

Meeting Report

AGP/1997

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

Paris, France : 10-13 September 1996

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

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1. OPENING OF SESSION

The Consultation was opened by Dr N.A. Van der Graaff (FAO) who stressed the importance of this meeting as a forum for discussion of the revision of the International Plant Protection Convention (IPPC), and of the establishment of a more permanent procedure for setting International Standards for Phytosanitary Measures (ISPMs). On behalf of EPPO, the host organization, Dr I. Smith (EPPO) welcomed the group and noted that the relatively large number of participants reflected the importance that RPPOs placed on this Technical Consultation as a means of comparing working methods and discussing matters of mutual interest. Mr A. Vernède, Head of the Plant Protection Service of France, welcomed the Consultation to Paris and France. He recognized the crucial role of RPPOs in international plant quarantine and indicated that France, for its part, firmly supported the existence and activities of EPPO.

2. ELECTION OF CHAIR, VICE-CHAIR AND RAPPORTEUR

Dr Van der Graaff (FAO) proposed Mr I. McDonell (NAPPO) as Chair of the Consultation; this was approved by the meeting. Dr I. Fésüs (EPPO) was appointed as Vice-Chair and Dr D. McNamara (EPPO) was appointed as Rapporteur.

3. ADOPTION OF AGENDA

The Provisional Agenda (Appendix I) was modified so that discussion on the Terms of Reference of the Technical Consultation, the role of RPPOs in the IPPC, and the creation of a Commission on Phytosanitary Measures, could be addressed early in the meeting.

4. TERMS OF REFERENCE OF THE TECHNICAL CONSULTATION AMONG RPPOs

The Technical Consultation studied a version of the Terms of Reference (including Rules of Procedure) first developed at the Sixth Technical Consultation, discussed at the Seventh Technical Consultation, and revised by the Chair of that meeting (Mr McDonell, NAPPO). The meeting modified the text of the Chair's revision, taking account of some points raised at the Seventh Technical Consultation. It also took note of the proposal from JUNAC for the creation of an Association of RPPOs, but preferred a simpler structure.

The Technical Consultation finalized its Terms of Reference (Appendix II) for submission to FAO.

5. REVISION OF THE IPPC

The meeting considered the following subjects:

5.1 Revision of Article VIII of the IPPC

The Technical Consultation discussed proposals from NAPPO and EPPO and recommended modifications to the text of Article VIII: "Regional plant protection organizations". There was discussion as to who should be entitled to participate in Technical Consultations other than representatives of RPPOs (e.g. countries that are not members of RPPOs), but it was decided

to leave this procedural point to the Terms of Reference of the Technical Consultation. It was agreed not to suggest alteration of paragraph 1 because of the difficulty in agreeing to what were the characteristics of a particular area covered by an RPPO (i.e. whether the countries should have similar agricultural production systems and/or quarantine pest concerns).

The Technical Consultation proposed the text in Appendix III as a recommendation to FAO for consideration.

5.2. Creation of a Commission on Phytosanitary Measures

Mr R. Stein (FAO) outlined the history of the IPPC and the factors that led to the need for its revision. The signing of the “Agreement on the Application of Sanitary and Phytosanitary Measures” (SPS Agreement) of the World Trade Organization, called for international standards for phytosanitary measures to facilitate trade, and identified the IPPC Secretariat within FAO as the responsible body for such standards. The Committee of Experts on Phytosanitary Measures (CEPM) had been established by the FAO Conference in 1993 as an interim measure to be the advisory entity for the establishment of such standards. FAO’s Governing Bodies: the Committee on Agriculture, FAO Council and FAO Conference, had approved the standards produced so far. The Expert Consultation on the Revision of the IPPC held by FAO in March 1996 had proposed the creation of a Commission on Phytosanitary Measures whose task would be to develop standards (through its own technical bodies, following on the CEPM), and to adopt them in place of the FAO Conference. This would attempt to ensure that standards be approved by a body with phytosanitary expertise. The Commission would be open to all contracting parties, not only FAO members.

Some doubts were expressed about the need for a Commission. Some delegates saw benefits in the present system, others expressed concern over financial matters. Most delegates supported the idea of a Commission in preference to the present system, particularly with respect to the speed of standard approval. Some reservations were expressed with respect to the detailed elements of its creation. It was considered that the IPPC should possibly allow for the creation of a Commission, and its details could be developed later.

