and provided the CPM with a list of the nominations.<sup>55</sup>

[152] The CPM recognized that there were some inaccuracies in the papers for this agenda item regarding the terms of members and replacements from Europe and noted that the secretariat would correct these.

[153] The CPM:

- (1) *noted* the current membership<sup>56</sup> of the SC and the potential replacements<sup>57</sup> for the SC and
- (2) *confirmed* new members and potential replacements for the SC, and the order in which potential replacements will be called upon for each region.

### **18.3 Membership and potential replacements for the Implementation and Capacity Development Committee**

[154] The secretariat invited the CPM to confirm the membership and potential replacements for the IC.<sup>58</sup>

[155] The CPM:

- (1) *confirmed* the membership of the IC, the alternate and replacement members for the IC, and the order in which the potential alternate and replacement members will be called upon for each region (Appendix to CPM 2022/08).

## **19. Any other business**

[156] The secretariat confirmed that they had been developing a range of materials to promote the first IDPH on 12 May 2022, and that these had been communicated to the IPPC community as soon as the materials had been available. The secretariat invited members of the IPPC community to register for the inaugural session of the IDPH, “International Day of Plant Health: Protecting plants, protecting life”, which would be held online at 13.30–15.30 CEST.

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<sup>54</sup> CPM 2022/CRP/06.

<sup>55</sup> CPM 2022/25, CPM/CRP/06.

<sup>56</sup> <https://www.ippc.int/en/publications/1109/>

<sup>57</sup> <https://www.ippc.int/en/publications/1122/>

<sup>58</sup> CPM 2022/08.

**20. Date and venue of the next session**

[157] The Seventeenth Session of the Commission on Phytosanitary Measures (CPM-17) is tentatively scheduled to convene on 27 to 31 March 2023. It is hoped that the session will be convened in person, but that will depend on the evolution of the pandemic.

**21. Adoption of the report**

[158] The report was adopted.

**22. Closing of the session**

[159] The session was closed.

## **APPENDIX 01 – Agenda**

- 1. Opening of the Session**
- 2. Keynote Addresses**
- 3. Adoption of the Agenda**
  - 3.1 EU statement of competence
- 4. Election of the Rapporteur**
- 5. Report from the CPM Bureau on Credentials**
- 6. Report from the CPM Chairperson**
- 7. Report from the IPPC Secretariat**
- 8. Governance and Strategy**
  - 8.1 Report from Strategic Planning Group
  - 8.2 CPM authorization for the CPM Bureau to operate on its behalf until CPM-17, 2023
  - 8.3 Framework for Standards and Implementation
  - 8.4 IPPC Dispute Settlement Procedures revision
  - 8.5 The IPPC Secretariat and One Health
  - 8.6 Adoption of the revision of the Implementation and Capacity Development Committee Terms of Reference and Rules of Procedure
  - 8.7 Recommendations from the Task Force on Topics from the IPPC 2021 Call for Topics: Standards and Implementation
  - 8.8 CPM Focus Groups
    - 8.8.1 Recommendations and report from the CPM Focus Group on Pest Outbreaks Alert and Response Systems
    - 8.8.2 Update from the CPM Focus Group: Implementation of the IPPC Strategic Framework 2020-2030
    - 8.8.3 Update from the CPM Focus Group: Climate Change and Phytosanitary issues
    - 8.8.4 Update from the CPM Focus Group: Communications
    - 8.8.5 Update from the CPM Focus Group on Sustainable Funding for the IPPC ePhyto Solution
    - 8.8.6 Proposed establishment and draft TOR CPM Focus Group on Sea Containers
- 9. Standard Setting**
  - 9.1 Report from Standards Committee (pre-recorded)
  - 9.2 Adoption of International Standards for Phytosanitary Measures (ISPMs)
  - 9.3 Standards Committee recommendations to the CPM:
    - Adoption of the List of topics for IPPC standards

- Adjustments to the Standard Setting Process to facilitate the development of phytosanitary treatments
- Discussions on the topic “Food and other humanitarian aid in phytosanitary context” and a proposal for the establishment of a CPM Focus Group

## **10. CPM recommendations**

10.1 Adoption of CPM Recommendation on “Reduction of the incidence of contaminating pests associated with regulated and unregulated articles to protect plant resources and facilitate safe trade (2019-002)”

10.2 Inclusion of any other topics submitted by contracting parties in the CPM work programme (add process)

## **11. Implementation and Capacity Development**

11.1 Report Implementation and Capacity Development Committee (pre-recorded)

11.2 National Reporting Obligations

11.3 Sea Containers Task Force

11.4 Phytosanitary Capacity Evaluations

11.5 Implementation, Review and Support System

11.6 Projects managed by the IPPC Secretariat

## **12. Financial Report and Budget**

12.1 IPPC Secretariat financial report 2021

12.2 2022 IPPC Secretariat Work Plan and Budget

## **13. Update on the emerging pests activities**

## **14. Update on ePhyto activities**

## **15. International Year of Plant Health Legacies**

15.1 Update on the first International Plant Health Conference

15.2 Update on International Day of Plant Health

## **16. External Cooperation**

16.1 Update on international cooperation

16.2 Written reports from international organizations

## **17. IPPC Network Activities**

17.1 Report from Technical Cooperation among regional plant protection organizations

17.2 Update on the 2021 IPPC Regional Workshops

## **18. Memberships and Potential Replacements for CPM Bureau, CPM Standards Committee and the Implementation and Capacity Development Committee**

18.1 Membership and Potential Replacements for CPM Bureau

- 
- 18.2 Membership and Potential Replacements for CPM Standards Committee
- 18.3 Membership and Potential Replacements for Implementation and Capacity Development Committee
- 19. Any other business**
- 20. Date and Venue of the Next Session**
- 21. Adoption of the Report**
- 22. Closing of the Session**

**APPENDIX 02 – List of Documents**

<b>Document number</b>	<b>Title</b>	<b>Ag item</b>	<b>Languages</b>	<b>Link</b>
CPM 2022/02	Detailed Agenda	03	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90599/">https://www.ippc.int/en/publications/90599/</a>
CPM 2022/03	Update on the 2021 IPPC Regional Workshops	17.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90610/">https://www.ippc.int/en/publications/90610/</a>
CPM 2022/04	Adoption of the revision of the Implementation and Capacity Development Committee Terms of Reference and Rules of Procedure	08.6	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90600/">https://www.ippc.int/en/publications/90600/</a>
CPM 2022/05	IPPC Dispute Settlement Procedures- revision	08.4	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90601/">https://www.ippc.int/en/publications/90601/</a>
CPM 2022/06	CPM Recommendations	10	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90615/">https://www.ippc.int/en/publications/90615/</a>
CPM 2022/06_01	Reduction of the incidence of contaminating pests associated with regulated and unregulated articles to protect plant resources and facilitate safe trade (2019-002)"	10.1	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90614/">https://www.ippc.int/en/publications/90614/</a>
CPM 2022/07	Projects managed by the IPPC Secretariat	11.6	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90629/">https://www.ippc.int/en/publications/90629/</a>
CPM 2022/08	Membership and Potential Replacements for Implementation and Capacity Development Committee	18.3	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90630/">https://www.ippc.int/en/publications/90630/</a>
CPM 2022/09	Framework for Standards and Implementation	08.3	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90631/">https://www.ippc.int/en/publications/90631/</a>
CPM 2022/10	Update on the emerging pests activities	13	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90645/">https://www.ippc.int/en/publications/90645/</a>
CPM 2022/11	Report Implementation and Capacity Development Committee	11.1	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90653/">https://www.ippc.int/en/publications/90653/</a>
CPM 2022/12	National Reporting Obligations - Summary of the NRO 2021 activities and 2022 work plan	11.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90657/">https://www.ippc.int/en/publications/90657/</a>

Document number	Title	Ag item	Languages	Link
CPM 2022/13	The IPPC Secretariat and One Health	08.5	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90658/">https://www.ippc.int/en/publications/90658/</a>
CPM 2022/14	Update from the CPM Focus Group: Climate Change and Phytosanitary issues APPENDIX??	08.8.3	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90659/">https://www.ippc.int/en/publications/90659/</a>
CPM 2022/15	Update on the first International Plant Health Conference	15.1	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90909/">https://www.ippc.int/en/publications/90909/</a>
CPM 2022/16	Update on International Day of Plant Health	15.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90661/">https://www.ippc.int/en/publications/90661/</a>
CPM 2022/17	Report from Strategic Planning Group	08.1	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90662/">https://www.ippc.int/en/publications/90662/</a>
CPM 2022/18	Adoption of International Standards for Phytosanitary Measures (ISPMs) - Proposed ink amendments to adopted ISPMS	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90663/">https://www.ippc.int/en/publications/90663/</a>
CPM 2022/19	CPM authorization for the CPM Bureau to operate on its behalf until CPM-17, 2023	08.2	EN/ES/FR/RU/CH/AR NO ES	<a href="https://www.ippc.int/en/publications/90670/">https://www.ippc.int/en/publications/90670/</a>
CPM 2022/20	Phytosanitary Capacity Evaluations - Activities in 2021	11.4	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90671/">https://www.ippc.int/en/publications/90671/</a>
CPM 2022/21	Standards Committee recommendations to the CPM - Adjustments to the Standard Setting Process to facilitate the development of phytosanitary treatments	09.3	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90672/">https://www.ippc.int/en/publications/90672/</a>
CPM 2022/22	Standards Committee recommendations to the CPM - Adoption of the List of topics for IPPC standards	09.3	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90673/">https://www.ippc.int/en/publications/90673/</a>
CPM 2022/23	Standards Committee recommendations to the CPM - Discussions on the topic "Food and other humanitarian aid in phytosanitary context" and a proposal for the establishment of a CPM Focus Group	09.3	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90673/">https://www.ippc.int/en/publications/90673/</a>
CPM 2022/24	Adoption of ISPMS	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90689/">https://www.ippc.int/en/publications/90689/</a>

Document number	Title	Ag item	Languages	Link
CPM 2022/24_01	Draft ISPM: Commodity-specific standards for phytosanitary measures (2019-008)	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90704/">https://www.ippc.int/en/publications/90704/</a>
CPM 2022/24_02	Draft ISPM: Audit in the phytosanitary context (2015-014)	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90706/">https://www.ippc.int/en/publications/90706/</a>
CPM 2022/24_03	Draft ISPM: Focused revision of ISPM 12 ( <i>Phytosanitary certificates</i> ) in relation to re-export (2015-011)	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90705/">https://www.ippc.int/en/publications/90705/</a>
CPM 2022/24_04	Draft 2019 and 2020 amendments to ISPM 5 ( <i>Glossary of phytosanitary terms</i> ) (1994-001);	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90707/">https://www.ippc.int/en/publications/90707/</a>
CPM 2022/24_05	Draft Annex to ISPM 28: Irradiation treatment for Tortricidae on fruits (2017-011)	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90712/">https://www.ippc.int/en/publications/90712/</a>
CPM 2022/24_06	Draft Annex to ISPM 28: Cold treatment for <i>Bactrocera zonata</i> on <i>Citrus sinensis</i> (2017-013)	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90711/">https://www.ippc.int/en/publications/90711/</a>
CPM 2022/24_07	Draft Annex to ISPM 28: Irradiation treatment for <i>Zeugodacus tau</i> (2017-025);	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90710/">https://www.ippc.int/en/publications/90710/</a>
CPM 2022/24_08	Draft Annex to ISPM 28: Irradiation treatment for <i>Sternochetus frigidus</i> (2017-036)	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90709/">https://www.ippc.int/en/publications/90709/</a>

