

RPPO-98/REPORT

**REPORT OF THE TENTH TECHNICAL CONSULTATION AMONG
REGIONAL PLANT PROTECTION ORGANIZATIONS**

Rome, 9-10 November 1998

**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome 1998**

Tenth Technical Consultation among Regional Plant Protection Organizations

Opening of the Consultation

1. Mr. Duwaryi, Director of the FAO Plant Production and Protection Division, opened the Consultation. He briefly recounted the history of the Technical Consultations, emphasizing the role played by Regional Plant Protection Organizations (RPPOs) in the implementation of the IPPC and particularly in the developments leading to the approval of the new Revised Text and the establishment of the Interim Commission on Phytosanitary Measures. Mr. Duwaryi noted the need for RPPOs to continue their strong support of the IPPC and he urged the Consultation to consider in particular the needs of countries and RPPOs that were less active.

Election of the Chair, Vice-chair and Rapporteur

2. Ms. Reinouw Bast-Tjeerde (NAPPO) was elected as Chairperson. Mr. Aboul Jamil Mohd Ali (APPPC) was elected as Vice-chairperson. The Secretariat was appointed as Rapporteur.

Adoption of the Agenda

3. The provisional agenda was discussed and modified to bring the point on Discussion papers earlier in the Consultation and to add several points under coordinated activities and additional business. These changes were agreed and the agenda was adopted (Appendix I).

Actions arising from the Ninth Technical Consultation

4. Points arising from the Ninth Technical Consultation were outlined by Mr. Robert Griffin, Coordinator, IPPC Secretariat. These included the provision of inputs by RPPOs into proposed standards and the development of pest reporting systems. The Secretariat expressed appreciation to EPPO for providing a discussion document on pest reporting.

5. The Coordinator also noted that RPPOs might wish to take the opportunity to report on their efforts toward helping governments to accept the new Revised Text. It was also suggested that the Consultation might wish to reconsider its Terms of Reference in light of the approval of the new Revised Text and the establishment of the Interim Commission.

6. Several RPPOs stated their positive role in encouraging acceptance of the new Revised Text among their members but cited unavoidable legal and political processes within individual countries as a delaying factor. EPPO expressed optimism that the new Revised Text could come into force earlier than the date of 2001 proposed by the Secretariat.

7. Some RPPOs indicated that it was difficult to provide inputs on proposed standards or to submit regional standards because it was not yet clear how such information was to be provided and used for the development of draft standards. It was stated that there is a lack of clear understanding concerning RPPO inputs into IPPC standard. The Secretariat pointed out that the existing standard setting procedures identify RPPOs as a primary source of inputs but this had not materialized.

Discussion papers

8. Mr. Smith (EPPO) summarized the discussion paper done by EPPO on Reporting Obligations (Appendix II). He noted various relevant points in the new Revised Text and emphasized the lack of clear rationale for reporting obligations in the design of the new Revised Text. He also pointed out the absence of reference to a world reporting service. Mr. Smith described the interpretation and practice of EPPO with respect to reporting obligations under the existing IPPC. He indicated that EPPO's reporting systems were being reviewed in light of modifications to the IPPC.

9. The Consultation raised numerous points concerning a range of issues associated with reporting obligations, including the role of RPPOs. It was noted that RPPOs could play an important role in the collection and dissemination of reports, but that the responsibility for the dissemination of official information rests with NPPOs. The Secretariat noted the importance of Official Contact Points for the provision of such information.

10. Discussions on the validation of pest reports and the reporting of interceptions resulted in several points about the need to base systems, processes and criteria for reporting on existing standards. Validation of pest reporting is an issue not well understood by all and not implemented consistently.

11. Mr. McDonnell (NAPPO) introduced the paper submitted by NAPPO on the Appropriate Level of Protection (ALP) or the Acceptable Level of Risk (ALR) (Appendix III). He indicated that the paper was prepared to continue the dialogue on this topic. The Consultation expressed a variety of views on the interpretation of the terms, indicating that ALR was often used in the context of risk management whereas ALP was more closely associated with sovereignty, although it was noted that the SPS Agreement apparently treats ALP and ALR synonymously. The relationship of ALP/ALR to the concept of consistency was also raised as an issue requiring further consideration, especially within the plant health discipline. Questions were also raised as to whether the concept of consistency would be applied across disciplines, i.e., human, animal, and plant health.