5.3 Regulated non-quarantine pests

The Technical Consultation felt it was necessary to agree on the definition of a “quarantine pest”. The definitions presented in the draft revision of the IPPC were discussed and the first of these (from the ISPM “Glossary of Phytosanitary Terms”) was preferred as being closer to the definition in the existing IPPC:

***Quarantine pest:** A pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.*

It was noted that weeds were covered in this definition since a pest had been defined in the Glossary of Phytosanitary Terms as including “any....plant....injurious to plants or plant products”.

The following definition for “regulated non-quarantine pest” was recommended:

Regulated non-quarantine pest: *A non-quarantine pest for an importing country whose presence in a consignment of plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated in the importing country.*

The Technical Consultation recommended to accept the inclusion of regulated non-quarantine pests in the IPPC and proposed use of the definition above and revision of Article VI-bis to make a new Article III on “Regulated pests” (Appendix IV).

The meeting recognized that this would require alignment of the definition of “phytosanitary measures” and of the certifying statement in the model phytosanitary certificates in the Annex to the IPPC. Some participants indicated that broadening of the IPPC beyond just quarantine pests would necessitate a careful review of all parts of the Convention.

5.4 Environment

The question of including environmental concerns in the IPPC was discussed. It was pointed out that wild plants were covered in the IPPC in that they should be protected from pests in the same way as cultivated plants; however, the IPPC was not intended to act as a means of preventing the movement of endangered species. It was recommended that a footnote to the definition of “quarantine pest” be added to explain that damage to the environment was covered in “economic impact”.

The revised text of Article I, that indicated that phytosanitary measures should be safe for plant, human and animal health and the environment, seemed to many participants to go beyond the scope of the IPPC. Others supported it, while it was also suggested that this might more appropriately be moved to the Preamble.

5.5 Phytosanitary certificate

Dr J. Hedley (FAO) reported that a working group had met in Bangkok to consider drafting a standard for phytosanitary certificates. The working group had concluded that a Convention was not the most appropriate place for a model phytosanitary certificate, whereas a standard would allow more opportunity to describe the conditions of its use. A draft standard on the purpose and use of phytosanitary certificates was prepared suggesting three types of certificates. This draft standard also proposed a modification of the declaration in the certificate, omitting reference to quarantine pests and referring only to conformity with phytosanitary regulations.

Opinions in the Technical Consultation were divided as to whether the phytosanitary certificates should remain as an annex to the IPPC. A number of participants felt that retention in the IPPC gave stronger legal status to the phytosanitary certificates, while others recognized the flexibility of a phytosanitary certificate standard. Mr Stein (FAO) suggested that the phytosanitary certificate could remain as an annex and that the Commission on Phytosanitary Measures could be authorized to modify it by a two-thirds majority.

The Technical Consultation discussed what text should be included in the certifying declaration. There was disagreement on a number of major issues; for example, whether freedom from quarantine pests should be mentioned, whether reference to “other injurious pests” should be retained, and whether the statement should refer to inspection having been performed. The meeting concluded that the solution to the divergence of opinion might be to

delay a decision on the statement in the certificate, while expanding the text of the Convention itself to define the objectives of the phytosanitary certificate.

A working group proposed a revision of Article V that expanded the Article to define the purpose of the issuance of a phytosanitary certificate. This included in particular the intention that consignments should be free from quarantine pests. Secondly, the provisions for the phytosanitary certificates presented in the draft revision of the IPPC proposed by the Expert Consultation were maintained; and thirdly, the proposed redrafted Article included the possibility for separate modification in future of the phytosanitary certificate models given in the Annex.

The Technical Consultation recognized that the IPPC covers also ‘regulated articles’ and that this had not been addressed in the draft proposals for model phytosanitary certificates. This term needed to be introduced in appropriate places throughout the Convention as “plants, plant products and other regulated articles”, even though the definition of “regulated article” proposed for inclusion in the Glossary includes “plants and plant products” in recognition that plants and plant products are the main focus of the IPPC. It was suggested that regulated articles (e.g. conveyances) might be given their own phytosanitary certificate, and that this should then be recognized in Article V along with the re-export certificate.