Document number	Title	Ag item	Languages	Link
CPM 2022/24_09	Draft Annex to ISPM 28: Vapour heat - modified atmosphere treatment for <i>Cydia pomonella</i> and <i>Grapholita molesta</i> on <i>Malus pumila</i> and <i>Prunus persica</i> (2017-037 and 2017-038).	09.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90708/">https://www.ippc.int/en/publications/90708/</a>
CPM 2022/25	Membership and Potential Replacements for CPM Standards Committee	18.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90675/">https://www.ippc.int/en/publications/90675/</a>
CPM 2022/26	Implementation, Review and Support System - Options for transitioning to more sustainable system	11.5	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90676/">https://www.ippc.int/en/publications/90676/</a>
CPM 2022/27	Recommendations from the Task Force on Topics from the IPPC 2021 Call for Topics: Standards and Implementation - TFT recommendations to CPM-16 for the 2021 Call for Topics submissions	08.7	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90677/">https://www.ippc.int/en/publications/90677/</a>
CPM 2022/28	2022 IPPC Secretariat Work Plan and Budget	12.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90697/">https://www.ippc.int/en/publications/90697/</a>
CPM 2022/29	Update on international cooperation	16.1	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90688/">https://www.ippc.int/en/publications/90688/</a>
CPM 2022/30	Report from Standards Committee - SC activities	09.1	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90696/">https://www.ippc.int/en/publications/90696/</a>
CPM 2022/31	Proposed establishment and draft TOR CPM Focus Group on Sea Containers	08.8.6	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90713/">https://www.ippc.int/en/publications/90713/</a>
CPM 2022/32	Update on ePhyto activities	14	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90714/">https://www.ippc.int/en/publications/90714/</a>
CPM 2022/33	Sea Containers Task Force	11.3	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90718/">https://www.ippc.int/en/publications/90718/</a>

Document number	Title	Ag item	Languages	Link
CPM 2022/34	Report from the CPM Chairperson	06	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90716/">https://www.ippc.int/en/publications/90716/</a>
CPM 2022/35	Update from the CPM Focus Group: Implementation of the IPPC Strategic Framework 2020-2030	08.8.2	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90719/">https://www.ippc.int/en/publications/90719/</a>
CPM 2022/36	Recommendations and report from the CPM Focus Group on Pest Outbreaks Alert and Response Systems	08.8.1	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90720/">https://www.ippc.int/en/publications/90720/</a>
CPM 2022/37	Report from the IPPC Secretariat	07	EN/ES/FR/RU/CH/AR NO ES/FR/CH	<a href="https://www.ippc.int/en/publications/90721/">https://www.ippc.int/en/publications/90721/</a>
CPM 2022/38	Report from Technical Cooperation among regional plant protection organizations - Report of the 33rd Meeting of TC-RPPOs	17.1	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90722/">https://www.ippc.int/en/publications/90722/</a>
CPM 2022/39	Update from the CPM Focus Group: Communications	08.8.4	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90738/">https://www.ippc.int/en/publications/90738/</a>
CPM 2022/40	IPPC Secretariat financial report 2021	12.1	EN/ES/FR/RU/CH/AR	<a href="https://www.ippc.int/en/publications/90949/">https://www.ippc.int/en/publications/90949/</a>
Document number	Title	Ag. item	Languages	Link
CPM 2022/INF/01	Schedule	03	EN	<a href="https://www.ippc.int/en/publications/90901/">https://www.ippc.int/en/publications/90901/</a>
CPM 2022/INF/02	Doc list	03	EN	
CPM 2022/INF/03	Written reports from international organizations - WTO Secretariat Update	16.2	EN/ES/FR	<a href="https://www.ippc.int/en/publications/90729/">https://www.ippc.int/en/publications/90729/</a>
CPM 2022/INF/04	Written reports from international organizations - CABI Updates	16.2	EN	<a href="https://www.ippc.int/en/publications/90730/">https://www.ippc.int/en/publications/90730/</a>
CPM 2022/INF/05	Written reports from international organizations - Biological Weapons Convention (BWC) Inputs	16.2	EN	<a href="https://www.ippc.int/en/publications/90731/">https://www.ippc.int/en/publications/90731/</a>
CPM 2022/INF/06	Written reports from international organizations - COLEACP SPS Activities	16.2	EN	<a href="https://www.ippc.int/en/publications/90732/">https://www.ippc.int/en/publications/90732/</a>

Document number	Title	Ag item	Languages	Link
CPM 2022/INF/07	Written reports from international organizations - UPU Postal Security Group (PSG) Update	16.2	EN	<a href="https://www.ippc.int/en/publications/90733/">https://www.ippc.int/en/publications/90733/</a>
CPM 2022/INF/08	Written reports from international organizations - Joint FAO/IAEA Centre of Nuclear Techniques in Food and Agriculture Report	16.2	EN	<a href="https://www.ippc.int/en/publications/90734/">https://www.ippc.int/en/publications/90734/</a>
CPM 2022/INF/09	Written reports from international organizations - European Food Safety Authority (EFSA) Activities	16.2	EN	<a href="https://www.ippc.int/en/publications/90735/">https://www.ippc.int/en/publications/90735/</a>
CPM 2022/INF/10	Written reports from international organizations - The Standards and Trade Development Facility (STDF) Overview	16.2	EN/FR	<a href="https://www.ippc.int/en/publications/90736/">https://www.ippc.int/en/publications/90736/</a>
CPM 2022/INF/11	Written reports from international organizations - The International Forestry Quarantine Research Group (IFQRG) Update	16.2	EN	<a href="https://www.ippc.int/en/publications/90737/">https://www.ippc.int/en/publications/90737/</a>
CPM 2022/INF/12	Report from Technical Cooperation among regional plant protection organizations - Annual meeting of the Regional Taskforce of NPPOs and West African Partners	17.1	EN	<a href="https://www.ippc.int/en/publications/90802/">https://www.ippc.int/en/publications/90802/</a>
CPM 2022/INF/13	Written reports from international organizations - Report by the Ozone Secretariat for the Montreal Protocol on Substances that Deplete the Ozone Layer	16.2	EN	<a href="https://www.ippc.int/en/publications/90808/">https://www.ippc.int/en/publications/90808/</a>
CPM 2022/INF/14	Written reports from international organizations - Phytosanitary Measures Research Group (PMRG)	16.2	EN	<a href="https://www.ippc.int/en/publications/90898/">https://www.ippc.int/en/publications/90898/</a>
CPM 2022/INF/15	Adoption of International Standards for Phytosanitary Measures – Objections to draft ISPMs presented for adoption by CPM-16 (2022)	09.2	EN	<a href="https://www.ippc.int/en/publications/90899/">https://www.ippc.int/en/publications/90899/</a>
CPM 2022/INF/16	Adoption of International Standards for Phytosanitary Measures (ISPMs) - comments from Japan	09.2	EN	<a href="https://www.ippc.int/en/publications/90900/">https://www.ippc.int/en/publications/90900/</a>
CPM 2022/INF/17	Zoom guidelines	03	EN	<a href="https://www.ippc.int/en/publications/90903/">https://www.ippc.int/en/publications/90903/</a>
CPM 2022/INF/18	Written reports from international organizations - International Olive Oil Council Overview	16.2	EN	<a href="https://www.ippc.int/en/publications/90933/">https://www.ippc.int/en/publications/90933/</a>

<b>Document number</b>	<b>Title</b>	<b>Ag item</b>	<b>Languages</b>	<b>Link</b>
CPM 2022/INF/19	IPPC Dispute Settlement Procedures revision - Statement from COSAVE and its member countries	08.4	EN	<a href="https://www.ippc.int/en/publications/90934/">https://www.ippc.int/en/publications/90934/</a>
CPM 2022/INF/20	Standards Committee recommendations to the CPM - Discussions on the topic "Food and other humanitarian aid in the phytosanitary context" and a proposal for the establishment of a CPM Focus Group – New Zealand and Australia	09.3	EN	<a href="https://www.ippc.int/en/publications/90946/">https://www.ippc.int/en/publications/90946/</a>
CPM 2022/INF/21	Proposed establishment and draft TOR CPM Focus Group on Sea Containers – New Zealand	08.8.6	EN	<a href="https://www.ippc.int/en/publications/90947/">https://www.ippc.int/en/publications/90947/</a>
CPM 2022/INF/22	Recommendations to set a Global Pest Outbreak Alert and Response System - Presentation	08.8.1	EN	<a href="https://www.ippc.int/en/publications/90948/">https://www.ippc.int/en/publications/90948/</a>

## APPENDIX 03 - Revised IPPC Dispute Settlement Procedures

### IPPC DISPUTE SETTLEMENT PROCEDURES

Rome, Italy, (Adopted by CPM-16 (2022))

#### Annex 1 Terms of Reference for the Expert Committee

##### [ACRONYMS]

CPM	Commission on Phytosanitary Measures
DSPs	Dispute Settlement Procedures
IC	Implementation and Capacity Development Committee
DSOB	Dispute Settlement Oversight Body
ICPM	Interim Commission on Phytosanitary Measures
IPPC	International Plant Protection Convention
ISPMs	International Standard for Phytosanitary Measures
SBDS	Subsidiary Body on Dispute Settlement
WTO	World Trade Organization

#### 1. Introduction

1.1 Article XIII of the International Plant Protection Convention (IPPC) (1997) serves as the basis for the dispute settlement procedures:

*“1. If there is any dispute regarding the interpretation or application of this Convention, or if a contracting party considers that any action by another contracting party is in conflict with the obligations of the latter under Articles V and VII of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants, plant products or other regulated articles coming from its territories, the contracting parties concerned shall consult among themselves as soon as possible with a view to resolving the dispute.*

*2. If the dispute cannot be resolved by the means referred to in paragraph 1, the contracting party or parties concerned may request the Director-General of FAO to appoint a committee of experts to consider the question in dispute, in accordance with rules and procedures that may be established by the Commission.*

*3. This Committee shall include representatives designated by each contracting party concerned. The Committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the contracting parties concerned. The Committee shall prepare a report on the technical aspects of the dispute for the purpose of seeking its resolution. The preparation of the report and its approval shall be according to rules and procedures established by the Commission, and it shall be transmitted by the Director-General to the contracting parties concerned. The report may also be submitted, upon its request, to the competent body of the international organization responsible for resolving trade disputes.*

4. *The contracting parties agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the contracting parties concerned of the matter out of which the disagreement arose.*

5. *The contracting parties concerned shall share the expenses of the experts.*

6. *The provisions of this Article shall be complementary to and not in derogation of the dispute settlement procedures provided for in other international agreements dealing with trade matters.”*

1.2 Article XIII of the IPPC describes the use of an expert committee for resolving disputes. This is a conciliation procedure for dealing with technically-based problems, under which one or both disputing parties may request the Director-General of FAO to appoint a committee of experts to consider the issues in dispute.

