

**FOCUS GROUP MEETING ON THE STANDARD SETTING PROCESS
ROME, ITALY 7-10 JULY 2003
REPORT¹**

1. Introduction

In 2002 the Chairperson of ICPM invited members of the ICPM to specify their wishes for standards to be developed by the ICPM. The request resulted in a list containing over 140 topics proposed for new standards. Many of the standards proposed were on specific technical issues. To date most of the standard setting activities of the ICPM have focussed on conceptual standards but this list clearly demonstrated a need for specific technical standards.

Realizing the wishes of ICPM members regarding standards development and the current slow standard setting procedure of the ICPM, ICPM 5 decided to establish a Focus Group to examine the current standard setting mechanism with a view to improve the standard setting procedure and to make draft recommendations for a fast track standard development and adoption procedure. ICPM 5 further decided that the report of the Focus Group be considered by the 15th Technical Consultation among RPPOs and the Informal Working Group on Strategic Planning and Technical Assistance before being considered at ICPM 6 in 2004.

The procedure agreed to by ICPM 5 and the Terms of Reference (TOR) for the Focus Group, developed by the Bureau are shown at Appendix 1 and the participants at Appendix 2. A list of resource documents provided to the Focus Group is shown at Appendix 3.

This report represents the output of the Focus Group.

2. Limitations of the current standard setting process

At ICPM 5 some members expressed their disappointment about the slow pace of standard development of the ICPM. It was believed that an improvement of the current standard setting process could ultimately lead to an increased standard output of the ICPM. In order to improve the current standard setting process the Focus Group found it essential first to analyse the current system in order to identify its bottlenecks and limitations.

The Focus Group examined carefully the complete standard setting process and differentiated between several stages:

- a) drafting process,
- b) Standards Committee process,
- c) country consultation process and
- d) plenary or adoption process

¹ This version incorporates all comments from Focus Group Members received up to 12 September 2003

The Focus Group identified a range of issues and bottlenecks in the current system under different stages of the standard setting process.

2.1. Drafting Process

The Focus Group identified the drafting process as the first stage of the standard setting process. Current practise in drafting standards is the establishment of an expert working group (EWG) consisting of a group of experts who meet for up to 5 days to produce a first draft of the standard. Members of an expert working group are selected on the basis of their expertise and are not intended to be representatives of a particular country or region. However, the Secretariat does endeavour to maintain a reasonable geographical balance in selecting suitable experts.

The Focus Group identified several issues in the drafting process which may present bottlenecks or limitations. These issues may not influence the drafting process itself in a negative manner, but may cause problems in the later stages of the standard setting process.

The issues identified were:

- *Obtaining useful discussion papers or even early drafts to the expert working group.*
The Focus Group considered that the availability of discussion papers or early drafts facilitates the drafting process, improves the quality of the draft standards developed and helps smooth the following stages of the standard setting process.
- *Obtaining contributions from those who are less confident about their English*
The active participation of all experts in an expert working group ensures that all views are discussed in drafting the standard. However, it is difficult for those who are less confident in English to actively participate. The Focus Group considered that the active participation of all experts in an expert working group facilitates the drafting process and the quality of the draft standards developed, which may later smooth the following stages of the standard setting process.
- *Expert working group members being fully aware of their roles and responsibility.*
Members of expert working groups may not always be experts who are fully aware of the workings of the ICPM and its standard setting process. This may lead to situations where the expert working group deviates from its original path set by the standard specification. Furthermore, the Focus Group believed that the roles and responsibilities of nominated experts to participate in expert working group meetings should be made clear in order to facilitate the drafting process.

2.2. Standards Committee process

The Focus Group identified the Standards Committee process as the second distinct stage of the standard setting process. Under the current process when the expert working group has completed a draft standard it is sent to a working group (SC7) of the Standards Committee (SC) consisting of seven members for any final editing. The final version is approved by the SC by email before being sent as a draft standard for formal country consultation. At the end of the country consultation period of 120 days

the comments are sent to SC7 and SC meeting in order to finalise the standard for submission to the ICPM for adoption.

The Focus Group identified several issues in the SC process which may present bottlenecks or limitations. The issues identified were:

- *Papers not getting to the SC with enough time for proper review*

The Focus Group believed that the late arrival of papers for the meetings of the SC may be one major bottleneck in the SC process. Late arrival of meeting papers may cause SC members to come to meetings unprepared which may not facilitate the proceedings and efficacy of the SC.
- *SC spending too much time drafting – not enough on other functions identified in the TORs of SC*

Another major limitation in the SC process was believed to be the current practise of the SC to spend a lot of time on detailed drafting or redrafting of standards. This time intensive practise consumes considerable resources of the SC and limits its activities for other functions which may be important for the standard setting process.
- *Obtaining regular attendance of all members of SC.*

The Focus Group noted that not all SC members attend convened meetings. While acknowledging the difficulties that some members may face the Focus Group thought that it is important that all members of the SC participate at the SC meetings. The Focus Group concluded that the active participation of all members of the SC facilitates the SC process and the quality of the draft standards submitted to the country consultation and to the ICPM for adoption.
- *Time available for the SC and the timing of meetings*

It was believed that the timing may play an essential role in the SC process. In particular the current consultation period of 120 days make it difficult to schedule SC7 and SC meetings and to give their members sufficient time to consider the comments received. This in turn may lead to more extensive discussions in the SC7 or SC which consume more time than available.
- *Lack of Secretariat resources to provide editorial assistance in drafting*

The Focus Group thought that editorial assistance in the drafting process is an important supporting factor in the whole standard setting process. The IPPC Secretariat, however, due to a lack of resources could only carry out this editorial assistance to a limited extent.
- *The role of SC members – are they regional representative or experts or both*

The Focus Group felt that currently there is an uncertainty amongst members of the SC as to their role. Although elected on their personal expertise SC members are nominated by FAO regions and consequently may feel obliged to represent regional positions in the SC. The Focus Group felt that more guidance on the subject is necessary to facilitate the SC work.