The discussion indicated the existence of differences of philosophy in plant quarantine. EPPO’s opinion was that, under the existing Convention, there is an obligation on exporting countries to not disseminate dangerous pests, whether or not the quarantine pests of the importing country have been specified. A list of elements was suggested for inclusion in the phytosanitary certificate statement or in the text of the Convention to help define clearly the areas of disagreement and the possibilities for finding agreement. The list included the following elements: 1. conformity with phytosanitary regulations; 2. regulated articles; 3. quarantine pests; 4. ‘considered free from quarantine pests’; 5. ‘free from specified quarantine pests’; 6. free to the extent that the risk is sufficiently low; 7. regulated non-quarantine pests; 8. practically free from regulated non-quarantine pests; 9. presence or absence of regulated non-quarantine pests according to import regulations; and 10. re-export certificates.

The Technical Consultation listed the following elements that were recommended for inclusion in Article V paragraph 1: the phytosanitary certificate concerned consignments of plants, plant products and other regulated articles; and it should: certify that the consignment conforms with the phytosanitary regulations of the importing contracting party; indicate the status of quarantine pests in the consignment; mention regulated non-quarantine pests and that their presence/absence/tolerance limit should conform to import regulations; and mention re-export certificates. Other aspects of Article V paragraph 1 could not be agreed to.

The other paragraphs of Article V were agreed to as noted in Appendix V. No consensus was reached on the text of the certifying statement in the phytosanitary certificates.

5.6 *Phytosanitary measures*

COSAVE suggested a definition of “phytosanitary measures” which corresponded more closely to that of the SPS Agreement. Other delegates feared that this definition did not incorporate the concept of ‘exclusion of quarantine pests’. No consensus was reached on the definition.

5.7 *Regional economic integration organizations*

According to the draft revision of the IPPC, a regional economic integration organization that is already a member of FAO (e.g. the European Community) shall be entitled to be a party to the Convention in cases where its member states have given up their competence on some or all matters encompassed by the IPPC. Mr Stein (FAO) explained that a regional economic integration organization could vote in any meeting of the proposed Commission on Phytosanitary Measures, with voting weight equivalent to the number of member states represented; these states would not have the right to vote when the regional economic integration organization exercised its voting rights. Who would have the right to vote on any subject needed to be declared in advance through a statement of competence. It was noted that allowing such organizations to be contracting parties to the IPPC would have consequences beyond simply voting competence, for there would be a need to be clear which, the organization or its member states, had the responsibility to discharge the obligations of the Convention. The IPPC was fundamentally based on biological considerations whereas regional economic integration organizations were primarily economically-based.

5.8 *Other points*

Some delegates wished to soften the obligation of paragraph 2 of Article VI of the draft revision where there was an undertaking to act in conformity with relevant standards. As most such standards did not yet exist, countries would have difficulty in this undertaking. The obligation in the IPPC appeared stronger than that in the SPS Agreement, which allows contracting parties to justify why they do not act in conformity with international standards. Other delegates preferred the wording as in the draft revision.

6. PROPOSAL ON THE CONCEPT OF A “REGULATORY INCIDENT”

NAPPO presented a paper proposing a wider use of the concept of a “regulatory incident”. A regulatory incident was considered to be a form of interception, with the pest detected in the field rather than on a consignment. NAPPO felt that there was no obligation under the IPPC to report such incidents. Some delegates were reluctant to accept this concept, fearing that it could be abused. It was suggested that the subject could be considered for inclusion in the draft standard on pest records.

7. PRIORITIES IN THE DEVELOPMENT OF INTERNATIONAL STANDARDS FOR PHYTOSANITARY MEASURES

Dr Hedley (FAO) reported on ISPMs in the process of development: the agreed texts of “Export Certification System” and “Guidelines for Surveillance” would go for review and endorsement by the FAO Governing Bodies next year; and drafts of standards on ‘pest-free production sites’, ‘inspection methodology’, ‘eradication programmes’, ‘import regulatory system’, ‘phytosanitary certificates’, and supplementary standards on PRA, were all under active consideration at various levels of completion. The ISPMs on ‘pest records’ (with possible inclusion of “regulatory incidents”), ‘fruitfly eradication’ and ‘surveillance for citrus canker’ were in a very early stage. The Glossary of Phytosanitary Terms was a standard that was finalized but still in press. A standard on irradiation as a quarantine treatment had been proposed; and it was suggested that the International Atomic Energy Agency be approached to prepare it.