1.3 However, contracting parties should take note of Section 6 of *General Considerations* in Appendix IX of the report of ICPM-2, which provides: “*Art XIII does not preclude contracting parties from using any form of dispute resolution, including mediation or other procedures provided that the parties agree to them, and does not limit the contracting parties to the Expert Committee procedures described in Article XIII.2. Contracting parties are encouraged to consult with the IPPC Secretariat or others concerning the range of dispute settlement procedures that may be appropriate for the dispute in question.*”

The *General Considerations* then list a number of options:

“*Options include but are not limited to:*

*Consultation, Good Offices, mediation, or arbitration - Contracting parties are encouraged to pursue options such as Good Offices and mediation as alternatives to the Expert Committee procedure provided in Article XIII. These procedures may be conducted or administered with assistance from the IPPC Secretariat and/or a Subsidiary Body designated by the ICPM.*

*Supplementary Agreements - Dispute settlement procedures may be agreed under Article XVI (Supplementary Agreements). Such procedures may be binding, but are only binding for the parties to the agreement.*

*Expert Committee (Article XIII) - The outcome of the Expert Committee procedure initiated under Article XIII is non-binding (Article XIII.4).”*

1.4 Parties may consult with the IPPC Secretariat in order to decide which the most appropriate procedure for the dispute is. If parties cannot agree on a procedure, the initiating party may decide to use the IPPC expert committee process or to initiate another mode of settlement.

## **2. Applicability**

2.1 These DSPs shall apply to any dispute regarding the interpretation or application of the IPPC, or, if a contracting party considers that any action by another contracting party is in conflict with the obligations of the latter under the IPPC, especially regarding the basis of prohibiting or restricting the imports of plants, plant products or other regulated articles coming from its territories.<sup>59</sup>

2.2 These DSPs shall be limited to issues falling within the scope of the IPPC and its adopted standards. These DSP are primarily aimed at evaluating the technical aspects of phytosanitary disputes.

## **3. General principles**

3.1 The use of these DSPs should not be intended or considered as contentious acts. In case of dispute, all disputing parties will engage in these procedures in good faith in an effort to resolve the dispute.

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<sup>59</sup> IPPC, Article XIII, paragraph 1.

3.2 In any phase of the DSPs, the disputing parties shall be treated with equality and each disputing party shall be given a full opportunity to present its case.

3.3 The settlement should be conducted as expeditiously as possible.

3.4 The aim of the DSPs is to secure a positive solution to a dispute and consistent with the IPPC and the ISPMs is clearly to be preferred.

3.5 Contracting parties are encouraged to resolve disputes at a technical level whenever possible.

#### **4. Modes for dispute settlement**

4.1 In general, the modes of dispute settlement available to the parties are as described in paragraphs 4.2 through 4.7 below.

##### **4.2 Consultations**

Consultations could be informal or formal. Informal consultation is when the contracting parties consult between themselves, without necessarily involving third parties (e.g., an expert) and the IPPC Secretariat and without having to agree on procedures and other conditions for the consultation. On the other hand, for formal consultation to begin, one or both contracting parties shall have to notify the IPPC Secretariat of their interest in dispute settlement procedures under the IPPC and they have to mutually agree on the procedure, location, facilitator (if requested), confidentiality and other conditions for the consultation. The contracting parties concerned may, of course, develop other arrangements for consultations as appropriate to their needs. Where consultations are intended to obtain a resolution, they might take the form of negotiations. On many occasions, consultations often achieve a greater understanding of the points of concern and this may prevent a dispute arising or avoid actions leading to a dispute.

##### **4.3 Good offices**

This term refers to the assistance provided by a body, persons or person widely believed to be able to supply fair and impartial support for discussions among parties, with some prestige that allows successful intervention in situations where others have not succeeded. This assistance usually takes the form of encouragement to the parties to negotiate when they are unwilling to do so. It may even extend to facilitating dialogue by the passing of messages back and forth – particularly when no diplomatic channel exists between the parties. The supplier of good offices is usually on good terms with both parties but not closely aligned to either party. The essence of good offices is the facilitation of negotiation but the third party facilitator does not get involved in the substance of the dispute. Good offices could also include the provision of advice in the nature of clarification of technical issues or points within the IPPC or ISPMs. An example of such facilitation could be the Dispute Settlement Oversight Body (DSOB), determined by CPM, providing advice on the clarification of ISPMs.

##### **4.4 Conciliation**

Conciliation is a procedure that uses an impartial body to resolve a dispute but does not provide a binding decision. The procedure described in Article XIII of the IPPC, which uses an expert committee as an impartial body and does not have a binding result, is a form of conciliation. The IPPC Dispute settlement process will be discussed in more detail in the following section.

##### **4.5 Mediation**

In contrast with good offices, a mediator may become involved in the content and substance of the discussions. More frequently, the mediator discusses the position of each party with that party separately. The mediator may advise each party during the course of the dispute settlement process or bring proposals for the consideration of parties. A result from this process depends on the agreement of the parties, since no decision is imposed on the parties. Therefore, mediation may or may not lead to a settlement of the dispute. The basic difference between mediation and conciliation is based on the role

played by the third party who is selected by the parties seeking a settlement, in consensus. In mediation, the mediator acts as a facilitator who helps the parties in agreeing. Conversely, in conciliation, the conciliator is more like an interventionist who provides probable solutions to the parties concerned, to settle disputes.

#### **4.6 Arbitration**

Arbitration involves the establishment or selection, by the relevant parties, of an impartial body to resolve a dispute in a *quasi*-judicial proceeding. In some cases, arbitration may occur pursuant to an existing convention or agreement that sets forth rules and procedures for arbitration. Alternatively, parties may develop an agreement between themselves with respect to a particular dispute, which specifies the relevant rules and other matters for the arbitration process. In either case, the rules may address procedural matters such as the appointment of arbitrators, expertise, representation of parties, the scope of the issues under review, languages, documentation, costs, witnesses, the nature of the award and so forth. A key element is to establish procedures so that each party has a fair and equal opportunity to present its side of the case. The status of the award is usually made clear in the relevant terms of reference or rules of procedure of the arbitration. An arbitral tribunal normally consists of an odd number of members to facilitate a final decision. Most arbitrations follow a series of rules set up by the institution under which the arbitration is being carried out. One of the recognized international standards is that provided by United Nations Commission on International Trade Law (UNCITRAL). Although the arbitration results are binding and final, the results may not be enforceable unless the framework under which the arbitration is conducted has special allowance for this. Institutions with legally-binding mechanisms, that might be available to countries that are contracting parties to the IPPC, include the International Court of Justice and the dispute settlement procedure of the WTO (as applicable to individual countries). Each of these is governed by its own set of rules and procedures regarding jurisdiction and other matters.

#### **4.7 Supplementary agreements**

Article XVI of the IPPC provides for supplementary agreements “...*for the purpose of meeting special problems of plant protection which need particular attention or action... Such agreements may be applicable to specific regions, to specific pests, to specific plants and plant products, to specific methods of international transportation of plants and plant products, or otherwise supplement the provisions of this Convention.*” Therefore, supplementary agreements may be used by contracting parties to establish an agreement to resolve a dispute concerning an issue relating to the IPPC. The characteristic of this form of agreement that could interest some contracting parties is that such an agreement could provide additional dispute settlement procedures (e.g., arbitration) between those parties, and could be made binding on the parties if they agreed to this. Such an agreement would be binding only for the parties to that agreement. For contracting parties to use such a procedure, the rules of operation would have to be drawn up and agreed to before such a procedure could begin, in line with the provisions of the IPPC. It is recommended that the parties contact the IPPC Secretariat in the event they wish to consider such an approach.

### **5. IPPC Dispute settlement process**

#### **5.1 Consultations**

Article XIII of the IPPC (1997) requires, as a pre-condition to using the Expert Committee process, that the disputing parties first consult among themselves with a view to resolving the dispute. The consultation may be informal or formal. Each disputing party undertakes to accord sympathetic consideration to and afford adequate opportunity for consultation regarding any representations made by another disputing party concerning the interpretation or application of the IPPC.

## **5.2 *Informal consultation***

An informal consultation is that where the disputing parties consult among themselves, without the involvement of any third party, including the IPPC Secretariat, to resolve a technical phytosanitary dispute. Parties are recommended to consider this approach in the first instance.

## **5.3 *Formal consultation***

5.3.1 Any disputing party wishing to institute formal consultation proceedings shall address a written request to that effect to the IPPC Secretariat which shall promptly send a copy of the request to the other party(ies) to the dispute.

5.3.2 Should the disputing parties agree on the formal consultation process, the IPPC Secretariat shall register the request for formal consultation and shall forthwith notify the disputing parties of the registration.

5.3.3 The request for formal consultation shall contain information concerning disputing parties, the issues in dispute, and the legal basis for the complaint, including any phytosanitary measures at issue.

5.3.4 The party to whom the request is made shall, unless otherwise mutually agreed, reply to the request within 15 days after the date of receipt thereof and shall enter into formal consultation in good faith within a period of no more than 30 days after the receipt of the request, with a view to reaching a mutually satisfactory solution. If the party to whom the request was made does not respond within 15 days after the date of receipt of the request, or does not enter into formal consultation within a period of 30 days or a period otherwise mutually agreed, then the disputing party who requested the formal consultation may have to resort to other modes of dispute settlement, as described in Section 4 above.

5.3.5 The IPPC Secretariat shall discuss with all disputing parties the possibility for progress through further consultation and the most appropriate procedure to be used.

5.3.6 The disputing parties, with the assistance of the IPPC Secretariat, will mutually agree on the procedure, location, facilitator (if requested), confidentiality, the possibility to obtain advice from independent experts, distribution of costs, and other conditions for the formal consultation.

5.3.7 For consultations to succeed, the parties must have the will to resolve the problem and the flexibility to cooperate and make compromises when necessary.

5.3.8 If the consultation fails to resolve the dispute, either by one party failing to cooperate fully in the consultation process or by the parties failing to reach a mutually agreed resolution, then any of the parties may decide to initiate another mode of dispute settlement as described in Section 4 above, including the Expert Committee process described in more detail starting in Section 5.5 below.

5.3.9 Without prejudice to the scope of confidentiality agreed to by the disputing parties, the IPPC Secretariat shall keep records and inform the DSOB on the conduct and outcome of formal consultations.

## **5.4 *Dispute avoidance***

The IPPC Secretariat or the DSOB may be able to suggest suitable dispute avoidance actions. Often, just the clarification of the nature of the problem is helpful, particularly if one of the parties had a misconception over the intent of the other party. On many occasions the experience of the IPPC Secretariat staff can be helpful in considering informal action and critical aspects of the dispute can be resolved at an early stage.