- *Problems in obtaining sufficient expertise in the SC - this may become an increasing problem as more technical (compared to concept) standards are developed.*

It was thought that the standard setting process within the ICPM would in the future deal with more technical standards as currently. The concern was raised that the scientific expertise in the SC may not be sufficient as to allow its members to evaluate technical standards in detail. This could lead to limitations in the standard setting process.

- *Difficulties of obtaining full participation in the meeting due to language issues and a lack of familiarity with the process*

As with the expert working group, members of SC may not always be fully aware of the workings of the ICPM and its standard setting process. This may lead to difficulties in the standard setting work of the SC. Furthermore, the attendance of all SC members at the SC meetings was thought to be essential for the proper workings of the standard setting process. Finally, the practise of conducting sessions of the SC in English only may not facilitate an active participation of all its members because of language difficulties.

2.3. Country consultation process

As identified by the Focus Group the country consultation process is the third stage of the ICPM standard setting process. It currently requires the distribution of the draft standards to the contact points and allows a 120 day period for countries to provide comments to the Secretariat. The Secretariat sends these comments to the SC for consideration.

The Focus Group identified several issues in the country consultation process which may present bottlenecks or limitations. The issues identified were:

- *Problems with distribution of drafts to ICPM Members for consultation*

The Focus Group thought that the distribution of draft standards for country consultation plays an especially important role. Apparently, and for reasons out of control of the IPPC Secretariat, (incorrect address details, transmission failures etc), competent authorities of ICPM members do not always receive the draft standards in time or at all. This dysfunction of the distribution may lead to problems later in the adoption process.

- *Apparent lack of understanding of the draft standards resulting in an inability to provide comments – difficulties with language in standards.*

On occasions the complexity of the draft standards and possible difficulties with their language may prevent countries submitting comments on the contents. The Focus Group also believed that these problems may influence the standard setting process negatively.

- *Lack of resources to fully consider the domestic ramifications of agreeing to a standard*

On a national level, the analysis of draft standards in relation to their national implications requires a certain amount of capacity and national coordination.

Capacity and structural limitations in developing countries may prevent an active analysis of draft standards, which may have negative repercussions in the adoption process.

- *No feedback as to whether the country's comments were received and considered – no feedback on how comments incorporated*

The Focus Group believed that the question on transparency in the country consultation process is of major importance. Countries which may have commented in the country consultation on a draft standard do not always know how their comments were incorporated, if they were incorporated at all or the arguments why their comments were not incorporated. Such countries may raise their comments again at the plenary of the ICPM which could make the adoption process very difficult, as experience has shown.

- *Vague general comments being submitted which are difficult for SC to address.*

The Focus Group recognised that the form of comments made by countries in the country consultation process may make their processing difficult. This in turn has repercussions in the adoption or plenary process. It was especially recognised that vague, unspecified comments are difficult to process.

- *Little guidance from the Secretariat on how to prepare comments.*

As in the previous bullet point the form of comments made by countries in the country consultation process may make their processing difficult, especially the compilation of comments by the IPPC Secretariat.

2.4. Plenary or adoption process

The last stage in the standard setting process is the plenary or adoption process. After the SC has incorporated any changes arising from comments received from members of the ICPM in the country consultation process the standard is included in the agenda for the next ICPM for formal adoption. In some cases the SC may decide on the basis of comment received that the standard is not ready for adoption and hold it back for further work.

The Focus Group identified several issues in the ICPM adoption process which may present bottlenecks or limitations. The issues identified were:

- *Extensive changes are sometimes proposed at the ICPM.*

The Focus Group identified this reoccurring problem at sessions of the ICPM as one of the important limitations in the standard setting process. Proposals for extensive changes of draft standards are made “at the last minute” in the meeting of the ICPM where it is envisaged to adopt the standard. Such a practise consumes a considerable amount of plenary time and limits the number of standards can be dealt with at a particular ICPM meeting.

- *Minor changes in editing/use of words are proposed at ICPM that make no substantial change in meaning but consume plenary time*

Another reoccurring problem which may clog up the plenary time of the ICPM is the proposal of minor editorial changes to draft standards. As in the bullet

point above such a practise consumes a considerable amount of plenary time and limits the number of standards that can be dealt with at a particular ICPM meeting.

- *There is sometimes concern at the lack of time to consider the implications of changes suggested at Plenary*
Many delegates representing their countries at meetings of the ICPM are not necessarily experts in standard setting or very familiar with the standard setting process. Such delegates may have difficulties in considering *ad hoc* proposals for changes for standards at the ICPM and for reasons of caution may not agree to them. This can hold up the adoption process.
- *There are sometimes issues related to difficulties in translation into other languages that can affect the meaning and require clarification*
The Focus Group believed that the translation of draft standards into the official languages may at times cause difficulties in the plenary process.