12. Mr. Griffin briefly introduced the paper prepared by the Secretariat concerning the revision of ISPM #1, *The Principles of plant quarantine as related to international trade* (Appendix IV). He explained that revisions were required to update the principles to align the standard with the new Revised Text. The Consultation was encouraged to consider the drafting that had been done to date and to provide specific comments to the Secretariat within the next few months so that an improved draft could be prepared for the next CEPM. Several participants expressed support for the revision and the need for wide consultation, indicating that this should be considered a high priority by the Interim Commission for the work programme of the Secretariat.

Actions arising from the First Interim Commission on Phytosanitary Measures

13. The Consultation noted that the First Interim Commission had not identified specific items requiring discussion by the Tenth Technical Consultation, but that RPPOs should note provisions in the new Revised Text concerning the relationship of RPPOs to the Interim Commission. In particular, it was noted that Article XI.2(e) directs the Commission to adopt guidelines regarding the recognition of RPPOs. It was suggested that the Technical Consultation could draft proposals to this end. COSAVE offered to begin this process by preparing a discussion paper for the next Technical Consultation.

Coordinated Activities

14. The voluntary use of the new phytosanitary certificate was raised as a possible point for coordinated activities. It was noted that RPPOs can play an important role in assisting with the voluntary use of the new phytosanitary certificate. Concerns were expressed about the practicality of using both the old and new formats at the same time and how governments would notify other governments of their adoption of the new format. The Consultation recommended that the Secretariat be used as a focal point for notifications and emphasized the importance of completing the standard for phytosanitary certificates as soon as possible

15. The meeting discussed the definition of official control. It was noted that a definition would be discussed in the upcoming Glossary Group. The Consultation expressed the opinion that official control should be relatively easy to define in relation to quarantine pests. In relation to official control of regulated non-quarantine pests, the Consultation recognized that this was a new concept that needed careful consideration. It recommended the Glossary Group consider the following elements in developing a definition:

- involvement of national plant protection organizations in the measures;
- mandatory versus non-mandatory application of measures;
- non-discrimination between national and international measures;
- penalties in relation to non-adherence; and
- economically unacceptable impact.

16. NAPPO requested clarity on the possibility and role of RPPOs as observers in the WTO-SPS Committee. EPPO indicated that it had requested observer status. Some RPPOs questioned the added benefits over and above the observer role of the IPPC Secretariat. The Secretariat volunteered to distribute the reports (both those of the IPPC Secretariat and the WTO) and supporting documents to all RPPOs and RPPOs expressed an interest in receiving these reports. EPPO assured the Consultation that their role would be passive and is purely to inform their members and non-WTO members of discussions during the meetings. The Secretariat suggested that the correct forum for input on plant protection issues is through country representation and not through observers. EPPO expressed the opinion that their position is unique and justified, and that it is the right of each RPPO to determine their own policy.

Information Sharing

17. The Global Plant and Pest Information System (GPPIS) was demonstrated to members of the meeting. This information system designated information system for the FAO Plant Production and Protection Division. The IPPC Secretariat's information system would, on the other hand, distribute information that would be required to meet its reporting obligations under the IPPC. Where technical information is shared by both systems, data integration procedures would be created.

Other business

18. EPPO will consider the proposal on phytosanitary principles and may make additional proposals, e.g. ALP.

19. Future points for the next agenda requiring regional cooperation and coordination were proposed by PPPO:

- emergency response;
- pest management.

20. Deadlines: Any documents and discussion papers have to be presented to the Secretariat before 30 June 1999. Any documents received later than this will not be able to be included in the documents for the Interim Commission in 1999.