## **5.5 *The Expert Committee Process***

The Expert Committee process is a conciliation system meant to enable the parties to discuss technical matters that are being disputed, with the help of a panel of experts. This system is set forth in Paragraphs 2 to 5 of Article XIII of the IPPC. No party may initiate the Expert Committee process without first attempting to settle the dispute through consultation, whether formal or informal.

### **5.5.1 *Initiating the Expert Committee Process***

5.5.1.1 Any disputing party wishing to institute the Expert Committee process shall submit a formal written request to the IPPC Secretariat. The request shall provide a summary of the consultation(s) held between the parties, and contain information concerning disputing parties, the issues in dispute, and the legal basis for the complaint, including any phytosanitary measures at issue.

5.5.1.2 The IPPC Secretariat shall verify the information provided in the written request, including those mandatory consultations has occurred, and shall promptly register the request and send a copy to all other parties named in the request.

### **5.5.2 *Terms of Reference of the Expert Committee***

5.5.2.1 The written request for the institution of the Expert Committee process shall include a draft Terms of Reference for an Expert Committee, which must include all the information contained in Annex 1 to these DSP.

5.5.2.2 The IPPC Secretariat shall promptly circulate the draft Terms of Reference to all parties named in the request and propose a schedule for the negotiation of the Terms of Reference. The final Terms of Reference shall be signed by the disputing parties and constitute the basis for the Expert Committee process.

5.5.2.3 If the parties fail to agree on the Terms of Reference of the Expert Committee within the time agreed by the parties, no Expert Committee can be established.

### **5.5.3 *Establishment of the Expert Committee***

5.5.3.1 Unless otherwise agreed between the disputing parties, the establishment of the Expert Committee shall be initiated by the IPPC Secretariat upon signature by the parties of the Terms of Reference of the Expert Committee.

5.5.3.2 The Expert Committee will consist of five members: one member selected by each side to the dispute and three independent members appointed by the Director-General of FAO (or his/her delegate) pursuant to paragraph 2 of Article XIII of the IPPC.

5.5.3.3 Where more than two disputing parties are involved, the parties to each side of the dispute shall consult with each other to choose one expert for their side, such that the number of members set forth in Section 5.5.3.2 above is maintained.

5.5.3.4 The three independent members of the Expert Committee shall be nominated by the IPPC Secretariat through a call for experts as described in Section 5.5.4 below. In case not enough experts are nominated to serve in the Expert Committee, the IPPC Secretariat may solicit nominations from contracting parties and the Regional Plant Protection Organizations without the need of a new call.

5.5.3.5 The IPPC Secretariat will base its selection of the nominees to serve as the three independent experts on the following criteria:

- all nominees shall have scientific/technical background relevant to the subject of the dispute;
- all nominees shall be independent, i.e., no financial or other personal interest in the outcome of the dispute;
- all nominees must be able to serve in the Expert Committee in his/her individual capacity;
- at least two member shall be familiar with the IPPC and ISPMs;
- citizens of contracting parties to the IPPC whose governments are disputing parties shall not serve on the Expert Committee, unless all disputing parties agree otherwise; and

- when a dispute involves at least one developing country, at least one nominee shall, if the developing country so requests, be from a developing country.

5.5.3.6 The IPPC Secretariat shall propose the nominees to the disputing parties, who may not oppose any of the nominations, except for compelling reasons

5.5.3.7 Pursuant to paragraph 2 of Article XIII of the IPPC, the three independent experts shall be appointed by the Director-General of FAO (or his/her delegate), taking into account the recommendations of the IPPC Secretariat.

5.5.3.8 The Expert Committee shall be deemed to have been constituted on the date that the IPPC Secretariat notifies the disputing parties in writing that all of the selected experts have accepted the appointment.

#### **5.5.4 Selection of Experts**

5.5.4.1 To assist in the selection of independent experts, the IPPC Secretariat shall call for expert as needed. Phytosanitary experts and other individuals with expertise relevant to plant protection or the application of phytosanitary measures will be encouraged to respond to a call.

5.5.4.2 Experts may be nominated by contracting parties and the Regional Plant Protection Organizations. If agreed by the disputing contracting parties, the IPPC Secretariat may invite also other organizations to provide nominees.

5.5.4.3 Application for inclusion as an expert is made by submission to the IPPC Secretariat of a completed FAO Personal History Form (PHF) and/or Curriculum Vitae. Minimum information to be supplied includes:

- name, age and contact information;
- current position;
- nationality;
- language ability;
- period of availability;
- scientific and technical (including phytosanitary) background;
- professional background; and
- knowledge, experience or qualifications with dispute settlement procedures.

The IPPC Secretariat would review the nominations against the set criteria. Nominations will be reviewed and selected by the DSOB who review and select the experts.

#### **5.5.5 Conduct of the proceedings**

5.5.5.1 The Expert Committee shall conduct its proceedings according to these DSPs and the Terms of Reference agreed pursuant to Section 5.5.2 above.

5.5.5.2 The Expert Committee shall elect a Chairperson from among the three independent experts.

5.5.5.3 The Chairperson of the Expert Committee shall, as soon as practicable and, whenever possible, within 15 days after its establishment, call for a meeting (including the use of virtual meeting tools) of the Expert Committee to fix the timetable for its proceedings based on the Terms of Reference agreed pursuant to Section 5.5.2 above. The Expert Committee shall set precise deadlines for written submissions by the disputing parties and the disputing parties shall cooperate in good faith with and respect the requests from and deadlines imposed by the Expert Committee.

5.5.5.4 All Expert Committee members shall serve in their individual capacities and not as government representatives, nor as representatives of any organization. They shall not seek or receive instructions from any source with regard to the matter in dispute before the Expert Committee.

5.5.5.5 The Expert Committee shall take into account the special needs of developing countries where such countries are parties to the dispute.

5.5.5.6 The Expert Committee shall take into account any specific instructions and requirements outlined by the disputing parties.

5.5.5.7 The Expert Committee shall make an objective assessment of the matter before it, including an objective assessment of the facts of the dispute and the applicability of and conformity with the IPPC and any applicable ISPMs, and make such recommendations as will assist the disputing parties in solving the dispute. The Expert Committee shall consult regularly with the disputing parties and give them adequate opportunity to develop a mutually satisfactory solution.

5.5.5.8 Deliberations of the Expert Committee shall be confidential

5.5.5.9 All communications by any disputing party to the Expert Committee shall be copied to the IPPC Secretariat and the other disputing party(ies). Such communications shall be treated as confidential by all parties, including the Expert Committee and the IPPC Secretariat.

#### **5.5.6 Report of the Expert Committee**

5.5.6.1 Upon completion of the proceedings, the Expert Committee shall prepare a preliminary report in accordance with the Form of Expert Committee Report described in Annex 1.

5.5.6.2 The Expert Committee seeks to develop consensus among all its members on all points in the report. Where this is not possible, the Chairperson ensures that the draft report provides recommendations for the resolution of the dispute while adequately reflecting the dissenting views.

5.5.6.3 If the proceedings cannot be completed, the Chairperson ensures that a report is prepared on the proceedings up to the point of termination.

5.5.6.4 The first draft report may be made available by the Expert Committee to the disputing parties for informal consultation.

5.5.6.5 The draft report is then submitted to the IPPC Secretariat in English for review and to the FAO Legal Office for legal review. Any comments from these reviews are returned to the Expert Committee. The committee prepares a second draft report taking into account the review comments.

5.5.6.6 The second draft report is submitted to the IPPC Secretariat to be sent to the DSOB for approval. Such communications shall be treated as confidential. The DSOB verifies that all principles and requirements set forth in these DSP have been adhered to.

5.5.6.7 The final report is then signed by the members of the Expert Committee and submitted to the Director-General of FAO or his/her delegate) for distribution to the disputing parties, pursuant to paragraph 3 of Article XIII of the IPPC.

5.5.6.8 A report of the proceedings and the outcome of the Expert Committee process is submitted by the IPPC Secretariat to the CPM for information.

## **6. Others**

### **6.1 Observers**

The disputing parties and the Chairperson of the Expert Committee shall agree on observers to be admitted to meetings of the Expert Committee and the applicable rules of conduct of observers. Where there is no agreement among the disputing parties on the number and type of observers, no observers

shall be allowed. Where the presence of observers is agreed, but there is no agreement on the conduct of such observers, observers will only be allowed to attend but cannot participate.

## **6.2 Information from external sources**

With the written consent from the disputing parties, the Expert Committee may seek additional information from other sources, as it deems necessary.

## **6.3 Financial considerations**

Costs of the IPPC Secretariat, the DSOB and the Expert Committee associated with any dispute brought under these DSPs shall be borne equally by parties to the dispute. Such costs shall include: (a) the IPPC Secretariat's expenses as registrar or the hiring of consultants to facilitate the process, (b) costs of transcriptions, recording, interpretation and translation, where necessary, and (c) travel and subsistence and fees of the members of the Expert Committee determined in accordance with FAO policy. Where the party that initiated the dispute settlement is a developed country and the other party is a developing country, it is encouraged to voluntarily cover all or part of these costs.

## **6.4 Role of Regional Plant Protection Organizations**

Regional Plant Protection Organizations (RPPOs) may be requested, subject to agreement by the disputing parties, and in coordination with the IPPC Secretariat, to provide assistance in connection with any dispute settlement under these DSPs. Such assistance may be in the form of providing technical support or facilitating consultations among the disputing parties.

## **6.5 Amendment of these DSPs**

Amendments to these DSPs will be adopted by the CPM at any plenary meeting.

## **6.6 Repeal of prior dispute settlement procedures**

Adoption of these DSPs by the CPM shall supersede and repeal all prior dispute settlement procedures issued pursuant to the IPPC, including those issued in 1999, 2001 and 2006.

## **ANNEX 1**

### **Terms of Reference for the Expert Committee**

#### **A. Identification of parties and issues**

All the parties to the conciliation must be identified. This includes:

- initiator(s),
- respondent(s),
- members of the Expert Committee, including Chairperson, and
- observers, if they are permitted.

The issue(s) under dispute should be clearly defined noting the points where the alleged conflicts with the IPPC or ISPMs occur. The disputing parties should expand on this and state their expectations of the Expert Committee by identifying tasks for the committee.

#### **B. The conduct of the proceedings**

It is extremely important to have all the following procedural matters agreed to among the disputing parties before the meeting of the Expert Committee begins.

*Presentation of information:* The disputing parties and the Expert Committee must agree on the way that technical information will be presented by disputing parties.

- will there be documents, electronic, hard copy?
- will there be verbal presentations?
- will there be provision for the use of outside experts?, and
- will the Expert Committee be able to ask for further information or advice?

*Language(s):* The disputing parties and the Expert Committee must agree on the language(s) to be used for the submitted documents, for verbal submissions and for discussion by the Expert Committee. The report must be presented in English.