2.5. Other issues

In addition to the issues identified in relation to the various steps of the standard setting process there were also more general issues identified by the Focus Group. These include:

- *The need for legal scrutiny of standards in order to understand any legal issues*
The Focus Group thought that some draft standards (e.g. wood packaging) may have legal consequences. Such legal issues should be understood in order to facilitate the adoption process.
- *The possibility of using different approaches to the initial drafting of standards rather than the use of expert working groups.*
It was thought that the current practise of drafting standards through the establishment of a specialised expert working group may limit the number of standards which can be drafted. Such expert working groups would have to be organised, administered and funded which may strain the already scarce IPPC resources.
- *The use and role of observers and the criteria for their input and involvement*
On some occasion there has been confusion about the role and status of participants in expert working groups from organizations that were not FAO members or contracting parties to the IPPC. The Focus Group noted that the guidelines agreed at ICPM on the composition an organization of expert working groups clarified this issue.
- *The format of standards and the possibility of drafting/revising them in smaller sections*
The complexity of standards was believed to make drafting and revising them more difficult. It was thought that standards which are designed in smaller sections (e.g. annexes) may be easier to draft, revise and adopt since the

adoption process could be restricted to specified sections and not to the whole standard.

3. Recommendations for improvements of the current standard setting process

The Focus Group acknowledged that based on the current processes, available resources and the time available at the ICPM it was difficult to foresee a large increase in the rate of adoption of new ISPMs. In fact, several of the limitations identified may be caused by current resource deficiencies of the IPPC. However, changes in the current system and new approaches to standard setting have the potential to increase the rate of production of ISPMs.

Based on the analysis of the limitations and bottlenecks of the current standard setting process the Focus Group identified a range of possible changes/modifications to the standard setting process intended to address the issues identified above.

These modifications included:

1. Additional rounds of formal consultation
2. Use of Technical Panels
3. Procedures for comments on standards at ICPM
4. Regional technical assistance/consultation
5. Use of regional coordinators
6. Expanded role of stewards
7. Transparency to and from the SC
8. Use of modern communications and timing of meetings – improving procedures for working
9. Use of annexes
10. Guidelines for expert working group members
11. Length of formal consultation period
12. Guidelines for Standards Committee members

3.1. Additional rounds of formal consultation

The Focus Group considered the value of subjecting standards to two (or more) formal rounds of country consultation before submission to ICPM for formal adoption. The Focus Group considered that this would be particularly useful in cases where substantial changes in the standard had resulted from the formal country consultation. However, the Focus Group did not consider that a second round of consultation should be mandated for all standards. This would reduce the capacity to produce standards and was not justified in all cases.

The Focus Group believed that additional rounds of consultations may especially address some of the limitations identified in the country consultation process (see 2.3.). A second round of consultations could clarify issues in relation to country comments and may help countries to achieve a better understanding of the draft standard and its national ramifications

The Focus Group noted that the possibility for further consultation is already allowed for in the rules of procedure of the SC and that it was appropriate for the SC to have this flexibility.

The Focus Group recommends:

- ***That the SC initiates a further round of consultation on standards that have undergone extensive changes as a result of formal country consultation. In such cases the SC should report to the ICPM their justification for sending a standard for a second round of consultation but could use its judgement in regard to this matter.***
- ***The SC should draw up criteria/guidance that it proposes to apply in determining the need for a further round of formal consultation on a draft standard.***
- ***That in cases where a standard was submitted to the ICPM but not adopted the ICPM could decide if another round of consultation was needed.***

3.2. Use of Technical Panels²

The Focus Group considered that the use of Technical Panels (TP), established under the Terms of Reference (TOR 4) of the SC which allows for the establishment of temporary or permanent working groups, would assist the SC by undertaking some of the drafting and comment handling tasks in the specific area of competence of the Technical Panel. It was considered that they would be particularly useful in work on highly technical standards where there was a clear need to involve experts with detailed knowledge of specific areas.

The Focus Group believed that the use of Technical Panels could advance the current standard setting process by improving the drafting process. Furthermore, Technical Panels would reduce the drafting work of the Standard Committee. Finally, the Focus Group thought that the benefits of such Technical Panels may be more relevant to a fast track adoption procedure.

The Focus Group discussed the formation and mode of operation of Technical Panels and considered that:

- In order to maintain good communication with the SC, members of SC should be on Technical Panels if possible and appropriate and provided they have the required expertise.
- Current WG membership rules should apply when forming Technical Panels
- Technical Panels could draw upon other expertise as appropriate and relevant – including other standards, other materials, other working groups

²**Note on terms:** *The Focus Group choose to use the term Technical Panel (TP) for permanent or temporary working groups set up to work on standards related to a subject area (for example, diagnostic procedures). This term was chosen to differentiate these groups from Expert Working Groups (EWG) set up for the specific task of drafting an individual standard.*

- Technical Panels should be created under TOR 4 of SC.
- The SC should establish a specification for each Technical Panel

The Focus Group recommends:

- *That the SC establish Technical Panels (TP) in specific areas to assist the work of the SC.*
- *That these Technical Panels should work under general specifications established by the SC, according to TOR 4, with membership according to current expert working group membership rules. Under the direction of SC, Technical Panels should provide the SC with: draft technical standards, advice on draft technical standards, advice on country comments and advice on topics and priorities for technical standard development in their field of activity and other task as requested by SC. Technical Panels may draw on specialised expertise, the work of other working groups, other appropriate standards and the work of other relevant organisations in their work as appropriate. The chair of the Technical Panel should act as the steward for the subject area of the Technical Panel.*
- *That potential areas for the formation of Technical Panels may include technical matters such as diagnostics, seed pathology, specific pest free areas, organism or commodity specific standards or treatments.*
- *When the specific work of a Technical Panel is completed SC should disestablish the group.*

3.3. Procedures for comments on standards at ICPM

The Focus Group considered the problems that were experienced in ICPM meetings in adopting standards. Although the Focus Group acknowledged the right of any party to raise any issues at any time during the ICPM it considered that guidelines for submission of comments on standards at the adoption stage may increase transparency and allow all parties to more fully understand the proposals being made. The Focus Group believed that such guidelines could address all the problems identified under 2.4. (plenary or adoption process) and substantially improve the standard setting process of the ICPM.

