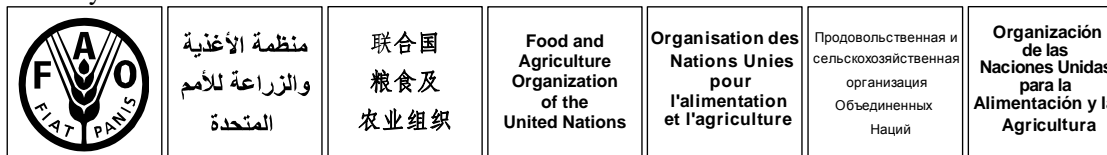


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COMMISSION ON PHYTOSANITARY MEASURES

Seventh Session
Rome, 19 - 23 March 2012
Translation of «should» in French in ISPMs
Agenda item 8.1.7 of the Provisional Agenda
Paper prepared by the national plant protection organization of France with input from the European and Mediterranean Plant Protection Organization

- The national plant protection organization (NPPO) of France (Ministry in charge of Agriculture, General Directorate for Food) supported by the European and Mediterranean Plant Protection Organization (EPPO) has requested that the question of the translation of « should » into French in International Standards for Phytosanitary Measures (ISPMs) be added to the agenda of CPM-7 (2012).
- The French NPPO proposes the revision of one of the eight decisions taken by CPM-1 (2006) in relation to the use and translation of the terms “must”, “shall”, “should” and “may” in ISPMs. Among other decisions, the CPM-1 (2006; paragraph 87, decisions 1, 2 and 7):
 - Agreed that a policy for the use of “must”, “shall”, “should” and “may” in standards should be implemented;
 - Adopted the following statement on the use of “should” in ISPMs: “In future ISPMs, the word ‘should’ in English be interpreted to mean a type of moral or political commitment. It creates an expectation (though non-binding) that something will be done.”; [...]
 - Agreed that the Spanish and French translations to be used consistently for ISPMs be:
 - for *should*: *debería* and *deverait*
 - for *shall*: verb in the future tense
 - for *must*: *debe* and *doit*
 - for *may*: *podrá* and *peut* »
- The systematic translation of « should » to « devrait » in French impacts all ISPMs (both new and revised) adopted by the CPM. Until 2006, « should » was generally translated to « doit » in ISPMs in French; after 2006, to « devrait » following the CPM-1 (2006) decision.

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4. It is noted that the words used in English and in French to express different obligation levels do not correspond exactly. The fact that « should » is systematically translated to « devrait » in ISPMs affects the comprehension of the text and weakens the standards. Two examples among many others:

- « *Le substrat de culture, le système d’approvisionnement en eau et l’engrais ou les additifs utilisés dans l’installation **devraient** être exempts d’organismes nuisibles.* » for « *The growing medium, water supply and fertilizer or plant additives used in the facility **should** be pest free.* » (ISPM 33:2010, section 4.2),
- « *Le modèle de certificat phytosanitaire joint en annexe à la CIPV **devrait** être utilisé.* » for « *The model phytosanitary certificates as described in the Annex to the IPPC **should** be used.* » (ISPM 7:2011, section 4.1).

5. It is agreed that « should » does not have the legal strength of « shall ». However, in most cases where « should » is used in ISPMs, « should » is an obligation for those who follow the standard. This is also in line with decision 2 of the above mentioned paragraph (CPM-1, 2006). When « should » expresses such an obligation by default, its translation is « doit », which is also the term used to express obligations in French official documents.

6. In certain situations, the use of « should » corresponds to a conditional obligation: the action indicated by « should » does not apply in all cases, and another action may be applied instead. In this case « should » is used with the same meaning as « ought to », and is translated by « devrait » in French. However, this use of « should » is rare in ISPMs. Two examples:

- « *Si l’organisme n’a pas encore un nom ou une description complète, pour pouvoir le définir comme un organisme nuisible il **devrait** au moins avoir été établi qu’il peut être identifié [...]* » for « *If the organism has not yet been fully named or described, then, to be determined as a pest, it **should** at least have been shown to be identifiable [...]* » (ISPM 2:2007, section 1.2),
- « *Si l’installation est munie de protections physiques et opérationnelles adéquates contre l’introduction d’organismes nuisibles réglementés, des exigences supplémentaires ne **devraient** pas être requises.* » for « *If the facility includes adequate physical and operational safeguards against the introduction of the regulated pests, no additional requirements **should** be necessary.* » (ISPM 33:2010, section 4.2).

7. In conclusion, in ISPMs, « should » can be translated in two ways in French. Most commonly « should » is translated to « doit » and in a few rare cases « should » is translated to « devrait » following the examples given above.

8. Modification of the CPM-1 (2006) decision relating to the translation into French of « must », « shall », « should » and « may » in ISPMs (paragraph 87.7 of the report of CPM-1 (2006)) is consequently proposed as follows:

English/anglais	French/français
should	- doit (dans le cas d’une obligation pour celui qui respecte la norme) - devrait (rare; dans le cas d’une obligation conditionnelle)

9. The CPM is invited to:

1. Agree to the revision of decision of CPM-1 (2006) related to the translation into French of « must », « shall », « should » and « may » in ISPMs, as presented above.
2. Agree, for ISPMs (both new and revised) adopted after the CPM-1 (2006) decision, to revise the translation into French of « should » according to this revised decision, so that the translation of « should » into French is consistent in all ISPMs.