*Conduct of observers:* Regarding observers, the disputing parties and the Chairperson of the Expert Committee should decide if observers will be allowed to attend and if they are, if they will be allowed to participate and their extent of participation. Where there is no agreement among the disputing parties on the number and type of observers, no observers shall be allowed. Where the presence of observers is agreed, but there is no agreement on the conduct of such observers, observers will only be allowed to attend but cannot participate. [Cross-reference Section 6.1 of DSPs]

*Administrative Support and Costs:* Costs of the IPPC Secretariat, the DSOB and the Expert Committee associated with any dispute brought under these DSPs shall be borne equally by parties to the dispute. Such costs shall include: (a) the IPPC Secretariat's expenses as registrar or the hiring of consultants to facilitate the process, (b) costs of transcription, recording, interpretation and translation, where necessary, and (c) travel and subsistence and fees of the members of the Expert Committee. Where the party that initiated the dispute settlement is a developed country and the other party is a developing country, it is encouraged to voluntarily cover all or part of these costs. [Cross-reference Section 6.3 of DSPs]

*Location and facilities:* The disputing parties and Expert Committee should agree on the location, i.e., whether the committee will meet in the territory of one party or another, or in that of a third party. Acceptable facilities should be agreed on before proceedings commence in order to facilitate the process. Virtual meetings using modern technology may also be consider if both parties agree.

*Timetable:* A comprehensive timetable with dates should be drawn up. This will include dates and times for: the submission of information to the Expert Committee as well as documents or contributions from additional experts, if necessary; the schedule of meeting(s) of the committee; the completion and presentation of the report, etc.

### **C. Presentation of information**

The Expert Committee shall solicit the submission of information from the disputing parties. Methods of presentation may include documents only, and/or verbal presentations as agreed in advance. The Expert Committee may seek additional information from the disputing parties or other sources, as it deems necessary, with the written consent from the disputing parties.

The disputing parties shall also agree on confidentiality issues relating to the proceedings, the information provided to the Expert Committee, the report and all other aspects of the process.

### **D. Evaluation of information and formulation of recommendations**

The Terms of Reference will contain, as required by the disputing parties, specific instructions on the review of scientific and other information by the Expert Committee. The requirements of the parties regarding the assessment by the Expert Committee of the relationship of the issues and the information provided to it to any specified provisions of the IPPC and ISPMs should be made clear. Any other

specifications regarding the form of the conclusions or recommendations required by the parties should be provided to the Expert Committee.

#### **E. Form of Expert Committee Report**

The disputing parties shall agree on the form of the report they would wish to receive from the Expert Committee. The following format is suggested:

Executive summary

Introduction

- identification of the parties to the dispute
- statement of the issue(s) at dispute with appropriate background

Technical aspects of the dispute

- summary of the positions of the disputing parties
- summary of the analyses of the scientific and technical aspects as provided by the Expert Committee
- assessment of the relationship of the issue to the specified provisions of the IPPC and ISPMs
- conclusions of the Expert Committee Dissenting view(s) if any

Recommendations

- proposal(s) for resolution of the dispute and options if appropriate

Attachments

- Terms of Reference of the Expert Committee
- a list of the members of the Experts Committee, and of observers, if any
- list of documents and source material, including other experts interviewed (if not confidential)
- other information deemed to be useful by the Expert Committee

## APPENDIX 04 - IC Terms of Reference and Rules of Procedure

### APPENDIX 1 - Proposed revisions to the Terms of Reference of the CPM Subsidiary Body: Implementation and Capacity Development Committee – A Subsidiary Body of the CPM<sup>60</sup>

Note: ~~on interpretation~~

References to implementation ~~mean implementation~~ of the International Plant Protection Convention (IPPC), include ~~ing implementation of International Standards for Phytosanitary Measures (ISPMs) and the Commission on Phytosanitary Measures (CPM) Recommendations standards, guidelines and recommendations adopted by the Commission on Phytosanitary Measures (CPM).~~

#### 1. Purpose

The IC develops, monitors and oversees an integrated programme to support the implementation of the IPPC and strengthen the phytosanitary capacity of contracting parties.

#### 2. Scope of the IPPC Implementation and Capacity Development Committee (IC)

The IC, under the guidance of the CPM, provides technical oversight of activities to enhance the capacities of contracting parties to implement the IPPC and meet the strategic objectives agreed by CPM. The IC:

Identifies and reviews the baseline capacity and capability required by contracting parties to implement the IPPC.

Analyses issues constraining the effective implementation of the IPPC and develops innovative ways to address impediments.

Develops and facilitates delivery of ~~an implementation activities support programme~~ to enable contracting parties to meet and surpass the baseline capacity and capability.

Monitors and evaluates the efficacy and impact of implementation activities and reports on progress which indicates the State of Plant Protection in the World.

Oversees dispute avoidance ~~and settlement processes~~.

Oversees national reporting obligation processes Works with the Secretariat, potential donors and the CPM to secure sustainable funding for its activities

#### 3. Composition

The IC is composed of ~~fourteen members twelve experts~~ with relevant skills and experience in implementation of phytosanitary-related instruments and/or capacity development, as follows:

Seven members will be representatives from each of the seven FAO regions.

Five members will be experts in subjects relevant to the work of the IC ~~The Bureau, taking account of the balance of skills and experience required, and geographical representation, selects and appoints the members.~~

~~In addition~~ Two other members: one representative from the regional plant protection organizations (RPPOs) and one from the Standards Committee (SC).

<sup>60</sup> Report from CPM-12 (2017) see Appendix 10 to report: <https://www.ippc.int/en/publications/84387/>

#### 4. Functions

The IC has the following functions:

##### 4.1i) Technical work programme

Identify and keep under review baseline capacity and capability required by contracting parties to implement the IPPC.

Identify and propose strategies for contracting parties to enhance their implementation of the IPPC, including national reporting obligations, taking into account their specific capacities and needs.

Review the ~~Secretariat's~~ analyses of contracting parties' challenges associated with the implementation of the IPPC.

Based on an analysis of outputs from the above activities, recommend priorities to CPM.

Identify and assess new technologies which could enhance implementation.

Monitor and evaluate actions under the IPPC Strategic Framework, other related strategies, frameworks and work plan(s).

##### 4.2ii) Effective and efficient management of the IC

Develop, agree and maintain a list of priorities for Implementation and Capacity Development (ICD) activities work plan in alignment with CPM priorities.

Provide a review function on new implementation and capacity development projects to ensure that they are aligned with the IPPC strategic objectives, have strategic value and a competitive advantage and recommend them to CPM for approval.

Develop procedures and criteria for the production, oversight and approval of technical resources for implementation.

Recommend to the CPM to establish and dissolve and provide oversight of IC Sub-groups, undertaking specific activities and tasks.

Provide oversight to IC Sub-groups.

Establish ad hoc working groups/teams to address specific issues.

Seek advice and/or input on matters relevant to its work ~~programme~~ from technical panels (through the SC) and other groups or organizations that assist the IPP Secretariat.

Periodically review its functions, procedures and outcomes.

Monitor and evaluate the effectiveness of its activities and products.

Develop projects that contribute to achieving the implementation priorities agreed by CPM.

##### 4.3iii) Working with the Secretariat

~~Develop and manage projects that contribute to achieving the implementation priorities agreed by CPM.~~

Provide guidance on implementation and capacity development activities for inclusion in the Secretariat's work plan.

Assess and prioritize ~~web resources for inclusion in the International Phytosanitary Portal (IPP) or the Phytosanitary Resources website~~, as appropriate, technical resources that are relevant for developing capacity to implement the IPPC.

Promote dispute avoidance as an outcome of effective implementation.

~~Oversee the dispute settlement process as required.~~

Contribute to the development and maintenance of links with donors, partners and other public and private organizations concerned with implementation and capacity development in the phytosanitary area.

Contribute to the delivery of the IPPC Secretariat's Communications.

The Secretariat is responsible for coordinating the work of the IC and providing administrative, editorial operational and technical, support. The Secretariat advises the IC on the availability and use of financial and staff resources.

~~iv) Working with other subsidiary bodies~~

~~Work in close collaboration with the SC to make standards setting and implementation complementary and effective.~~

~~Review the Framework for Standards and Implementation annually and recommend changes to the CPM through the SPG.~~

~~Work with other subsidiary bodies and RPPOs regarding areas of mutual interest.~~

~~v) Actions directed by CPM~~

~~Contribute to the delivery of the IPPC Communications Strategy.~~

~~Provide oversight of bodies that have been established by CPM and entrusted to the IC.~~

~~Undertake other functions as directed by the CPM.~~

~~Report to the CPM on its activities.~~

## ~~5. Relationship with the IPPC Secretariat~~

~~The Secretariat is responsible for coordinating the work of the IC and providing administrative, editorial operational and technical, support. The Secretariat advises the IC on the availability and use of financial and staff resources.~~

## ~~5.6. Relationship with the Standards Committee~~

~~The IC collaborates with the SC to make standard setting and implementation complementary and effective on the basis of aligned priorities work plans for the implementation of the IPPC. This collaboration will take place at a number of levels (e.g. Secretariat, chairs, members, stewards and Sub-groups). ~~The IC includes an SC~~ A representative from the SC is invited to participate in IC activities and meetings ~~and also selects a representative for participation in SC meetings.~~ IC and SC ~~Subjects for collaboration will include at least:~~~~

~~Alignment of priorities work programmes~~

Development of implementation plans for standards

Analysis of responses to calls for topics and issues to be addressed

Review of the Framework for Standards and Implementation jointly and make recommendations to the CPM for endorsement via the SPG

~~Development and implementation of joint projects.~~

## **67. Relationship with the RPPOs**

RPPOs provide a regional perspective on issues, challenges and the region operating context impacting contracting parties and their NPPOs. RPPOs provide support to contracting parties to enhance their phytosanitary capacities and capabilities. ~~The IC includes an~~ A representative, selected by the RPPOs representative is invited to participate in IC activities and meetings. Areas for collaboration include:

Exchange of ~~draft work~~ plans programmes

Sharing of technical resources and information

Identification and provision of experts

Coordination of activities and events, including IPPC Regional Workshops

~~Development and implementation of joint projects.~~

## **Proposed revisions to the Rules of Procedure of the IPPC Implementation and Capacity Development Committee (IC) – A Subsidiary Body of the CPM<sup>61</sup>**

### **Rule 1. Membership**

The IC is composed of ~~142~~ members.

Members will have experience in at least one of the following:

Demonstrated experience in managing phytosanitary systems;

Demonstrated experience in delivering phytosanitary capacity development activities;

In depth knowledge of the IPPC, ISPMs and CPM Recommendations;

Experience in the implementation of phytosanitary regulations;

Other specific knowledge, qualifications and/or experience, for example in developing and delivering training

Members will also have a level of English which will allow them to actively participate in IC meetings and discussions.

