

March 2007

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联合国
粮食及
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Food
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the
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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

Comments from the Government of Japan

Agenda Items 9.1, 9.3, 9.4, 9.5, 10.1.2, 10.2.2, 10.7.2 of the
Provisional Agenda

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Comments from the Government of Japan on Agenda Item 9.1 of the CPM-2 (Report by the Chairperson of the Standards Committee)

Japan appreciates the SC's constant efforts to improve transparency in standard setting process under a severe budget constraint. We believe that ensuring the transparency of the SC's works and encouraging active involvement from member countries in standard setting processes are key factors to assure quality of international standards and also contribute to make the adoption process of ISPMs in the CPM easier. In that sense, we highly appreciate the SC's decision to encourage interested parties to submit discussion papers for consideration by expert drafting groups.

Taking this opportunity, we would like to make the following two suggestions for the further practical transparency in standard setting process within the limited resources and also ask clarification on the document status approved at the last SC meeting.

1. SUGGESTIONS

1) To disclose working documents distributed in the meeting of the SC

➤ Explanation

We consider that SC's report is an important resource for member countries to prepare for discussion at the CPM. However, we sometimes have difficulties in understanding some parts of the SC's report when the report refers to the documents which were distributed only to the SC members. In order to resolve this kind of problem, referred documents should be disclosed.

2) To include "a generic summary of SC reactions to classes of comments made in the country consultation" in the report of the SC

➤ Explanation

We consider that the current SC reports are not detailed enough to satisfy the Rule 8 of TOR for the SC; *the report of the meetings shall include a generic summary of SC reactions to classes of comments made in the country consultations*. The requirements of Rule 8 of TOR are very important for member countries to understand how their comments were incorporated, which could facilitate adoption process in the CPM.

2. CLARIFICATION ON THE DOCUMENT STATUS

We would like to ask the clarification on the document status of "Guideline on the duties of members of the Standards Committee" and "Guideline on the role of a steward of an ISPM". The report of SC in Nov 2006 says that they were approved by the SC. However they are not included in agenda items in this Commission.

According to the RULE IX of CPM's ROP, the term of reference and procedures of the subsidiary bodies shall be determined by the Commission. Therefore, our understanding is that, as long as not adopted by the CPM, these documents are still draft under further review by the SC.

**Comments from the Government of Japan on Agenda Item 9.3 of the CPM-2
(IPPC standard setting work programme)**

1. Japan supports the IPPC standard setting work programme including new additional topics proposed by TPs since we acknowledge the importance of these topics.
2. We would like to raise a procedural issue about how the CPM should be involved in the work programme. This time, the CPM is just invited to note the work programme although it includes many new additional topics proposed by TPs. Since the CPM is the only body which can adopt ISPMS it is necessary for a work programme which includes new topics to be adopted by the CPM. By doing so, standard setting by consensus will be facilitated.

Comments from the Government of Japan on Agenda Item 9.4 of the CPM-2 (Terms of Reference and Rules of Procedure for Technical Panels)

We appreciate the efforts of the SC and SPTA in preparing the document. We are pleased to ask clarification on the TOR for TPs and propose the comments on the ROP of TPs:

1. We would like to confirm our understanding that according to the Article 1 and 7, TPs should be established by the CPM although disestablished by the SC.
2. We would like to propose the following amendment on Rule 3 of ROP for the TPs.

Rules of procedure

Rule 3. Period of Membership

Members of TPs ~~may serve for an undefined period~~ a term of three years. The SC may decide to allow a member to serve additional terms on a term-by-term basis. The SC may, in accordance with Rule 2 of the Rules of procedure, change or amend the membership of TPs.

➤ Explanation

TPs should also have defined period of membership because considering the amount of works assigned and expected to TPs, TPs seem to be more than temporal bodies. (In fact, 8 out of 11 topics (excluding Diagnostic protocols) added to the work programme in the CPM-1 are or will be drafted by TPs).