The Focus Group recommends:

- *The drafting of guidelines on submission of comments at meetings of the ICPM.*

These guidelines should include the following points:

- *Parties should endeavour to provide comments in writing to the Secretariat at least 14 days before the ICPM. The Secretariat will provide a copy of all comments received, in original form at the start of the ICPM.*

- *Parties should indicate comments that are strictly editorial (do not change the substance) and could be incorporated by the Secretariat as considered appropriate and necessary.*
- *The Secretariat should provide a format/matrix for country comments. It would be preferable that comments be provided electronically using the standard format/matrix to allow comments to be collated.*
- *The same matrix should also be used for comments provided on standards during the formal consultation period.*
- *The matrix should be available on the IPP and the current guidance on comments on standards already present on the IPP should be modified to request that countries use the matrix.*

3.4. Regional technical assistance/consultation

The Focus Group acknowledged that the regional consultations on draft standards were not a formal part of the consultation process on standards but considered them a very important tool for building understanding of standards therefore allowing countries to fully contribute to the standard setting activities of the ICPM. However, the Focus Group noted the *ad-hoc* nature of the current process of organising regional consultations.

It was considered that regional technical consultations on draft standards could be especially helpful in the formal country consultation process. There, they could facilitate a better understanding of draft standards, could assist countries in assessing their domestic ramifications and could facilitate the development of specific and clear comments. It should be noted that regional technical consultations may have a general benefit for the whole of the standard setting process by enabling developing countries to participate more effectively in the technical aspects of the standard setting of the ICPM.

The Focus Group recommends:

- *That as many as possible regional technical consultations should be conducted and that the ICPM should investigate potential mechanisms to expand these consultations as well as seek to build opportunities for regional consultations through the trust fund or voluntary contributions.*

3.5. Use of regional coordinators

The Focus Group discussed the potential use of regional coordinators to assist countries understand and implement standards. The Focus Group noted that this concept was being used by a number of RPPOs. However, the Focus Group did not consider that the establishment and support of regional coordinator position was a primary role of the ICPM but encouraged countries or RPPOs to establish appropriate mechanisms in their region to assist with standards activities

3.6. Expanded role of stewards

The Focus Group considered that the appointment of an appropriate steward for each standard was important. The steward should, oversee the work on a specific standard, enhance communication between the expert working group and the SC, facilitate the production of drafts, assist with consideration of country comments, clarify issues/doubts raised in the SC meeting and work with the Secretariat to carry out editorial work on a standard. In order to facilitate the tasks of the stewards the Focus Group believed that it would be beneficial to have guidelines on their role and responsibilities prepared.

The Focus Group believed that the effective use of stewards in the standard setting process could in particular enhance the efficiency of drafting and SC operations.

The Focus Group recommends:

- *That the SC should make greater use of stewards. Guidelines for the roles and responsibilities of a steward should be developed by the SC. Stewards should be invited to relevant SC meeting to assist the work of the SC on the standard that the steward is responsible for. The Secretariat should supply editorial expertise to assist stewards in carrying out their role.*

3.7. Transparency to and from the SC

The Focus Group took up the issue of transparency as to how specific country comments are addressed by the SC. A significant issue is the desire of some parties to receive detailed feedback on how their comments have been dealt with by SC. The Focus Group noted that the mechanism in rule 7 of the rules of procedure of the SC and also of the informal roles of participants in the SC and of the Stewards in reporting back to regions may provide sufficient transparency provisions.

The Focus Group notes:

- That more formal feedback mechanisms on country comments may not provide a benefit that outweighs the cost of the very resource intensive process that would be necessary to address this in a more formal way.*

3.8. Use of modern communications and timing of meetings – improving procedures for working

The Focus Group considered the usefulness of modern communication tools (email, teleconferencing etc) in developing standards. The Focus Group concluded that these tools were useful but could not replace face to face meetings particularly in the early drafting phase of standards development. The Focus Group considered that use of such tools may work better for the development of technical standards rather than conceptual standards.

The possibility to use meetings in parallel or meetings arranged before and after other meetings was also considered by the Focus Group. The Focus Group considered that in some cases this could be useful but it may be difficult to arrange these meetings in a way that takes account of the work load and time constraints of attendees. In addition parallel meetings present difficulties in providing adequate coverage of the issue with the limited resources available. The Focus Group noted that the use of parallel sessions or meetings on the side of other meetings would require very careful planning if they are to be effective.

The Focus Group believed that these considerations would primarily assist the IPPC Secretariat in using its scarce resources to its best. Improved working procedures may also improve the drafting process and the standards committee process by providing additional discussion fora and a better timing.

The Focus Group recommends:

- ***That email, teleconferencing, and other modern communication methods should be used where possible to advance discussion on standards. However, the Focus Group recommends that face to face meetings of experts be continued with email communications used to supplement these meeting but not replace them.***

3.9. Use of annexes

The use of annexes to standards allows for the convenient inclusion of technical details within a standard and the possibility of using a more flexible process to develop and modify the details contained in an annex. As in many national legislation, the body of a standard could contain the principal provisions, while the annexes could contain the technical details which are more liable to be changed over time.