~~plus one representative from the regional plant protection organizations (RPPOs) and one from the Standards Committee (SC) of the International Plant Protection Convention (IPPC).~~

<sup>61</sup> Report from CPM-12 (2017) see Appendix 10 to report: <https://www.ippc.int/en/publications/84387/>

~~Members are selected on the basis of a balance of expertise with at least one from each Food and Agriculture Organization of the United Nations (FAO) region and representation from developing countries. Members should have experience of either implementation of phytosanitary related instruments and/or capacity development and will be selected and appointed by the Commission on Phytosanitary Measures (CPM) Bureau.~~

~~The Technical Consultation (TC) among RPPOs and the SC each appoints a representative to the IC through their own processes.~~

~~The members and representatives will serve with utmost integrity, impartiality, and independence and will prevent and disclose in advance possible conflicts of interest that may arise in the course of carrying out their duties. If they occur, the Bureau will resolve cases of a conflict of interest.~~

~~Members serve for a term of three years which may be renewed as recommended by CPM Bureau and confirmed by CPM. The term of membership will begin at the end of the May IC meeting.~~

### **Rule 2. Qualification for membership**

~~Nominations for members will include documented evidence of their experience in implementation and/or capacity development. This experience should include at least one of the following:~~

~~Demonstrated experience in managing phytosanitary systems;~~

~~Demonstrated experience in delivering phytosanitary capacity development activities;~~

~~In depth knowledge of the IPPC and International Standards for Phytosanitary Measures;~~

~~Experience in the implementation of phytosanitary regulations;~~

~~Other specific knowledge, qualifications and/or experience, for example in developing and delivering training.~~

~~Nominees will also have a level of English which will allow them to actively participate in IC meetings and discussions.~~

### **Rule 2. Replacement members**

~~Replacements should meet the qualifications for membership set forth in these Rules.~~

~~Replacements for regional representatives. A maximum of two replacements may be nominated by each region and when a region nominates two, it should indicate the order in which they would serve as replacements.~~

~~Replacements for Experts. Experts submitted in response to a call for experts may also be selected to form a pool of replacements.~~

### **Rule 3. Procedure for nomination and selection of members and replacement members**

~~Nominations should be submitted through the IPPC Official Contact points for contracting parties or RPPOs.~~

For nominations for regional representatives, the IPPC Secretariat will make a call and each of the seven Food and Agriculture Organization of the United Nations (FAO) regions may devise its own procedures for selecting its regional representatives for both members and replacement members. Their selection is communicated to the IPPC Secretariat through the CPM Bureau member from that region.

For nominations for experts, the IPPC Secretariat will make a call for experts. ~~Nominations should be submitted to the IPPC Secretariat through IPPC Official Contact points for contracting parties or RPPOs.~~ Nominations will be reviewed and selected by the Bureau. In addition to the qualifications for members outlined in these rules, the Bureau will also consider the skills and experience of the seven regional representatives and select additional experts to complement them.

Replacement members will also be selected following the above process to form a pool of replacement members.

The selection of members who are a representative of the SC or a representative from the RPPOs is described in Rule 5.

All nominations should be accompanied by a:

Letter of intent,

CV and

Completed and signed Statement of Commitment as specified in the call.

All nominations for IC members or replacement members will be recommended to the CPM for confirmation.

~~The Secretariat will issue a call for members when vacancies arise. Member nominations, including supporting information and a letter of commitment as specified in the call, may be formally submitted by contracting parties or RPPOs.~~

~~The CPM Bureau will review nominations against the list of requirements outlined in Rule 2.~~

~~Members serve for a term of three years which may be renewed on acceptance of the CPM Bureau.~~

#### **~~Rule 4. Alternate and replacement members~~**

~~At least one alternate for each FAO region should be appointed following the selection process detailed in Rule 3 and serves for a term of three years which may be renewed in accordance with that Rule.~~

~~An alternate may attend a meeting of the IC in place of a member who is unable to attend.~~

~~If a member resigns, no longer meets the qualifications for membership set forth in these Rules, or fails to attend two consecutive meetings of the IC, the member will be replaced. The replacement will be decided by the Bureau maintaining the balance of expertise, and the need to have at least one member from each FAO region. A replacement member will serve for a term of three years starting from the time of appointment.~~

**Rule 4. Procedure calling a replacement member**

A member of the IC will be replaced by a confirmed replacement member if the IC member resigns, no longer meets the qualifications for membership set forth in these Rules, or fails to attend two consecutive meetings of the IC.

For the replacement of a member who is a regional representative, the confirmed replacement member will be called upon in the order confirmed. In these cases, the Secretariat should inform the relevant regional Bureau member.

For the replacement of a member who is an expert, the Bureau will be requested to select a confirmed replacement member from the pool to complement the IC membership with a balance of skills and experience required.

A replacement will serve through the completion of the term of the original member.

**Rule 5. Representatives of the SC and RPPOs**

The SC and the Technical Consultation (TC) among RPPOs each selects a representative to the IC through their own processes.

**Rule 65. Chairperson and Vice-Chairperson**

The chairperson and vice-chairperson of the IC are elected by its members and serve for the remainder of their a-term-of three years with the possibility of re-election on acceptance of the CPM Bureau. The SC representative and the RPPOs representative are not eligible to be elected as chairperson or vice-chairperson of the IC.

**Rule 76. Meetings**

The IC will hold two physical meetings a year. Additional meetings may be held when necessary, subject to available staff and financial resources. Meetings of the IC may also be held through electronic means, including by video and teleconference, as necessary.

A majority of members will constitute the quorum to hold meetings.

**Rule 87. Observers and participation of invited experts to IC meetings**

Subject to the provisions of the below paragraph, meetings of the IC will be open, in accordance with the applicable FAO and CPM rules and procedures.

The IC may determine that certain meetings, or part thereof, be conducted without observers, in consideration of the sensitivity or confidentiality of the subject.

With the prior agreement, or at the request, of the IC members, the Secretariat may invite individuals or representatives of organizations with specific expertise, to participate as observers in a specific meeting or part thereof.

**Rule 8. Bodies established by CPM**

~~A subsidiary body established by the CPM may be entrusted to the oversight of the IC. These bodies will have their own terms of reference and rules of procedure which will have been agreed by the CPM during their establishment.~~

### **Rule 9. IC Sub-groups**

The IC may recommend that the CPM establish IC Sub-groups to address specific implementation and capacity development issues subject to availability of financial resources. The IC will approve ~~determine in their~~ Terms of Reference (TOR) for each IC Sub-group and Rules of Procedure (ROP) for IC Sub-groups. The TOR should outline the assigned ~~the~~ tasks, duration of the Sub-group, the composition of the, membership and reporting duties of these sub-groups.

The IC may recommend, the CPM dissolve IC Sub-groups when they are no longer required.

### **Rule 10. Working groups/teams**

The IC may establish ad hoc working groups/teams to address specific issues. Working group/team members are selected by the IC from its membership and may, in some cases, include external experts as agreed by the IC.

The IC may dissolve these temporary working groups/teams when they are no longer required.

### **Rule 1140. Decision-making**

The IC will endeavour to make decisions on the basis of consensus between members.

Situations where consensus is required but cannot be reached shall be described in the meeting reports detailing all positions maintained and presented to the CPM for discussion and appropriate action.

### **Rule 1244. Reporting**

The IC will report to the CPM and submit recommendations to the CPM as needed.

## APPENDIX -05 - 2021 Call for Topics: Standards and Implementation

[160] For detailed information on TFT discussions please refer to the TFT meeting reports available at: <https://www.ippc.int/en/core-activities/standards-and-implementation/call-for-topics-standards-and-implementation/task-force-on-topics/>.

**Table 1: TFT recommendations for the proposed standards and implementation resources**

Topic number	Title	CP / RPPO	Support letters	TFT summary	TFT recommended priority (1-4)	TFT recommended material
2021-011	Annex International movement of mango ( <i>Mangifera indica</i> ) fruit to ISPM XX (Commodity-based standards for phytosanitary measures)	Asia and Pacific Plant Protection Commission (APPPC)	PPPO	TFT recommended considering these topic submissions.	1	Standards
2021-018	Field inspection (including growing season inspection) (Annex to ISPM 23: Guidelines for inspection)	Japan	-		2	
2021-010	Revision of ISPM 26: Establishment of pest free areas for fruit flies (Tephritidae)	New Zealand	Australia		2	
2021-009	Guide on performing audits in the phytosanitary context	Canada	North American Plant Protection Organization (NAPPO)		1	Implementation resource

**Table 2: DPs recommended by the TFT and subsequently added by the SC to the LOT**

Topic number	Title	CP / RPPO	TFT recommended priority (1-4)	TFT summary
2021-016	ISPM 27 Annex: <i>Spodoptera frugiperda</i>	New Zealand and Kenya	1	TFT recommended the development of these DPs.
2021-017	ISPM 27 Annex: <i>Drosophila suzukii</i> (Diptera: Drosophilidae)	New Zealand	1	
2021-025	ISPM 27 Annex: <i>Tomato brown rugose fruit virus</i>	China	1	
2021-013	ISPM 27 Annex: <i>Bactrocera zonata</i> (Saunders, 1842)	Egypt	2	
2021-014	ISPM 27 Annex: <i>Dickeya</i> spp. on potato	New Zealand	2	
2021-015	ISPM 27 Annex: <i>Heterobasidion annosum</i>	New Zealand	3	

**Table 3: Topic submissions not recommended by the TFT**

Topic number	Title	CP / RPPO	Support letters	Proposed material	TFT summary
2021-020	Safe provision of food and other humanitarian aid	PPPO	APPPC, Republic of Korea	Standards	TFT did not recommend adding these topic submissions to the lists of topics.
2021-012	Requirements for the use of testing laboratories	Japan	-		
2021-019	Field certification for export-oriented fruits and vegetables	Sri Lanka			
2021-023	Revision of ISPM 31: Methodologies for sampling of consignments	Kenya			
2021-024	Development of authorization programme for use of fumigation	Ukraine		Implementation resources	TFT was not in a position to formulate the recommendation given the incomplete submission.
2021-021	Methodology for field sampling	Kenya			

## APPENDIX 06 – Adoption of International Standards for Phytosanitary Measures (ISPMs), phytosanitary treatments (PTs) and CPM Recommendation

The CPM adopted the following nine standards, including five PTs as presented to CPM-16 in document 2022/24\_01-09 (linked below):

- 1) [CPM 2022/24\\_01](#): ISPM 46 *Commodity-specific standards for phytosanitary measures*;
- 2) [CPM 2022/24\\_02](#): ISPM 47 *Audit in the phytosanitary context*;
- 3) [CPM 2022/24\\_03](#): Focused revision of ISPM 12 (*Phytosanitary certificates*) in relation to re-export;
- 4) [CPM 2022/24\\_04](#): 2019 and 2020 amendments to ISPM 5 (*Glossary of phytosanitary terms*);
- 5) [CPM 2022/24\\_05](#): PT 40 Irradiation treatment for Tortricidae on fruits;
- 6) [CPM 2022/24\\_06](#): PT 41 Cold treatment for *Bactrocera zonata* on *Citrus sinensis*;
- 7) [CPM 2022/24\\_07](#): PT 42 Irradiation treatment for *Zeugodacus tau*;
- 8) [CPM 2022/24\\_08](#): PT 43 Irradiation treatment for *Sternochetus frigidus*;
- 9) [CPM 2022/24\\_09](#): PT 44 Vapour heat - modified atmosphere treatment for *Cydia pomonella* and *Grapholita molesta* on *Malus pumila* and *Prunus persica*.

The CPM-16 thanked the experts of the groups who drafted the adopted standards for their active contribution to the development of these standards as listed in Appendix 1 in [CPM 2022/24](#).