**Comments from the Government of Japan on Agenda Item 9.5 of the CPM-2
(Procedure and Criteria for Identifying Topics for Inclusion in the IPPC
Standard Setting Work Programme)**

We appreciate the efforts of the SC and SPTA in preparing the document. We are pleased to propose the following comments on this matter.

1. We would like to support this proposed *procedure and criteria for identifying topics for inclusion in the IPPC standard setting work programme*, especially the 1st paragraph of the proposed procedure which clarifies that topics submitted by TPs follow the same procedure as other topics do in order to be included in the IPPC standard setting programme.
2. We would like to ask the clarification on whether the fast track standard setting process which was adopted by ICPM-6(Report of ICPM-6 (2004), Appendix X) will follow this procedure, which means that the fast track process is applied after the adoption of the standard setting work programme by the CPM.

**Comments from the Government of Japan on Agenda Item 10.1.2 of the
CPM-2
(Update of Annex I of the Rules of Procedure of the CPM on Development
and Adoption of International Standards)**

We would like to propose the following comments on ANNEX I of the Rules of Procedure of the CPM on Development and Adoption of International Standards.

**ANNEX I TO THE RULES OF PROCEDURE OF THE CPM
IPPC STANDARD SETTING PROCEDURE**

1. Stage 2: Drafting, Step3: Development of a specification, the 2nd paragraph

Stage 2: Drafting

Step 3: Development of a specification

For each topic or technical panel, the Standards Committee appoints a steward, who, in collaboration with the Secretariat, drafts a specification.

The draft specification is reviewed by the Standards Committee and then made available on the International Phytosanitary Portal (IPP) for a 60 day consultation period following approval at the Standards Committee. Comments received by the IPPC Secretariat are compiled and submitted to the steward and Standards Committee for consideration. The specification is amended as necessary, ~~approved~~ finalized by the Standards Committee and published on the IPP.

➤ Explanation

- We propose amendments to clarify two different approval steps in developing specifications, approval for country consultation and approval for finalization because Rules of Procedure for the Standards Committee recognize the distinction and stipulate in the Rule 8 as follows:

- Rule 8. Reports

SC meeting records shall be kept by the Secretariat. The report of the meetings shall include:

- approval of draft specifications for ISPMs
- finalization of specifications with detailed explanation including reasons for changes

➤ Comment

- In general, we do not have an objection against the recent use of e-mail to approve specifications for country consultation and the use of e-mail in Step 4 of the Fast-track process.

However we have a concern that the use of e-mail without any legal grounds may cause the abuse of the tool in the standard setting, which would not only set back

efforts toward improving transparency but also undermine the right of interested parties to attend the SC as observers.

Therefore we would like to propose that SC and SPTA should review the TOR for the SC and stipulate the use of e-mail for approval for country consultation as appropriate;

For example, adding the following sentences at the end of Rule 5 of SC's TOR:

- The SC may use the modern communication tools such as e-mail for the approval of draft specifications for country consultation or for the approval of draft standards for country consultation in fast-track process to facilitate the process in a cost effective manner.

3. Stage 3: Member consultation, Step5: Member consultation

Stage 3: Member consultation

Step 5: Member consultation

The draft standard is sent by the IPPC Secretariat to National Plant Protection Organizations (NPPOs), Regional Plant Protection Organizations (RPPOs) and international organizations for consultation. The length of the consultation period is 100 days.

<p>Regular process: The draft standard is sent for member consultation following approval at the Standards Committee or Standards Committee Working Group meeting.</p> <p>Comment is by written submission to the Secretariat following guidelines.</p> <p>Comments are compiled by the Secretariat and submitted to the steward, the Standards Committee Working Group and the Standards Committee for consideration.</p>	<p>Fast-track process: The draft standard is sent for member consultation following clearance by the Standards Committee, i.e. at any time, in appropriate FAO languages.</p>
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Comments are posted on the IPP.