It was thought that standards which are designed in smaller sections (e.g. annexes) may be easier to draft, revise and adopt since the drafting and adoption process could be restricted to specified sections and not to the standard as a whole. The Focus Group believed that such a system could increase the ICPM standard output considerably.

The Focus Group recommends:

- ***That technical annexes (such as treatment schedules, e.g. wood packaging) should be used as much as possible, where appropriate. Annexes should be open to revision separately to the main standard. Revisions could be by a fast track procedure.***
- ***That Annexes should only contain highly specific information that may need to be changed over time and that does not affect the principles incorporated in the primary standard.***
- ***That criteria for the formation and content of annexes should be developed by the SC.***

3.10. Guidelines for expert working group members

The Focus Group considered the difficulties that expert working group members faced in understanding their roles and responsibilities and the potential for this to cause problems in the standard setting process (see also 2.1.). This problem may increase if the number of standards being developed increases and expert working groups are not always able to draw upon the expertise of the Secretariat.

The Focus Group recommends:

- *That a brief guideline for the operation of expert working groups is produced by the Secretariat in consultation with SC. This should be provided to all expert working group participants.*
- *That when each expert working group is convened the chair spends time to discuss and explain the mode of operation and the roles and responsibilities of participants.*

3.11. Length of formal consultation period

The Focus Group attached considerable importance to the length of the country consultation period in relation to the efficacy of the standard setting process. Currently, it can take up to 2 months before draft standards are approved by the SC (meeting just after ICPM), translations are finalised and the distribution of the drafts to the ICPM Members is completed. The consultation period of 120 days commences at this time. At the end of the consultation period, comments need to be collated and considered by individual SC members in advance, in preparing for the SC meeting. With a 120 day consultation period there is just not sufficient time to do this adequately. In 2002 the formal country consultation period closed during the SC meeting while in 2003 the period closes approximately 1 week before the SC meeting. Other options such as having the second SC meeting later in the year are not possible because the final standards need to be translated into all FAO languages in time for ICPM.

The Focus Group believed that the timing and, consequently, preparation of SC meetings is of paramount importance for the success of the standard setting process of the ICPM. The Focus Group believed that the situation where a long comment period leads to comments being received just before SC meeting should be avoided. This results in the SC having not enough time to adequately consider comments and prepare for the meeting. The Focus Group acknowledged that a shorter country consultation period might cause some problems in preparation and submission of comments for some countries that had difficulties dealing with the official languages. However, a shorter country consultation period would make the timing of SC meetings easier, would give ample time to SC members to prepare themselves for the SC meetings and may lead to the better incorporation of comments resulting in an easier adopting process at ICPM.

The Focus Group recommends:

- *That the current 120 day formal consultation period should be reduced to 90 days to allow sufficient time for the SC and the Secretariat to deal with comments.*

3.12. Guidelines for Standards Committee members

As in the case with the expert working groups the Focus Group considered the difficulties that SC members may face in understanding their roles and responsibilities and the potential for this to cause problems in the standard setting process (see also 2.1.). This problem may increase if the number of standards being developed increases and the rotation of members of the SC intensifies. Although the agreed TORs and the Rules of Procedure formally specify the roles and responsibilities of SC members a more detailed practical guide may assist SC members understand their duties better and improve the efficiency of the SC process.

The Focus Group recommends:

- *That a brief guideline on the role and responsibilities of SC members and the SC procedures is produced by the Secretariat in consultation with SC. This should be provided to all SC members.*

4. Recommendations on a fast-track standards adoption procedure and criteria for its use

ICPM 5 decided that the Focus Group should consider a fast track adoption procedure and possible criteria for such procedure. The Focus Group considered the ICPM decision and separated between:

- a) The criteria when a fast track procedure might be applicable
- b) The elements of a fast track procedure

4.1. Criteria for a fast track procedure

Starting from the assumption that a fast track process may not be appropriate for all three types of standards (reference, concept, technical), the Focus Group considered the criteria for use of the fast track system, (rather than the normal process) for standards development. The Focus Group took note of the suggestions at ICPM 5 that standards approved by RPPOs or proposals for standards recommended by the Technical Consultation among RPPOs should be material for early consideration under the fast track system.

In its discussion the Focus Group concluded that a fast track procedure would be especially appropriate for standards of a non-conceptual nature. Such non-conceptual standards, being it technical standards, technical annexes to concept standards or non-conceptual revisions of existing standards would be the main group of standards to be developed and adopted under the fast track procedure. It was thought that technical

standards are most likely to be adopted under a fast track procedure since scientific facts may be less controversial than conceptual provisions.

The Focus Group also believed that non-conceptual or technical standards of RPPOs or other international bodies, with a potential global interest could be used as the starting point for developing some standards in a fast track system. RPPO standards could boost the number of IPPC standards in development. The Focus Group also concluded that non-conceptual standards where specific technical material and resources is available or simple to develop could be subjected to a fast track procedure as availability of this material would speed up the initial drafting work.

The Focus Group concluded that the fast track system should be used:

- ***Where specific technical material and resources are available or simple to develop.***
- ***Where non concept or technical standards of potential global interest that are approved by RPPOs or other organisations are available***
- ***Where technical annexes to concept and other existing standards are needed***
- ***For minor revisions to existing standards where these revisions are not of a conceptual nature***
- ***Where specifically authorised by ICPM***

4.2. Elements of a fast track procedure

In its discussion on possible elements for a fast track system of standard development and adoption the Focus Group considered that the main issue was increasing the rate of adoption of standards. This could be done by decreasing the time needed for an individual standard, increasing the number of standards entering the standards process or a combination of both approaches.