## APPENDIX 07 - Standard Setting Procedure as modified by CPM-16

### INTERNATIONAL PLANT PROTECTION CONVENTION

#### STANDARD SETTING PROCEDURE

#### (ANNEX 3 OF THE RULES OF PROCEDURE OF THE COMMISSION ON PHYTOSANITARY MEASURES)

The process for the development of International Standards for Phytosanitary Measures (ISPMs) is divided into four stages:

Stage 1: Developing the *List of topics for IPPC standards*

Stage 2: Drafting

Stage 3: Consultation for draft ISPMs

Stage 4: Adoption and publication.

Relevant Interim Commission on Phytosanitary Measures (ICPM) / Commission on Phytosanitary Measures (CPM) decisions on many aspects of the Standard setting procedure have been compiled in the IPPC Procedure manual for standard setting, which is available on the International Phytosanitary Portal (IPP, [www.ippc.int](http://www.ippc.int)).

#### **STAGE 1: Developing the *List of topics for IPPC standards***

##### **Step 1: Call for topics**

The IPPC Secretariat makes a call for topics<sup>62</sup> every two years. Contracting parties (CPs) and regional plant protection organizations (RPPOs) submit detailed proposals for new topics or for the revision of existing ISPMs to the IPPC Secretariat. Submissions should be accompanied with a draft specification (except for Diagnostic protocols (DPs)), a literature review and justification that the proposed topic meets the CPM-approved criteria for topics (available in the IPPC Procedure manual for standard setting). To indicate a global need for the proposed topic, submitters are encouraged to gain support from CPs and RPPOs in other regions.

A separate call for submissions for Phytosanitary treatments (PTs) is made.

The Standards Committee (SC), taking into account the IPPC Strategic Framework and the *Criteria for justification and prioritization of proposed topics*, reviews the submissions. The SC reviews the *List of topics for IPPC standards* (including subjects), adding topics and giving each topic a recommended priority. This list is recommended to the CPM.

The CPM reviews, changes and adopts the *List of topics for IPPC standards*, including assigning a priority for each topic.

A revised List of topics for IPPC standards is made available.

##### **Step 2: Annual review of the *List of topics for IPPC standards***

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<sup>62</sup> This is a call for "technical area", "topic", "Diagnostic Protocol (DP)", see the *Hierarchy of terms for standards* in the IPPC Procedure manual for standard setting.

Annually the SC reviews the *List of topics for IPPC standards* and recommends changes (including deletions, or changes in priority) to the CPM. In exceptional circumstances, in response to a specific need, the SC may recommend an addition to the *List of topics for IPPC standards*.

The CPM reviews the *List of topics for IPPC standards* recommended by the SC. The CPM changes and adopts the *List of topics for IPPC standards*, including assigning a priority for each topic. A revised *List of topics for IPPC standards* is made available.

In any year, when a situation arises in which an ISPM or a revision to an ISPM is required urgently, the CPM may add such a topic into the *List of topics for IPPC standards*.

## **Stage 2: Drafting**

### **Step 3: Development of a specification**

The SC should be encouraged to assign a lead steward and assistant(s) for each topic. These assistants could be from outside the SC, such as potential SC replacement members, former SC members, technical panel (TP) members or expert working group members.

The SC reviews the draft specification. The SC should endeavour to approve draft specifications for consultation at the SC meeting following the CPM session when new topics have been added to the *List of topics for IPPC standards*.

Once the SC approves the draft specification for consultation, the IPPC Secretariat makes it publicly available. The IPPC Secretariat solicits comments through the IPPC Online Comment System (OCS) from CPs, RPPOs, relevant international organizations, and other entities as decided by the SC. The length of the consultation for draft specifications is 60 days. The IPPC contact point or information point submits comments to the IPPC Secretariat using the OCS.

The IPPC Secretariat compiles the comments received, makes them publicly available and submits them to the steward and the SC for consideration. The specification is revised and approved by the SC, and made publicly available.

### **Step 4: Preparation of a draft ISPM<sup>63</sup>**

An expert drafting group (EDG) (i.e. expert working group (EWG) or TP) drafts or revises the draft ISPM in accordance with the relevant specification. The SC may request the IPPC Secretariat to solicit comments from scientists around the world to ensure the scientific quality of draft DPs. The resulting draft ISPM is recommended to the SC.

The SC or the SC working group established by the SC (SC-7) reviews the draft ISPM at a meeting (for a DP or PT, the SC reviews it electronically) and decides whether to approve it for consultation, to return it to the steward or an EDG or to put it on hold. When the SC-7 meets, comments from any SC members should be taken into account.

## **STAGE 3: Consultation and review**

Draft ISPMs other than draft DPs and draft PTs are submitted to two consultation periods. Draft DPs are submitted to one consultation period unless decided otherwise by the SC. Draft PTs are submitted to one or two consultation periods depending on the decision of the SC.

### **Step 5: First consultation**

Once the SC approves the draft ISPM for the first consultation, the IPPC Secretariat makes it publicly available. The IPPC Secretariat solicits comments through the OCS from CPs, RPPOs, relevant international organizations, national plant protection services of non-CPs, and other entities as decided

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<sup>63</sup> This procedure refers to "draft ISPMs" and "standards" to simplify wording, but also applies to any part of an ISPM, including annexes, appendices or supplements.

by the SC. The length of the First consultation for draft ISPMs is 90 days. The IPPC contact point or information point submits comments to the IPPC Secretariat using the OCS. The IPPC Secretariat compiles the comments received, makes them publicly available and submits them to the steward for consideration.

The steward reviews the comments, prepares responses to the comments, revises the draft ISPM and submits them to the IPPC Secretariat. These are made available to the SC. Taking the comments into account, the SC-7 or TP (for draft DPs or draft PTs) revises the draft ISPM and recommends it to the SC.

For draft ISPMs other than draft DPs and draft PTs, responses to the major issues raised in the comments are recorded in the report of the SC-7 meeting. Once the SC-7 recommends the draft ISPM to the SC, the IPPC Secretariat makes it publicly available.

For draft PTs, the SC may recommend them for adoption by the CPM if no significant or major technical comments are made during the first consultation.

For draft PTs or draft DPs, once the SC has approved them and the responses to comments, the drafts and responses to comments are made publicly available. A summary of the major issues discussed by the SC for the draft DP or draft PT is recorded in the report of the following SC meeting.

Alternatively, to approving the draft ISPM, the SC may for example return it to the steward or an EDG, submit it for another round of consultation or put it on hold.

#### **Step 6: Second consultation**

Once the SC or SC-7 approves the draft ISPM for the second consultation, the IPPC Secretariat solicits comments through the OCS from CPs, RPPOs, relevant international organizations, national plant protection services of non-CPs, and other entities as decided by the SC. The length of the Second consultation is 90 days. The IPPC contact point or information point submits the comments to the IPPC Secretariat using the OCS. The IPPC Secretariat compiles the comments received, makes them publicly available and submits them to the steward for consideration.

The steward reviews the comments, prepares responses to the comments, revises the draft ISPM and submits the revised draft ISPM to the IPPC Secretariat. These are made available to the SC and the revised draft ISPM, other than draft PTs, is made available to CPs and RPPOs.

The SC reviews the comments, the steward's responses to the comments and the revised draft ISPM. For draft ISPMs other than draft PTs, the SC provides a summary of the major issues discussed by the SC. These summaries are recorded in the report of the SC meeting.

For draft PTs, once the SC has approved them and the responses to comments, the drafts and responses to comments are made publicly available. A summary of the major issues discussed by the SC for the draft PT is recorded in the report of the following SC meeting.

Alternatively, to recommending the draft ISPM to the CPM, the SC may for example return it to the steward or an EDG, submit it for another round of consultation, or put it on hold.

#### **STAGE 4: Adoption and publication**

##### **Step 7: Adoption**

For draft ISPMs other than draft DPs:

Following recommendation by the SC, the draft ISPM is included on the agenda of the CPM session. The IPPC Secretariat should make the draft ISPM presented to the CPM for adoption available in the languages of the Organization as soon as possible and at least six weeks before the opening of the CPM session.

If all CPs support the adoption of the draft ISPM, the CPM should adopt the ISPM without discussion.

If a CP does not support the adoption of the draft ISPM, the CP may submit an objection<sup>64</sup>. An objection must be accompanied by technical justification and suggestions for improvement of the draft ISPM, which are likely to be acceptable to other CPs and be submitted to the IPPC Secretariat no later than 3 weeks before the CPM session. Concerned CPs should make every effort to seek agreement before the CPM session. The objection will be added to the CPM agenda and the CPM will decide on a way forward.

When the need for a minor technical update to an adopted ISPM is identified by a TP or the SC, the SC can recommend the update for adoption by the CPM. The IPPC Secretariat should make the update to the adopted ISPM available in the languages of the organization as soon as possible and at least six weeks prior to the opening of the CPM meeting. Minor technical updates to adopted ISPMs presented to the CPM are subject to the objection process as described above.

For draft DPs:

The CPM has delegated its authority to the SC to adopt DPs on its behalf. Once the SC approves the DP, the IPPC Secretariat makes it available on defined dates twice a year and CPs are notified<sup>65</sup>. CPs have 45 days to review the approved DP and submit an objection, if any, along with the technical justification and suggestions for improvement of the approved DP. If no objection is received, the DP is considered adopted. DPs adopted through this process are noted by the CPM and attached to the report of the CPM meeting. If a CP has an objection, the draft DP should be returned to the SC.

When a technical revision<sup>66</sup> is required for an adopted DP, the SC can adopt the updates to adopted DPs via electronic means. The revised DPs shall be made publicly available as soon as the SC adopts them. DPs revised through this process are noted by the CPM and attached to the report of the CPM meeting.

### **Step 8: Publication**

The adopted ISPM is made publicly available.

CPs and RPPOs may form a Language Review Group (LRG) and, following the CPM-agreed LRG process<sup>67</sup>, may propose modifications to translations of adopted ISPMs.

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<sup>64</sup> An objection should be a technically supported objection to the adoption of the draft standard in its current form and sent through the official IPPC contact point (Refer to the *Criteria to help determine whether a formal objection is technically justified* as approved by CPM-8 (2013), recorded in the IPPC Procedure manual for standard setting).

<sup>65</sup> For translation of DPs, contracting parties would follow the mechanism for requesting the translation for DPs into FAO languages posted on the IPP (<https://www.ippc.int/en/core-activities/standards-setting/member-consultation-draft-ispms/mechanism-translate-diagnostic-protocols-languages/>).

<sup>66</sup> A technical revision for DPs has been defined by the SC and is recorded in the IPPC Procedure manual for standard setting.

<sup>67</sup> <https://www.ippc.int/en/core-activities/governance/standards-setting/ispms/language-review-groups/>

## **APPENDIX 08 - Terms of Reference for the CPM Focus Group on the Safe Provision of Food and other Humanitarian Aid as modified by CPM-16**

### **A. Background**

The IPPC recognizes the necessity for international co-operation to prevent the global spread of plant pests. In emergency crisis situations, affected countries can be temporarily constrained in their ability to implement their phytosanitary responsibilities. Contracting parties that are donors of aid do have capacity at that time and thus their commitment to comply with Article IV of the IPPC becomes more critical.