Venue and date of the Eleventh Technical Consultation

19. The Consultation agreed to have the Eleventh Technical Consultation immediately following the Second Interim Commission, actual dates depending on confirmation of the dates by FAO. COSAVE and EPPO initially expressed a preference for scheduling Technical Consultations prior to Interim Commission meetings, however joined in with the general consensus that the Technical Consultation should be held following the next Interim Commission meeting. They also suggested that flexibility be reserved for future venues and dates.

Closure of the Consultation

20. The Chairperson expressed her gratitude to the participants for their cooperation.

Appendices

Appendix I	Agenda
Appendix II	EPPO discussion paper
Appendix III	NAPPO discussion paper
Appendix IV	Secretariat's discussion paper
Appendix V:	List of participants

AGENDA

1. Opening of the Consultation
2. Election of the Chairperson, Vice-Chairpersons and Rapporteur
3. Adoption of the Agenda
4. Actions arising from the Ninth Technical Consultation
5. Discussion papers
 - Reporting Obligations (EPPO)
 - Appropriate Level of Protection (ALP) or Acceptable Level of Risk (ALR) (NAPPO)
 - Principles of Plant Quarantine as Related to International Trade (Secretariat)
6. Actions arising from the First Interim Commission on Phytosanitary Measures
7. Coordinated Activities
 - Official Control
 - RPPOs as Observers in the WTO-SPS
 - Voluntary Use of New Phytosanitary Certificates
8. Information sharing
 - GPPIS demonstration
9. Other business

Reporting Obligations

(A discussion paper prepared by the European and Mediterranean Plant Protection Organization)

Obligations of countries and FAO

The revision of the IPPC raises many questions concerning the future obligations of NPPOs to report the "*occurrence, outbreak and spread of pests*", and other phytosanitary information. The Table below summarizes the obligations of NPPOs and of the IPPC Secretariat of FAO in the revised IPPC:

Information	NPPOs to report to:	FAO to distribute to:
Occurrence, outbreak and spread	Other countries on request	
Points of entry	FAO RPPOs Countries believed to be directly affected Other countries on request	All countries
Lists of regulated pests	FAO RPPOs Other countries on request	All countries
Phytosanitary requirements, restrictions and prohibitions	Countries believed to be directly affected	All countries
Rationale for phytosanitary requirements, restrictions and prohibitions	Other countries on request	
Structure of NPPOs	FAO	All countries
Organizational arrangements for plant protection	Other countries on request	
Emergency actions	FAO RPPOs Country concerned	
Non-compliance	Country concerned	
Information for PRA	Other countries on request, to the extent practicable	

Pest reporting becomes primarily a matter of cooperation between NPPOs "on request", while obligations remain for NPPOs to provide information on more administrative matters: points of entry; lists of regulated pests; phytosanitary requirements, restrictions and prohibitions; descriptions of their own structure; emergency actions. Some other information must be communicated if requested by another contracting party. The provision of information on request is facilitated by the requirement for a "contact point". "Non-compliance" (very often, detection of pests in imported consignments, i.e. interception) has to be reported only to the exporting or re-exporting contracting party concerned. Information required for PRA has only to be provided "to the extent practicable".

The Secretary has in general to disseminate the information which NPPOs are obliged to report to it, despite the fact that in some cases NPPOs are also obliged to report it to the same parties. Only "emergency actions" do not have to be disseminated further. The Secretary does fill some gaps in reporting to all countries information which NPPOs have only to report to a limited set of countries or on request: points of entry; lists of regulated pests; structure of NPPOs. The Secretary has to disseminate information on phytosanitary requirements, restrictions and prohibitions (to unspecified persons, but presumably all contracting parties).

but there is no provision for NPPOs to communicate this information to the Secretary in the first place.

So, while certain obligations exist, no structured system for the efficient communication of information is provided for, least of all for reports on occurrence of pests. This is not even an explicit function of the Commission in Article XI, though its general functions would allow it to develop such a system, and those of the Secretary (Article XII) would allow it to implement one. Article VIII does, however, suppose that the Commission " *may establish*" relevant procedures. FAO Council declared that it " *attaches great importance to the reporting of the occurrence, outbreak or spread of pests*" and FAO Conference resolved that " *it urges that high priority be given to the provision of reports on the occurrence, outbreak and spread of pests to the Secretary of the IPPC, and underlines the importance of establishing relevant procedures applicable to this reporting*". In conclusion, it seems clear that the Commission will have to work out a structured system for the communication of information, and should have a subsidiary body specifically set up for that purpose.