Assessing the current standard setting procedure the Focus Group identified the drafting process, the SC process and the adoption process in which changes could be incorporated to establish a fast track system. A compilation of possible fast track elements by the members of the Focus Group led to the establishment of a number of steps which could be part of a fast track procedure for the development and adoption of standards.

The steps involved in the proposed fast track system are:

1. ICPM specifies subject areas for the fast track procedure
2. Technical Panels are formed on specific subject areas
3. Technical Panels work to specifications set by SC that provide general guidance on the technical standards required.
4. Technical Panel submit specific draft standards to the SC at any time.
5. As far as possible SC would clear these (check that they are in the correct format and that they meet the specifications) by email.
6. The Secretariat would send draft standards that have been cleared by the SC to all ICPM Members in appropriate official FAO languages

7. If no formal objections had been received after 120 days then the Secretariat would notify all ICPM Members and publish the standard in the normal manner.
8. If one or more formal objections were received the standard would not be adopted at this stage.
9. The Secretariat would request the SC examine the comments and modify the standard if needed in consultation with the relevant Technical Panel.
10. The revised standard would be placed on the agenda for the next ICPM meeting for adoption in the normal manner.

4.2.1. Drafting Process

Taking into account its conclusions regarding the criteria for the use of the fast track procedure (see 4.1.) the Focus Group took note that not all standards may need a full development or drafting process. In some cases standards from RPPOs or other bodies may provide a good starting point for ISPMs. The mainly technical or non-conceptual nature of standards subjected to the fast track procedure was thought to have implications on the way, how and by whom standards are drafted. In this context the Focus Group believed that expert working groups may not always be needed to produce a draft and that a system of Technical Panels (see also 3.2.) could be especially valuable. The establishment of Technical Panels by the SC for specified subject areas may be the first step in a fast track drafting process. In this context the Technical Panel would need to work to specifications set by SC that provide general guidance on the technical standards required. The Focus Group believed that the use of Technical Panels with a high level of expertise in the specific area would result in the production of a significant number of standards each year.

The Focus Group noted that the idea of drawing on the documents, standards and resources of other relevant organisations had frequently been discussed as a possible mechanism to increase the rate of standard development and adoption. The Focus Group discussed the potential linkages between the Technical Panels and other relevant organisations, experts and institutions.

There are two current cases where the ICPM has requested linkages with other bodies to work on standards (International Consultative Group on Food Irradiation – for the irradiation standard and the International Forest Quarantine Research Group – for wood packaging treatments). The Focus Group considered that the ICPM needed to develop a general policy on this issue.

Some possible issues to consider in developing a policy include:

- The need to provide specific recognition in standards of collaborators
- Legal issues related to the use of other standards – recognition/copyright/ownership
- Any potential contractual arrangements with experts
- The possibility of ICPM recognising other standards directly

The Focus Group recommends:

- *That the Informal Working Group on Liaison with Research and Educational Organisations should investigate ways to coordinate and create linkages with relevant organisations that could assist in developing technical standards.*

4.2.2. Standard Committee Process

In relation to the SC process the Focus Group thought that the submission of standards to, and the handling of draft standards in the SC may need to be revised to establish the fast track procedure. The Focus Group considered that TPs should submit draft standards to the SC at any time. This would circumvent any timing or coordination problems between meetings of the SC and the Technical Panels. Furthermore, the Focus Group thought that the SC would rely on the technical expertise of the Technical Panel members. Therefore, the SC role would be to clear these submitted standards; on the basis that they are in the correct format and that they meet the specifications. This clearance would be done by email. A significant advantage of the proposed approach would be that the development of technical standards could proceed out of phase with face to face meetings of the SC.

4.2.3. Out of session adoption process

An important aspect in the fast track procedure was thought by the Focus Group to be the adoption process. The Focus Group considered that a fast track adoption procedure would have to incorporate other provisions than an adoption at regular ICPM meetings. It was further argued that the amount of technical standards to be adopted at ICPM meetings may be limited due to time constraints. Based on these considerations the Focus Group considered the possibility of using an “out of session” adoption process for standards under the fast track procedure. The Focus Group believed that a consultation resulting in out of session agreement may be the most appropriate process to adopt standards under a fast track procedure. The Focus Group considered that the proposal would simultaneously allow a reduction in the time needed to adopt a standard and a significant increase in the rate of production of draft standards.

The Focus Group acknowledged that the current rules of procedure of the ICPM do not appear to allow adoption of standards except in the context of a session of the ICPM. These rules would need to be modified to allow out of session adoption

The Focus Group acknowledged that an out of session adoption process could cause some problems for countries that had communication difficulties – particularly with electronic communication. As a result of this problem the Focus Group considered that mail should be used as the primary communication mode unless countries explicitly indicated their preference to use electronic means. Parties would also need to ensure that they kept their contact point details up to date. Communication problems are not specific to the fast track proposal and the Focus Group noted that incorrect or out of date contact details were regularly causing problems in distributing drafts for comment under the current process. The Focus Group also noted that drafts would also always be available on the IPP. The Focus Group proposed that the consultation period on standards being developed by the fast track system should

remain at 120 days to maximise the opportunities for countries to consider the standards.

Given that the standards would be in their proposed final form when being sent for country consultation under the fast track procedure all standards should be distributed in the five official languages used in FAO.

4.2.4. Dealing with objections

In relation to possible objections the Focus Group believed that formal objections from parties would need to include some technical justification for the objection and be communicated to the Secretariat in the agreed time frames and format.

The Focus Group discussed possible approaches to dealing with objections including the idea of allow further consultation rounds and attempts at out of session adoption. However, the Focus Group concluded that if there were any formal objections after one round of consultation it would be appropriate for the standard to be placed on the agenda of the ICPM for consideration.