During an emergency situation, conditions at borders can be very abnormal. Treatment and processing infrastructure may be damaged or inaccessible; water, electricity, manpower and other services are often cut and roads and ports are often destroyed, preventing the use of dedicated facilities and requiring activities to occur outside of declared ports of entry. Staff may be unable to travel to work or may be diverted to emergency tasks; and other government agencies and officials frequently urge the national plant protection organization (NPPO) and other agencies to release goods to people in need without undue delay. Thus, unless appropriately prepared to meet the phytosanitary import requirements of the recipient country prior to export, the provided aid can cause long-term damage to vulnerable people and communities.

No international standard currently exists to guide countries on the safe movement of aid during the unique pressures and logistical constraints of emergency situations. Given the predicted increase in frequency of natural disasters, potential man-made disasters, and the historical incidence of pest introductions through humanitarian aid, it is timely that an international standard is developed to address this gap in robust phytosanitary processes.

The Standards Committee (SC) and the Implementation and Capacity Development Committee (IC) agreed to recommend to the CPM to establish a Focus Group on *Safe Provision of Food and Other Aid* and have drafted the following terms of reference for a small Focus Group to be convened.

The proposed purpose, membership, functions, funding, and duration of the Focus Group are described below.

### **B. Purpose**

The purpose of the Focus Group will be to support the objectives of the IPPC strategic framework 2030 to enhance global food security and protect the environment from the impacts of plant pests and, where appropriate, environmental pests by:

- Understanding the concerns raised by the Task Force on Topics (TFT) and contracting parties regarding development of a standard on *The Safe Provision of Food and Other Humanitarian Aid* and propose solutions for development of the standard, and other supplementary tools, to alleviate the concerns.
- Outlining the key principles, requirements and other aspects that a standard on *The Safe Provision of Food and Other Humanitarian Aid* should contain (including the contents of annexes and appendices);
- Revising the specification for the standard proposed by the Pacific Plant Protection Organization (PPPO) as needed<sup>68</sup>

### **C. Membership**

The CPM Focus Group on *Safe Provision of Food and Other Humanitarian Aid* should be skills- and knowledge based with broad geographical and gender representation. The group should be composed of

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<sup>68</sup> See topic submission from the 2021 IPPC Call for Topics: <https://www.ippc.int/en/publications/90195/>

a maximum of twelve members, from both recipient and donor NPPOs, including at least one representative of the Bureau, one of the SC, one of the IC and one from a regional plant protection organization (RPPO) from the region that has been recipient of food and other humanitarian aid.

In addition to the twelve members, up to three invited experts from donor agencies (e.g. World Food Program) should also be invited to participate as observers.

- 1) The members of the Focus Group should have experience and expertise in one or more of the following areas:
  - procurement and the supply of humanitarian aid (aid agency and government)
  - plant health policy and risk management regulation
  - plant health emergency response/management
  - clearance of imported goods under emergency or disaster constraints
- 2) All members should have knowledge of the IPPC's mandate, strategic framework, and activities.
- 3) The Bureau will select the members and make-up of the Focus Group.

#### **D. Functions**

The Focus Group will:

- Document the concerns raised by the TFT and contracting parties and propose potential solutions for consideration for the development of a standard.
- Modify the specification for the standard 'Safe provision of food and other humanitarian aid' proposed by the PPPO during the call for topics, as needed.
- Draft the principles and elements that the standard could contain, in relation to the reference material below and the deliberations of the Focus Group.
- To analyze the feasibility and potential impediments in implementing such a standard and to contracting parties being able to comply with one.
- Present the analysis and draft principles and elements to the SC, IC, Strategic Planning Group (SPG) and CPM for advice and direction.

The work of the Focus Group will be informed by examples of pest introductions resulting from aid, current regional and NPPO initiatives to manage the risk from aid, CPM Recommendation 09: *Safe provision of food and other aid to prevent the international spread of plant pests during an emergency situation*, any other relevant CPM Recommendation, the submission of the PPPO to the 2021 IPPC Call for Topics on this issue and other relevant material.

#### **E. Process**

- The establishment of the Focus Group will follow a CPM decision on this subject in its 2022 session.
- The member selection for the Focus Group shall be carried out according to the following guidelines:
- A call for nominations will be published on the IPPC website by June 2022 to allow contracting parties and regional plant protection organizations to nominate their representatives to be part

of the Focus Group. Each region shall nominate one or more experts from different disciplines to fit some of the skill sets described under “Membership”.

The IPPC Secretariat will review the nominations and submit them to CPM Bureau for selection assuring gender and geographical balance. The CPM-Bureau should endeavor to select one nominee from each FAO region as the regional representative in the Focus Group, aiming to cover as many areas as possible.

The Focus Group will convene for the first time by July 2022 to select its chairperson and discuss its action plan and functions as described in section D. A preliminary report and recommendations will be presented to SPG in October 2022, SC and IC in November 2022, and final report and recommendations to CPM-17 (2023) for a decision on whether to proceed with a standard and the priority level to be assigned.

#### **F. Funding**

It is expected that the initial meetings for this Focus Group will be virtual. However, where in-person meetings are required, the organization that employs an IPPC meeting participant is responsible for funding the travel and daily subsistence allowance for that person to attend. If the employer is unable to allocate sufficient funds, participants are first encouraged to seek assistance from sources other than the IPPC Secretariat. Where such demonstrated efforts to secure assistance have been unsuccessful, requests for assistance (i.e. travel and subsistence costs) from the IPPC Secretariat may be made. However, any support is subject to available funds. The IPPC Secretariat will consider funding assistance for participants following IPPC criteria for funding. Full details on these criteria can be found on the IPP (<https://www.ippc.int/publications/criteria-used-prioritizing-participants-receive-travel-assistance-attendmeetings>).

#### **G. Duration**

This Focus Group will remain effective for up to two years (until the CPM of 2024).

## **APPENDIX 09 - : CPM Recommendation R-10 (Reduction of the incidence of contaminating pests associated with regulated and unregulated articles to protect plant resources and facilitate safe trade) as modified by CPM-16**

### **Background**

The purpose of this CPM recommendation is to reduce the incidence of contaminating pests on and in regulated and unregulated articles and other pathways in order to protect plant health, biodiversity and food security and to facilitate safe trade. In this recommendation, “unregulated articles” refers to plants, plant products, traded goods, storage places, packaging, conveyances, containers, soil, and any other objects, organisms or materials capable of harbouring or spreading contaminating pests, that are not subject to phytosanitary measures. Other pathways may include articles moved or used in postal or courier mail services or in haulage, but also people travelling internationally. The pest risk posed by plants and plant products should be managed on the basis of pest risk analysis in accordance with Article VII.2(g) of the International Plant Protection Convention (IPPC) and relevant International Standards for Phytosanitary Measures (ISPMs). Pest risk analyses, however, do not always consider the pest risk associated with the processes of moving the commodity in trade, or pathways outside of commercial trade. This recommendation therefore seeks to help bridge this gap by encouraging more effective management of contaminating pests to enhance food security and protect the world’s biodiversity.

This recommendation provides a basis for further work to support implementation of the IPPC Strategic Framework 2020–2030 (IPPC Secretariat, 2021) and encourages national plant protection organizations (NPPOs), regional plant protection organizations (RPPOs), and importing and exporting industries to work together to raise awareness of the pest risk associated with the international movement of all goods and people, and identify and promote the adoption of good practices that minimize the introduction and spread of contaminating pests.

Contracting parties, through the Commission on Phytosanitary Measures (CPM), have recognized the risks posed by contaminating pests carried by commodities that are not plants or plant products, as well as the pest risk associated with conveyances, containers and other pathways. This has led to the adoption of ISPM 41 (*International movement of used vehicles, machinery and equipment*) and to actions that reduce the incidence of contaminating pests on and in sea containers through the work of the Sea Container Task Force and the adoption of the CPM recommendation on *Sea containers* (R-06). However, awareness of the scope of the IPPC, and the risks that contaminating pests associated with regulated and unregulated articles pose to global plant health, remains low.

The IPPC aims to protect global plant resources and facilitate safe trade. It does this by facilitating cooperation and agreement between contracting parties on practices that minimize the risk of the introduction and spread of plant pests. Contracting parties work to develop and maintain the capacity to implement harmonized phytosanitary measures to prevent pest introduction and spread, and minimize the impacts of pests on food security, trade, economic growth, biodiversity and the environment.

### **Addressed to**

Contracting parties, NPPOs, RPPOs and relevant industries involved in international trade, including exporters, importers, manufacturers, the processing industry and logistics operators.

### **Recommendations**

The IPPC provides for the management of the pest risk associated with both regulated and unregulated articles capable of harbouring or spreading contaminating pests, in addition to those that may infest plants and plant products, particularly where international transportation is involved (Article I.4 of the IPPC).

The CPM therefore encourages contracting parties to take the necessary actions, based on sufficient scientific evidence, to minimize the introduction and spread of contaminating pests via both regulated and unregulated articles and other pathways. The CPM *encourages* contracting parties and RPPOs to:

- 1) *raise* awareness with governments, particularly departments for trade, foreign affairs and diplomatic missions, and with transport and other relevant industries of the risks and impacts of pests moving internationally as contaminating pests on or in regulated and unregulated articles as well as by other pathways;
- 2) *promote* the benefits, in terms of facilitating safer trade, of preventing regulated and unregulated articles including items that carry or accompany them from becoming contaminated with pests or material that may pose a pest risk such as soil and plant material;
- 3) *gather* scientific information on the risks of contaminating pests moving in trade and other pathways;
- 4) *conduct* pest risk analyses and pathway analyses, based on scientific information and in consultation with various stakeholders, to identify risk-based phytosanitary measures to reduce the pest risk relating to contaminating pests, and then *communicate* these measures and the potential regulatory and/or business consequences of non-compliance, pest interceptions or other evidence of pest contamination;
- 5) *record* and *share* information about the experiences (including interceptions and detections), case studies and effective measures implemented by contracting parties in order to prevent the introduction and spread of contaminating pests;
- 6) *establish* appropriate regulatory tools to enable NPPOs to manage the pest risk associated with regulated and unregulated articles being imported and exported that may harbour contaminating pests regulated by the importing country;
- 7) *build* capacity to detect and manage contaminating pests, and share tools and technologies to support this;
- 8) *collaborate* with importing and exporting industries, logistics operators and other stakeholders to develop commercial practices that reduce the risk of introducing and spreading contaminating pests and therefore reduce the associated regulatory consequences for their businesses; and
- 9) *exchange* information with relevant international organizations through NPPOs, RPPO secretariats and the IPPC Secretariat about the risk of contaminating pests and effective mitigation measures.

## REFERENCES

**IPPC Secretariat.** 2021. *Strategic framework for the International Plant Protection Convention (IPPC) 2020–2030*. Rome, IPPC Secretariat, FAO. 28 pp. [www.fao.org/documents/card/en/c/cb3995en](http://www.fao.org/documents/card/en/c/cb3995en)

## RECOMMENDATION(S) SUPERSEDED BY THE ABOVE

None.