Role of RPPOs

The revised IPPC provides no clearly stated role for RPPOs in receiving and disseminating pest reports: " *they shall, where appropriate, gather and disseminate information*". They are identified as the compulsory recipients of some information from contracting parties (see above), but it is not clear that there is any coherent basis for this particular set of information. Insofar as the RPPOs and the Secretary must now mutually cooperate, structures developed by the Commission may give an explicit role to the RPPOs.

In any case, the role of RPPOs will be defined by their own basic texts and decision-making procedures. No comparative study has been made of this, and it would clearly be useful for the Technical Consultation to compile information. For the purposes of immediate discussion, the situation in EPPO is here summarized.

The EPPO Convention requires that " *Member Governments shall furnish to the Organization so far as is practicable such information as the Organization may reasonably require in order to carry out its functions*", while the Organization has the function (Article Vd) " *to obtain information from Member Governments on the existence, outbreak or spread of pests of plants and plant products, and convey such information to Member Governments*". EPPO thus functions on the principle of reporting on request.

The EPPO Convention also declares in its Article I that EPPO is established as a "recognized regional plant protection organization" under the IPPC. IPPC Contracting Parties which are EPPO members thus have an obligation to report certain information to EPPO, as defined in the existing or new IPPC text.

EPPO Council can also make operational decisions on reporting which remain in force until it takes an opposite decision. Thus, it recommends Member Governments to use a standard 'notification of interception', to be sent to the exporting country concerned and to EPPO. Basically, it can decide at any time what information should currently be required. It is not the Secretariat which decides this but the Organization. With the single exception mentioned above, no new decision on information requirements has been taken in the last 20 years.

In practice, EPPO members respect an obligation to provide information to EPPO on:

- phytosanitary requirements, restrictions and prohibitions (from existing IPPC)
- points of entry (from IPPC)
- new occurrences, outbreaks or spread of pests.

The "*world reporting service on plant pests*" of existing Article VII of IPPC involved FAO and the contracting parties, "*making full use of the facilities and services of existing organizations*". This obviously included EPPO. However, the obligation for EPPO members to report new occurrences to EPPO has no firmer basis than this.

EPPO is now undertaking a review of the reporting obligations of its members, based on the revised IPPC, on the utility of other reports within EPPO, and the idea that some sort of world reporting service should be maintained, with the involvement and support of the RPPOs.

**Appropriate Level of Protection (ALP)
Or
Acceptable Level of Risk (ALR)**

(A discussion paper prepared by the North American Plant Protection Organization)

Foreword

It is worthwhile acknowledging at the outset that not only is there confusion surrounding the application of ALP/ALR, a lively debate is occurring in some countries around who should be involved in sorting things out. Should guidelines for practical interpretation of these concepts be provided by trade policy experts? Should plant health specialists be providing guidance related to their area of expertise? Will food safety and animal health experts do the same?

As a regional plant protection organization (RPPO), the North American Plant Protection Organization can be seen to be somewhat at arms-length from this debate and therefore offers this paper as a basis for further discussion among RPPOs and the IPPC Secretariat of FAO. This topic was first addressed on the agenda of the 9th Technical Consultation of RPPOs in the form of a proposal by the European and Mediterranean Plant Protection Organization. The intent of the present paper is to move the process forward and to gauge the interest level of RPPOs in developing a formal position.

A possible output from the process could be a position paper by the Technical Consultation of RPPOs and the FAO Secretariat concerning interpretation of ALP/ALR in the phytosanitary community which could be provided to the WTO-SPS Committee.

Background

The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures deals with measures for the protection of human, animal and plant life or health. One of the purposes of the Agreement was to clarify the rules and disciplines guiding the development of sanitary and phytosanitary measures which minimize negative effects on trade. This paper will focus on the plant health aspect of the SPS Agreement and in particular, the application of the concept of ‘Appropriate Level of Phytosanitary Protection’, sometimes referred to as the ‘Acceptable Level of Risk’ (ALR) . The ‘sometimes referred to as ALR’ comes from the WTO-SPS Agreement and is in itself, the subject of considerable debate.