8. WORK PROGRAMME

The Chair noted that there had been little specific progress on the work programme decided at the last Technical Consultation. A draft standard on pest records had been prepared by AQIS on behalf of APPPC, but only distributed at the present meeting. It was concluded that it would have to advance within the work programme of the IPPC Secretariat.

EPPO circulated a document giving EPPO positions on several items in the work programme. EPPO had taken over the management of the Bayer coding system for pests and hosts. Plans were being made to distribute the system in various ways.

Mr S. M'Boob (FAO) presented a new quarantine pest list for Southern Africa¹ and reported that data sheets were in preparation on the pests concerned. He invited comments from RPPOs as part of the future programme. Dr N. Nkouka (IAPSC) called for the coordinated development of data sheets on quarantine pests. Dr R. Ikin (PPPO) recalled that FAO had, in the past, maintained a database listing all data sheets produced by RPPOs or NPPOs and this should be updated.

The Technical Consultation agreed that its work programme should mainly relate to the preparation of its next meetings. There should be at least one major subject of discussion at each meeting, and the proposer of the topic should write a discussion paper well in advance of the meeting. NAPPO agreed to prepare a discussion document on "regulatory incident" and EPPO on "appropriate level of protection".

It was also proposed that the Technical Consultation receive and discuss draft standards from RPPOs or individual countries, and make recommendations on their advancement to global level. It was stressed that any body putting forward a draft standard should present it in the form of a global standard, and not in its original regional or national form.

9. SITE OF NEXT MEETING

COSAVE offered Brasilia as the site of the next meeting. This was approved by the Technical Consultation. Prof. C.Y. Shen (APPPC) invited the Technical Consultation to hold its meeting in 1998 in Thailand. The Technical Consultation gratefully accepted this invitation and indicated that APPPC could begin preparations whenever they felt necessary. Mr B. Hopper (NAPPO) inquired if the Consultations would periodically return to FAO Headquarters in Rome. Dr Van der Graaff (FAO) observed that there was no occasion for this at present.

10. ELECTION OF CHAIR FOR NEXT MEETING

It was agreed that the Chair should always be from the host RPPO. COSAVE would inform the IPPC Secretariat of the name of its designated Chair.

11. CLOSE OF SESSION

The Technical Consultation expressed its thanks to EPPO for having organized the meeting and to the Chair for having facilitated the difficult discussions.

¹ Regrettably the copy provided was not of sufficient quality for reprinting. Interested parties are encouraged to contact directly Mr M'Boob at the FAO Regional Office for Africa for this list and support documentation.

APPENDIX I

EIGHTH TECHNICAL CONSULTATION AMONG REGIONAL PLANT PROTECTION ORGANIZATIONS

Paris, France : 10-13 September 1996

PROVISIONAL AGENDA

1. Opening of the Consultation
2. Election of Chairman, Vice-Chairman and Rapporteur
3. Adoption of Agenda
4. Actions arising from the Seventh Technical Consultation
5. Discussion on the revision of the International Plant Protection Convention
6. Priorities in relation to the development of Standards
7. Review of the 1995/1996 agreed cooperative work programme
8. Preparation of 1996/1997 cooperative work programme
9. Other business (including "RPPO Association")
10. Venue and date of Ninth Technical Consultation
11. Closure

APPENDIX II

Terms of Reference of the Technical Consultation among RPPOs

Purpose

In order to advance the objectives of the IPPC, the Technical Consultation will coordinate specific activities of mutual interest to RPPOs.

Functions

To formulate position statements and recommendations on issues relating to phytosanitary matters.

To review phytosanitary matters of common interest to RPPOs and make recommendations to the contracting parties of the IPPC, to the RPPOs and FAO as appropriate.

To make recommendations and proposals to FAO on the policy and work programme of the IPPC Secretariat, including the development of International Standards on Phytosanitary Measures.

To address the common concerns of RPPOs.

To exchange information and collaborate in the development of global programmes (e.g. training, information management).

