



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
of
the
United
Nations

Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COMMISSION ON PHYTOSANITARY MEASURES

Second Session

Rome, 26 – 30 March 2007

Terms of Reference for the Open-ended Working Group on Compliance

Agenda Item 12.3 of the Provisional Agenda

1. The First Session of the Commission for Phytosanitary Measures (CPM-1) discussed the subject of compliance and:
 1. *Emphasised* that the issue of compliance needed to be investigated carefully, particularly with respect to legal issues and compatibility with the IPPC Dispute Settlement process;
 2. *Decided* to place this subject on the agenda of the SPTA for consideration with the view to making recommendations to CPM-2; and
 3. *Recommended* that should extra budgetary funds become available, an open-ended working group be held to explore the subject appropriately.
2. Extra-budgetary resources have become available to the Secretariat and an open-ended working group has been arranged on 21-25 May 2007 in Malaysia.
3. The SPTA discussed the planned meeting, and draft terms of reference for the open-ended working group were developed for the consideration and approval of the CPM.
4. The CPM is invited to:
 1. *Approve* the terms of reference for the Open-ended Working Group on Compliance as outlined in Annex 1.

Annex 1**Terms of Reference for the Open-ended Working Group on Compliance**

1. The open-ended working group will review mechanisms used by other organizations for the promotion and implementation of compliance.
2. The group will decide whether or not to recommend to CPM-3 that a mechanism for the promotion and implementation of compliance under the IPPC be adopted by the CPM.
3. If the group does recommend that such a mechanism be adopted, the recommendation should include elements of the mechanism such as:
 - the objectives
 - identification of potential benefits
 - the nature of the mechanism
 - the composition of a compliance committee and the tenure of members
 - the procedures for submissions to the compliance committee
 - a facilitation procedure
 - recommendation to the contracting parties on additional measures
 - the conducting of general reviews
 - consultation and information
 - reporting
 - decision-making
 - confidentiality
 - relationship of the compliance mechanism with respect to the provisions of the convention and standards
 - resources required
 - expected process
 - anticipated time-frame
4. The group would include persons with experience in other relevant compliance mechanisms.