Some countries feel that ALP is based on social, cultural, economic and political values and as such is not related to the scientific process of risk assessment. This notion of ALP is somewhat abstract and has proven difficult to define. However, the WTO-SPS Agreement treats the terms ALP and ALR in a synonymous fashion. Since plant health officials readily identify with levels of risk and because much progress has been made defining the systematic process and criteria used in pest risk assessment and pest risk management, this paper will adopt the term Acceptable Level of Risk.

Annex A of the SPS contains a definition of ALP which states: “The level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal or plant life or health within its territory”. In order to add value to this definition, we should be seeking a common understanding and application of ALR within the plant health community. This could be an important contribution towards transparency and

consistency of decisions taken by national plant protection organizations regarding imports into their country.

WTO-SPS and the Principles of Plant Quarantine as Related to International Trade

A number of important elements of the SPS Agreement and the 'Principles' standard need to be reviewed in order to place the 'Acceptable Level of Risk' discussion in context.

Early on in the SPS text, Article 2.1 and 2.2 provide members with the sovereign right to take sanitary and phytosanitary measures and the obligation to apply them "only to the extent necessary to protect human, animal or plant life or health". This is consistent with principle #2 Necessity (Principles of Plant Quarantine) which links restrictive measures to those required as a result of phytosanitary considerations to prevent the introduction of quarantine pests.

Article 3.3 of the SPS allows members to use phytosanitary measures which are more restrictive than provided for in relevant international standards "if there is a scientific justification, or as a consequence of the level of sanitary or phytosanitary protection a Member determines to be appropriate". The scientific justification comes from the conduct of a pest risk assessment consistent with Principle # 11 Risk analysis (Principles of Plant Quarantine) which provides for "pest risk analysis methods based on biological and economic evidence." It is the level which a "Member determines to be appropriate" that we need to discuss and debate in order to seek a common understanding and application of the concept. To do this, we need to closely examine Article 5 of the SPS which deals with "Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection".

Article 5 of the SPS

Rather than repeating the text of Article 5 "Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection", it is worth noting some of the key words used in the Article (see Appendix 1 for full text of Article 5.5)

- *phytosanitary measures...based on assessment of the risks
- *scientific evidence
- *relevant economic factors
- *minimizing negative trade effects
- * avoid arbitrary or unjustifiable distinctions in the levels it considers to be appropriate in different situations, if such distinctions result in discrimination or a disguised restriction on international trade.
- * phytosanitary measures...not more trade-restrictive than required to achieve their ALP

What is an "Acceptable" level of Risk?

Some countries may suggest that the ALR is a static threshold which is established on the basis of their social, cultural and religious or other values. This however will lead to an ultra-conservative approach to trade (i.e. increased protectionism) and does not reflect the progress which has been made in recent years in the scientific and economic aspects of risk assessment. Article 5.3 of the SPS links the risk assessment with the "measure to be applied for achieving the appropriate level of protection". Therefore it is difficult to imagine the ALP as an overriding factor with no link to the scientific and economic analysis.

The ALR should be flexible in the sense that the risk posed by different plants, plant products and other regulated articles will vary. It should not be a fixed point or a line drawn in the sand over which one must never cross. The ALR will shift depending on the circumstances and as scientific and economic data changes. It will shift depending on the commodity in question and the importance the commodity has in the importing country and the availability and feasibility of options to mitigate the risk. The benefits such as those to consumers, for example, will also need to be considered.

The challenge will be to apply the process of establishing ALR in a consistent way and to make that process transparent. It also means that similar risks should be treated in a similar manner, that is, the strength of measures chosen to manage the risk should be applied consistently. This consistency is required throughout the process; during pest risk assessment, determination of the ALR and analysis of pest risk management options. (It should be noted that Article 5.5 of the SPS warns against arbitrary or unjustifiable distinctions, only “if such distinctions result in discrimination or a disguised restriction on international trade”. This should not diminish the importance of consistency though since other obligations regarding scientific principles and arbitrary or unjustifiable discrimination in Article 2.2 and 2.3 still apply).