- Explanation (for the 1st paragraph in Regular process) -
For the reasons below, we consider it inappropriate to include Standards Committee Working Group as approval body of member consultation for the draft standard:
 - It is inconsistent with the 2nd paragraph of Step 4 in Regular process which stipulates that *the Standards Committee decides whether to send it for member consultation, or to return it to the steward or to an expert drafting group, or to put it on hold.*
 - Under the existing rule, the transparency and the right to attend the meeting as observers are not ensured to Standard Committee Working Group.

- Explanation (for the last sentence in step 5)
We strongly support that the step of disclosing country comments is specified before preceding the next step since classes of comments made in the country consultation are one of criteria for interested parties to take part in the SC meeting as observers.

4. Stage 3: Member consultation, Step6: Member consultation

Delete the last sentence “If members have concerns regarding their comments, they may contact Standards Committee members in their region to obtain a specific response to their comment.”

➤ Explanation

We recognize that it is important for the SC to enhance transparency and the SC members have a role of reporting back to countries in their regions. However this would impose heavy burden on SC members, rather it can be resolved by providing more detailed report of the SC as stated in Rule 8 of the SC’ TOR, including “a generic summary of SC reactions to classes of comments made in the country consultation”.

5. Stage 4: Adoption and publication, Step 7: Adoption, the 1st paragraph in Regular process

Stage 4: Adoption and publication

Step 7: Adoption

Regular process:

The draft standard is included on the agenda of the CPM for discussion and adoption following approval at the SC.

Comments on standards at CPM are sent at least 14 days before the meeting.

Fast track process:

The draft standard is included on the agenda of the CPM:

- for adoption without discussion if no formal objections were received, or if objections were resolved by the Secretariat with countries.
- for discussion and adoption if objections were discussed by the Standards Committee.

➤ Explanation

We propose to add phrase as above because only draft standards which have been approved by the SC are included in agenda of the CPM for adoption.

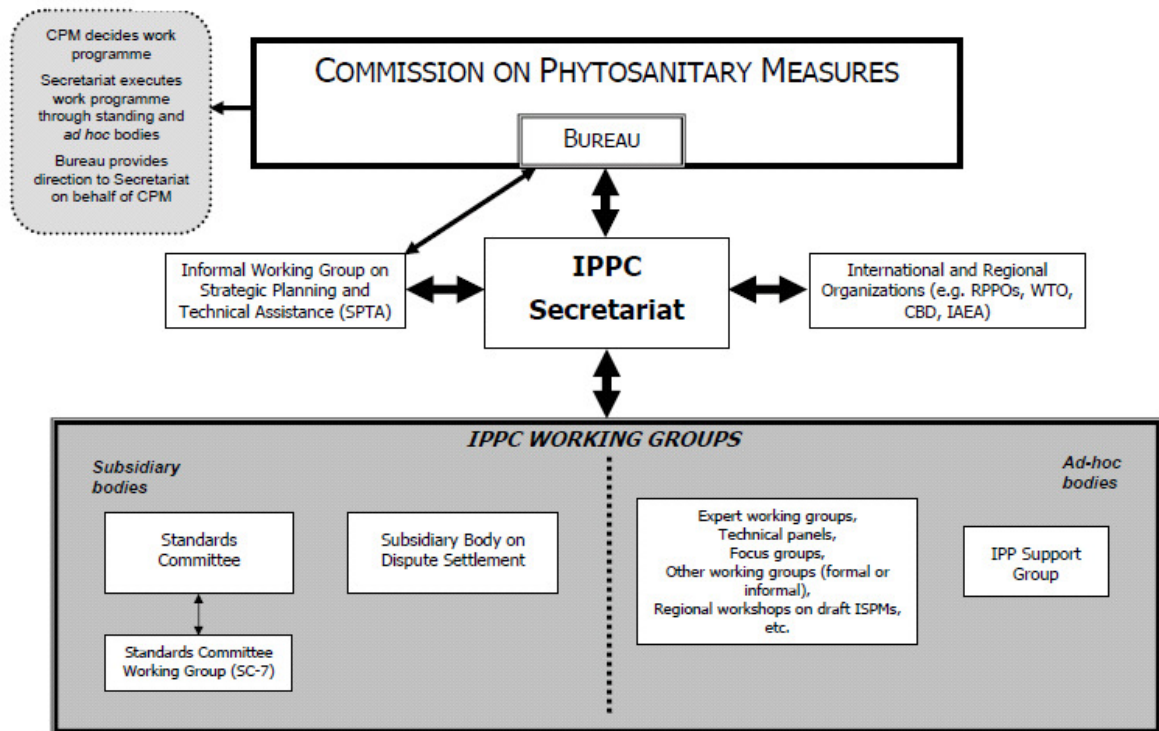
**Comments from the Government of Japan on Agenda Item 10.2.2 of the
CPM-2
(Continuation of the CPM Informal Working Group on Strategic Planning
and Technical Assistance)**

