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COMMISSION ON PHYTOSANITARY MEASURES

Second Session

Rome, 26 – 30 March 2007

Composition and Terms of Reference for a Working Group to undertake a Feasibility Study on the International Recognition of Pest Free Areas

Agenda item 10.7.2 of the Provisional Agenda

I. Background

1. At its Seventh Session in 2005, the Interim Commission on Phytosanitary Measures (ICPM) decided that a feasibility study be undertaken on the international recognition of pest free areas (PFAs), which would take into account legal, technical and economic factors, and assess the feasibility and sustainability of such a system. A focus group was given the task of developing the terms of reference and composition of a working group to carry out the feasibility study.
2. The terms of reference and composition of the working group, developed by the focus group, were reviewed by the Informal Working Group on Strategic Planning and Technical Assistance (SPTA).
3. The SPTA had been informed that there was very little information on what PFAs had been established around the world, and for which pests, and so suggested to the First Session of the Commission on Phytosanitary Measures (CPM) in 2006 that such information be compiled prior to convening a working group on the feasibility of the international recognition of PFAs.
4. CPM-1 adopted the terms of reference for the working group and decided that it would review them at CPM-2. The CPM also agreed that data on existing PFAs should be assembled by the IPPC Secretariat in 2006, and the outcome presented at CPM-2. CPM-2 would then decide on how to proceed.
5. The terms of reference for the working group adopted by CPM-1 are given as Annex 1.

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II. Discussion

6. The Secretariat distributed a PFA questionnaire to IPPC contact points in 2006, the results of which are presented under agenda item 10.7.1 (document CPM 2007/11). The information collected from the survey was considered by the SPTA (October 2006) who recommended that a working group should be established to undertake the feasibility study on the international recognition of PFAs.

7. Further discussion on this issue between the Bureau and Secretariat resulted in the suggestion to establish an open-ended working group to undertake the feasibility study, rather than the: “*expert working group of 7 members, preferably one from each region, plus 3 Bureau members*”, as is required in the last paragraph of the attached terms of reference.

8. The CPM is invited to:

1. *Agree* that a working group be established to undertake a feasibility study on the international recognition of pest free areas;
2. *Make recommendations* on the size, composition and type of working group;
3. *Confirm* that the terms of reference adopted by CPM-1 be used for the working group, taking into consideration the recommendation made under item 8.2 above;
4. *Agree* that the working group present the results of its study to CPM-3 through the SPTA.

Annex 1

**TERMS OF REFERENCE FOR THE
WORKING GROUP ON THE FEASIBILITY OF INTERNATIONAL RECOGNITION
OF PEST FREE AREAS**

The working group is to carry out a **feasibility study** on the international recognition of pest free areas, taking into account legal, technical and economic factors and assess the feasibility and sustainability of such a system.

The study will consider the following elements. The results of the study should be presented in the form of a report. The report should contain clear conclusions and make recommendations.

Legal issues:

- What international recognition of a PFA means.
- Whether liability insurance should be necessary.
- Which international organization(s) or individuals could take part in the international recognition process or could provide international recognition of a PFA. If other than the IPPC how would they relate to the IPPC or which role they would play (e.g. IPPC recognized experts, IPPC recognized organizations, other organizations).
- Whether the international recognition body carries any legal responsibility in relation to its international recognition process, what its obligations are in relation to reporting recognition or denial of recognition of a PFA.
- Whether a disclaimer of responsibility can be part of the international recognition process.
- What the obligations of contracting parties to the IPPC will be in regard to an internationally recognized PFA.
- Whether international recognition of PFAs will increase the likelihood of acceptance by contracting parties of the concept of PFAs.
- Whether international recognition of a PFA will reduce undue delays in the recognition of that PFA by trading partners.
- Which organizations or entities can request the international recognition of a PFA, e.g. the NPPO of the exporting contracting party in which the PFA is located (to facilitate exports), the NPPO of the importing contracting party (to recognize a PFA in an exporting country), industry representatives (to facilitate exports and/or imports), the NPPO of the importing contracting party in which the PFA is located (to recognize the PFA in its territory, to justify import requirements), a RPPO on behalf of one or more of its NPPOs.

Technical issues:

- Whether the international recognition of a PFA should result in a statement from the international body that the area is free of the specific pest, or whether it should result in an assurance that the criteria for the establishment and maintenance of a PFA have been applied.
- Whether international recognition of a PFA can only take place if there is a specific ISPM for the establishment and maintenance of a PFA for that specific pest or group of pests.
- Whether, once a PFA has received international recognition, such recognition needs to be renewed on a regular basis, or whether the recognition is valid until the PFA status changes.
- Whether the process of international recognition of PFAs, if such a process is developed, could be applied to areas of low pest prevalence, pest free production sites and pest free places of production.
- Whether a process for the international recognition of PFAs could be put in place for many pests, or only for a limited number of globally relevant pests. If it is determined that such a process could only apply to a limited number of globally relevant pests, what criteria should be used to identify these pests.

- The elements of the international recognition process, including, but not limited to, the assurance and verification procedures and the requirements (including evidence required) to be fulfilled by the country where the PFA is located.
- Whether pest specific ISPMs should recognize that different ecological conditions and associated risk levels may exist in different areas, and therefore the requirements for the establishment and maintenance of the specific PFA may differ. As a result of this, whether the international recognition body should apply judgement in the recognition process.
- Whether there should be specific requirements covering the reinstatement of an area that had lost its area freedom status.

Economic issues:

- The benefits and disadvantages of international recognition of a PFA, including, but not limited to:
 - importing countries
 - exporting countries
 - developing and least developed countries (either importing or exporting)
 - market access issues (imports and exports)
 - implementation of the IPPC
 - technical assistance.
- The financial costs of an international recognition system c.f. the current approach of bilateral recognition.
- The source(s) and methods of funding for an international recognition system.

Other issues:

- Whether a pilot project, to test the international recognition process for a PFA, would be beneficial. If so, what would the parameters be for such a pilot project, e.g. for a pest for which a pest specific ISPM is available, for a pest for which there are bilaterally recognized PFAs, or for a pest-commodity combination that has international trade significance and for which there is already considerable experience available, etc.

The following areas of expertise should be available in the working group which will carry out the feasibility study:

- general phytosanitary administrative expertise
- knowledge of ISPMs, especially those on PFAs, ALPPs, etc.
- knowledge of operation and maintenance of PFAs in their country
- knowledge of accreditation and audit systems
- legal expertise in phytosanitary issues
- OIE experience in international recognition of PFAs.

Data on existing PFAs (e.g. recognized areas, size of area recognized, recognized by whom, commodity involved, pest involved) should be considered.

The expert working group should have 7 members, preferably one from each region, plus 3 Bureau members.