The SPS Agreement, Article 5.5 states “With the objective (emphasis added) of achieving consistency in the application of appropriate level of sanitary or phytosanitary Protection...” The WTO-SPS Committee is currently working on developing practical guidelines for the implementation of the consistency objective outlined in Article 5.5. The Technical Consultation of RPPOs could play an important role in seeking a common understanding of the application of Article 5 of the SPS within the plant health community.

Import Decisions - Before and After ALR

Does the use of ALR in the SPS Agreement imply a significant change to what is already taking place as the result of the application of international standards on pest risk analysis?

ALR for Quarantine Pests

The ISPM on Pest Risk Analysis provides the framework that should be used to support the current decision-making processes. It should be noted that a standard on PRA for Quarantine Pests is currently under development, to be followed by a standard on PRA for Regulated Non-Quarantine Pests, as a direct result of revisions to the International Plant Protection Convention. Nevertheless, from the current guidelines we know that a number of important questions should be answered as part of the PRA process, including:

- Is the pest a quarantine pest?
- Is there sufficient introduction potential ?
- Is there sufficient economic importance ?
- Are phytosanitary measures available to manage the risk?

Based on the best available biological and economic data, regulatory officials can make informed and justifiable decisions regarding imports into their country, resulting in a determination of whether or not the risk is acceptable. If the risk is acceptable, no phytosanitary measures would be required. If the risk is unacceptable, risk management options would need to be examined to decide if the risk can be mitigated to an acceptable level.

ALR for Regulated Non-Quarantine Pests

The definition of a regulated non-quarantine pest (RNQP) is “a non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing contracting party” (revised IPPC, 1997)

The RNQP is a new category of pest which itself needs further guidelines for consistent application. The FAO is convening an expert group to begin work on an international standard for RNQP in October, 1998.

We may anticipate that a number of questions regarding regulated non-quarantine pests, such as:

- Does the pest fit the definition of a RNQP?
- What measures are being applied to manage the pest in the importing country, if it is being managed?
- Is there a tolerance applied for the presence of the pest in commodities produced in the importing country?

An example of the application of the RNQP could be taken from certification schemes where tolerances are allowed for some viruses. Import requirements could therefore include tolerances for viruses at the same levels as allowed in domestic certification programs.

In the case of RNQPs, the Acceptable Level of Risk may be more easily quantified than is possible in the case of quarantine pests. The ALR in the example cited above could be expressed as a % of virus content allowed in a specified quantity of product. In this case it is not simply an acceptable/unacceptable decision related to the level of risk.

Pest risk management would involve selection of the phytosanitary measures which will achieve the ALR - in other words, the measures which, if conducted properly, result in product which does not exceed the prescribed virus tolerances. It would also be necessary to identify actions to be taken should the product exceed tolerances, e.g. de-classification, downgrading etc. These actions would be applied equally to imported and domestic product.

Next steps

How can we develop a common understanding of the ALR “which a member deems to be appropriate”? Can the plant health community, through the Technical Consultation of RPPOs provide some clarification on the issue of consistency in the application of ALR?

This document raises many questions. The answers are neither obvious nor simple. The intent of this paper is to promote further discussion and debate, hopefully leading us towards a common understanding of Acceptable Level of Risk in the plant health community. It is recognized that the issue will not be resolved at the 10th Technical Consultation of Regional Plant Protection Organizations. An important first step occurred last year when EPPO introduced the topic to the 9th Technical Consultation. NAPPO proposes that the 10th Technical Consultation discuss the issue further and consider practical steps to move closer to a consensus on the interpretation and application of Acceptable Level of Risk.