Japan appreciates the efforts of the SPTA in preparing the document. We are pleased to propose the following comments on this matter.

1. We agree that an enlarged Bureau would form the core group of the SPTA. However, regarding the formalization of SPTA, we would like to ask the clarification of the essential difference between formal and informal group, and also where the formalized SPTA will be categorized in the Figure 1 in the page 32 of procedural manual (see attached reference below). We consider that the clarification is necessary for smooth transition to the formal SPTA when effectiveness of the enlarged Bureau could be ascertained.

(Reference)

FIGURE 1: ORGANIZATION OF THE INTERNATIONAL PLANT PROTECTION CONVENTION



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Procedural manual page 32

2. We would like to propose to add review of the procedural manual as a function of the SPTA for the reason below:

- The procedural manual is an important document to help member countries to effectively participate in the work of the IPPC. However, the existing manual seems to become increasingly complex and less user-friendly as it has incorporated historical decisions, procedures and practices since ICPM-1(1998). The SPTA, assisting the CPM with procedural matters, should carry out the periodical review of the procedural manual in terms of checking the consistency between newly developed procedures and existing ones and make constant efforts to provide the easy-to-use manual.

3. We would like to propose the following amendment on Rule 1 of ROP for the SPTA.

Rule 1. Membership

Membership of the Bureau is established according to the rules of procedure of the CPM.

Chairpersons of the Subsidiary Body on Dispute Settlement and the Standards Committee are elected according to the respective rules of procedure for those bodies. Upon request of the Chairperson of a Subsidiary Body, the Vice-Chairperson of that body may replace its Chairperson at any meeting of the SPTA.

Other interested persons from contracting parties should have knowledge of plant protection ~~and~~ should be interested in achieving the objectives of the SPTA and should have an understanding and practical experience of the relevant international rules regarding biosecurity. They should indicate their intent to participate in a meeting of the SPTA no less than 30 days prior to the beginning of the meeting.

➤ Explanation

According to the function of the SPTA, we consider that the SPTA is expected to play a role as an executive organ of the CPM. In this regard we consider that it is necessary for interested persons to have not only knowledge of plant protection but also knowledge of international rules regarding biosecurity since IPPC is recognized as an international standard setting body by WTO/SPS agreement and IPPC covers the area of biodiversity.

**Comments from the Government of Japan on Agenda Item 10.7.2 of the
CPM-2
(Composition and Terms of Reference for a Working Group to undertake a
Feasibility Study on the International Recognition of Pest Free Area)**

We appreciate the efforts of the SPTA in preparing the document. We are pleased to propose the following comments on this matter.

1. We agree to establish a working group to undertake a feasibility study on the international recognition of pest free areas.
2. We strongly support the suggestion by the Bureau and Secretariat that the working group be an open-ended because this feasibility study needs lots of members and experiences.