Rules of Procedure

The Consultation shall be composed of representatives of Regional Plant Protection Organizations.

The Consultation shall be convened by the IPPC Secretariat.

The frequency of meetings shall be annual, normally in the first half of September.

The duration of meetings shall normally be three to five days, depending on the Agenda

The Consultation shall reach its decisions by consensus.

The Consultation shall have a quorum of five Members.

The Consultation shall be conducted in English although other languages may be made available as appropriate.

At the end of each Consultation, an election will be held to name the Chair for the next Consultation. The incoming Chair will coordinate the following year's work programme including preparation of the next agenda (in conjunction with the IPPC Secretariat).

A report of each Consultation shall be prepared, and shall be distributed by the IPPC Secretariat.

The Consultation shall be open to the participation of observers, including, for example, representatives of other intergovernmental organizations or of governments that are not members of an RPPO.

APPENDIX III

Revision of Article VIII of the IPPC

The Eighth Technical Consultation among RPPOs proposes retention of paragraphs 1 and 2 of the existing Convention and the addition of the following paragraphs 3 and 4:

1. [as before]
2. [as before]
3. FAO will convene regular Technical Consultations of representatives of RPPOs to :
 - (a) develop and promote use of relevant International Standards for Phytosanitary Measures, and
 - (b) encourage inter-regional cooperation in promoting phytosanitary measures for controlling quarantine pests of plants and plant products and preventing their introduction and/or spread.
4. The Regional Plant Protection Organizations shall, to the extent that their member governments decide, cooperate with the Secretariat of the International Plant Protection Convention and the Commission for Phytosanitary Measures* in developing standards.

* The wording with respect to the IPPC Secretariat or Commission is subject to decisions on modifications of other parts of the text, and without prejudice to the Technical Consultation's views on the introduction of new Articles X and XI.

APPENDIX IV

Proposals for the draft IPPC revision concerning “Regulated non-quarantine pests”

Definition of “Regulated non-quarantine pest”:

“A **non-quarantine pest** for an importing country whose presence in a **consignment of plants for planting** affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated in the importing country.”

Note. The term “regulated non-quarantine pest”, already used in the draft IPPC revision, is preferred to other terms such as “injurious pest” or “noxious pest”. The concept is, however, the same as has been proposed by COSAVE. The wording of the definition is based on the usage of the “Glossary of Phytosanitary Terms”.

Reference to “regulated non-quarantine pests” in the draft IPPC revision:

The following modification of Article VI-bis is proposed:

1. This Article should be renumbered and placed as Article III.
2. It should be modified to read:

Regulated pests

1. Contracting parties may require phytosanitary procedures for quarantine pests and regulated non-quarantine pests in international trade, provided that such procedures are:
 - (a) no more stringent than measures applied to the same pests within the territory of the importing contracting party, [if in the case of quarantine pests they are present there]; and
 - (b) limited to what is necessary and technically justified by the appropriate level of protection of the contracting party concerned.
2. Requirements for phytosanitary procedures for quarantine pests and regulated non-quarantine pests shall be disseminated to all relevant contracting parties.

Note. It is primarily suggested that the same text can be used for all regulated pests, whether quarantine pests or non-quarantine pests. It is possible that the detail of the text needs some further attention, as already noted in the case of the bracketed addition.

APPENDIX V

Revision of Article V of the IPPC

ARTICLE V

Phytosanitary certificates

1. [paragraph on purpose of phytosanitary certificates; no specific text agreed]
2. Phytosanitary certificates shall be issued in conformity with the following provisions:
 - (a) inspection, and other related activities leading to the issuance of phytosanitary certificates, shall be carried out only by, or under the authority of, the national plant protection organization. The issuance of phytosanitary certificates shall be carried out by the duly authorized officers of the national plant protection organization with such knowledge and information available to those officers that the authorities of importing countries [contracting parties] may accept the phytosanitary certificates with confidence as dependable documents.
 - (b) Phytosanitary certificates shall be as worded in the Annex to this Convention, or their electronic equivalent, in accordance with relevant standards. There certificates shall be completed in accordance with relevant standards.
3. [As (2) before]
4. The model phytosanitary certificate may be amended or replaced by a [two-thirds] majority of the [members of the Commission].

APPENDIX VI

List of Participants

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