Submitted by: Ian McDonell

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September, 1998

Attachment

WTO-SPS Agreement

Article 5

Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection

1. Members shall ensure that their sanitary or phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations.
2. In the assessment of risks, Members shall take into account available scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods; prevalence of specific diseases or pests; existence of pest -or disease-free areas; relevant ecological and environmental conditions; and quarantine or other treatment.
3. In assessing the risk to animal or plant life or health and determining the measure to be applied for achieving the appropriate level of sanitary or phytosanitary protection from such risk, Members shall take into account as relevant economic factors: the potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a pest or disease; the costs of control or eradication in the territory of the importing Member; and the relative cost-effectiveness of alternative approaches to limiting risks.
4. Members should, when determining the appropriate level of sanitary or phytosanitary protection, take into account the objective of minimizing negative trade effects.
5. With the objective of achieving consistency in the application of the concept of appropriate level of sanitary or phytosanitary protection against risks to human life or health, or to animal and plant life or health, each Member shall avoid arbitrary or unjustifiable distinctions in the levels it considers to be appropriate in different situations, if such distinctions result in discrimination or a disguised restriction on international trade. Members shall cooperate in the Committee, in accordance with paragraphs 1, 2 and 3 of Article 12, to develop guidelines to further the practical implementation of this provision. In developing the guidelines, the Committee shall take into account all relevant factors, including the exceptional character of human health risks to which people voluntarily expose themselves.
6. Without prejudice to paragraph 2 of Article 3, when establishing or maintaining sanitary or phytosanitary measures to achieve the appropriate level of sanitary or phytosanitary protection, Members shall ensure that such measures are not more trade -restrictive than required to achieve their appropriate level of sanitary or phytosanitary protection, taking into account technical and economic feasibility. See footnote 3
7. In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members. In such circumstances, Members shall seek to obtain the additional information necessary for a more objective assessment of risk

and review the sanitary or phytosanitary measure accordingly within a reasonable period of time.

8. When a Member has reason to believe that a specific sanitary or phytosanitary measure introduced or maintained by another Member is constraining, or has the potential to constrain, its exports and the measure is not based on the relevant international standards, guidelines or recommendations, or such standards, guidelines or recommendations do not exist, an explanation of the reasons for such sanitary or phytosanitary measure may be requested and shall be provided by the Member maintaining the measure.

**PRINCIPLES OF PLANT QUARANTINE AS RELATED TO
INTERNATIONAL TRADE**

A draft revision prepared by the IPPC Secretariat

ISPM #1 was endorsed as a reference standard by the 27th Session of FAO Conference in November 1993. The standard includes eight general principles and the same number of specific principles. The principles are drawn from the SPS Agreement and the 1979 text of the IPPC. The standard was scheduled for review in December 1996, but has been delayed as a result of the negotiations on the New Revised Text of the IPPC.

The 29th Session of FAO Conference approved the New Revised Text in November 1998. Amendments to the Convention include changes in concepts and terminology that are inconsistent with those in ISPM #1. In particular, the reference to *plant quarantine* in the standard must be corrected to reflect the inclusion of *regulated non-quarantine pests* within the scope of the term *phytosanitary*. Another important change involves the addition of the concept of *areas of low prevalence*. Numerous other changes may be made in editing and to update the principles. For instance, the use of *contracting parties* instead of *countries*, and substituting *regulated* for *quarantine*.

Certain concepts have also been added or highlighted in the New Revised Text and may be considered for inclusion as well in the principles. The principle of *surveillance* as a prerequisite to pest categorization and the new provision in Article VII.2 (e) concerning *reasonable care* are examples of possible additions.

The first draft of a revision was prepared by the Secretariat for the meeting of the Committee of Experts on Phytosanitary Measures (CEPM) in May 1998. However, there was not the opportunity to discuss the proposal at that time. Subsequent review has resulted in some feedback from certain CEPM members. A cursory review by the Expert Working Group on Regulated Non-quarantine Pests (October 1998 in Asuncion, Paraguay) resulted in additional input. The current draft incorporates all suggestions received to date.

The attached document lists the existing principles with side-by-side proposals for revision. In each instance, the principle includes reference to the relevant text in the 1979 IPPC and the New Revised Text. The IPPC Secretariat welcomes further discussion and additional input with the objective of completing revision before the New Revised Text comes into force.

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