Where there are one or a very few formal objections to a standard it may be appropriate for the Secretariat in consultation with the SC and the appropriate Technical Panel to attempt to resolve the issues raise in advance of the ICPM and have the objections withdrawn. In these cases the country(ies) concerned would indicate at the ICPM that their issues have been resolved.

Given the highly technical nature of standards developed under the fast track process the Focus Group believed that it may be difficult to amend such standards at the ICPM – they should be adopted as is or sent back for further work. The Focus Group considered that the chair of the ICPM should request parties not seek to amend highly technical standards at meetings of the ICPM. However, the Focus Group concluded that the rules of procedure should be flexible and not be amended to mandate against amendment of technical standards at ICPM.

4.2.5. Safeguards for ICPM Members

The Focus Group considered the impact of the proposed out of session adoption procedure on the rights of ICPM Members to fully consider and discuss draft standards before adoption. Under the proposal, ICPM Members will have 120 days to consider a draft standard and one objection will be sufficient to ensure that it is placed on the ICPM agenda giving ICPM Members an opportunity to discuss issues face to face. The Focus Group concluded that the proposal provided sufficient opportunities for ICPM Members to consider a draft standard before adoption.

The Focus Group recommends:

- ***That consultation resulting in out of session adoption would be a useful mechanism for standards that are developed using the Fast Track procedure as set out above and in the Table 1 and in the Flow Chart.***

Table 1. Comparison of proposed fast track system with the normal standard setting procedure.

	FAST TRACK	NORMAL
<i>Type of standard</i>	Specific technical - material available or simple to develop	Concept or complex
<i>Authorisation to proceed</i>	General topic by ICPM – SC to choose specific topics in consultation with the Secretariat based on any guidance that the ICPM may provide.	Specific topic by ICPM
<i>Development</i>	Developed by Technical Panel using appropriate external expertise and information to specification set by SC.	Specific expert working groups working to specifications set by SC
<i>SC supervision</i>	SC20 - Only checking format and consistency with specifications –could be by electronic means	SC develops specifications and approves draft at face to face meetings
<i>Consultation</i>	120 days	120 days (90 days proposed by Focus Group)
<i>Out of session adoption</i>	Adopted if no formal objections otherwise goes to ICPM meeting as a normal agenda item	Not possible
<i>Incorporation of comments</i>	By Technical Panel in consultation with experts and SC	SC7/SC20
<i>Further consultation</i>	If this is required (decided by SC in consultation with Technical Panel) – std should enter normal process	Only if SC decides needed
<i>Adoption</i>	By ICPM session if not adopted under consultation	ICPM face to face

5. Financial consequences of recommendations for changes in the standard setting procedure

Since the proposed changes to the standard setting procedure and the recommendations concerning the establishment of a fast track procedure may have financial consequences the Focus Group tried to analyse its financial implications as well as benefits.

The Focus Group acknowledged that the proposed improvements in the current process may have considerable financial and resource implications for the Secretariat.

This is particularly the case for the recommendations about increased consultation, the expanded use of stewards, the setting up and maintenance of Technical Panels, the development of guidelines on country comments and working groups as well as changes in the IPP.

The Focus Group considers that the improvements in the standard setting process will lead to efficiency gains and a better use of Secretariat resources, including a better use of SC and ICPM resources. These improvements should also result in high quality standards and a potential increase in production of standards.

In relation to its recommendations concerning a fast track procedure the Focus Group considered that the procedure should reduce the costs/resources needed to develop and adopt a standard. However, the procedure should result in an increase in the number of standards being produced and for the process to work efficiently significant Secretariat support would need to be provided to the Technical Panels. This is needed to organise the work, write reports on exceptions and problems and edit standards. It is proposed that the Technical Panel would work largely by email and phone. However, it may be necessary for each Technical Panel to meet face to face once per year and this will involve travel costs and Secretariat support costs.

The Focus Group requested:

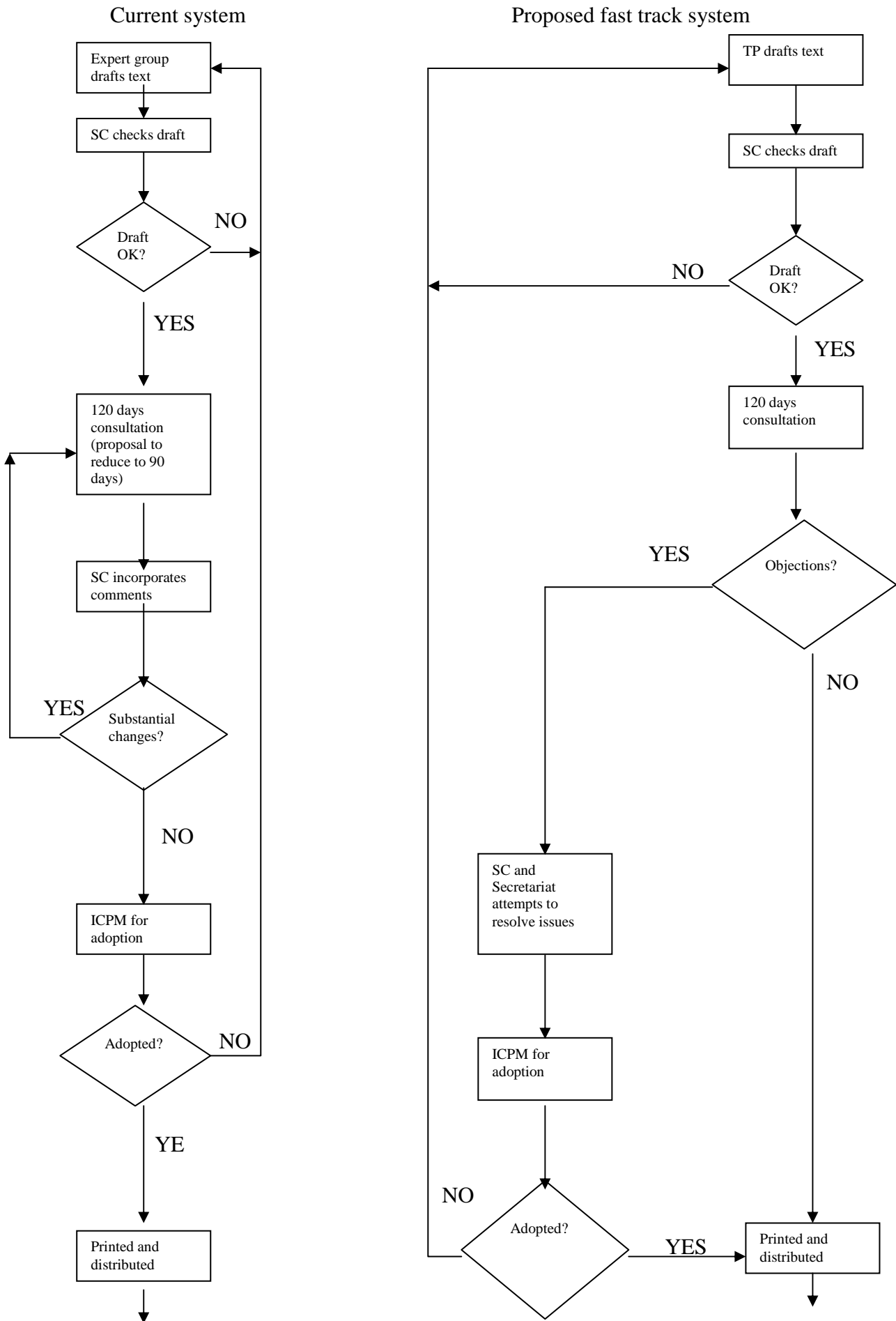
That the Secretariat provide an analysis of the financial implications of the suggested changes in the standard setting procedure and the proposed fast track system for inclusion as an annex in the final report of the Focus Group³.

Acknowledgements

The members of the Focus Group would like to express their sincere gratitude to all persons and institutions having provided excellent discussion papers and resource documents.

³ The IPPC Secretariat has not yet finalized the requested annex.

Flow Charts 1. The current and proposed fast track standard setting processes



APPENDIX 1. Procedure endorsed by ICPM and TOR for Focus Group

A. APPENDIX IX FROM THE ICPM 5 REPORT

TOPICS AND PRIORITIES FOR STANDARDS: PROCESS FOR A FAST TRACK ADOPTION PROCEDURE FOR STANDARDS

1. A focus group would meet in June/July 2003 to work out procedures on how to increase substantially the number of standards that are adopted each year. This would include the consideration of a fast track adoption procedure and the development of criteria for such a procedure.
2. The procedure developed by the focus group would be communicated to the 15th Technical Consultation among Regional Plant Protection Organizations (15th TC) for consideration.
3. The procedure, and the comments from the 15th TC on the procedure, would be reviewed by the Informal Working Group on Strategic Planning and Technical Assistance (SPTA). The conclusions of the SPTA would be submitted to the Sixth Session of the ICPM for its consideration and, if appropriate, its approval.

B. TERMS OF REFERENCE

ICPM 5 agreed to establish a focus group to examine the standard setting mechanism and draft recommendations for a fast track standard adoption procedure. The report of the Focus group is to be considered by the 15th Technical Consultation among RPPOs then the Strategic Planning and Technical Assistance Working Group before being considered at ICPM 6 in 2004.

1. Identification of the bottlenecks and limitations of the current system including a consideration of the number of standards that the current system and ICPM could be expected to handle.
2. Drafting of recommendations on any improvements to the current system of standard setting.
3. Drafting of recommendations on a “fast-track” system for the development of specific or technical standards.
4. Financial consequences of recommendations for changes in the standard setting procedure
5. Identification of criteria for use of a “fast-track” versus the normal standard setting process.
6. Provision of a report containing the recommendations and key issues discussed

APPENDIX 2. Participants in the Focus Group

Ralf Lopian, Finland, (Chair)
Hiroshi Akiyama, Japan
Felipe Canale, Uruguay
Maghespren Chinappen, Mauritius
John Hedley, New Zealand
Odlilson Luiz Ribeiro e Silva, Brazil
Marc Vereeke, European Commission
John Payne, USA
Niek Van der Graaf, FAO
Bill Roberts, FAO
Brent Larson, FAO

APPENDIX 3. Resource Documents for Focus Group

1. Terms of reference and rules of procedure for the Standards Committee (as approved by ICPM).
2. Guidelines for the composition and organisation of expert working groups (as approved by ICPM).
3. Relevant extracts of ICPM5 report.
4. Report of the Chair of the Standards Committee (as presented to ICPM5).
5. Standard-setting procedures for Phytosanitary Measures: Consideration of Alternative Systems. Discussion paper prepared by John Hedley (New Zealand).
6. Procedures to give more transparency to the standard setting process – Proposal by Argentina raised at ICPM5.
7. Highlights of the Standards Setting Process in Five Example Bodies. Paper prepared by Ms M Quinlan, Consultant.
8. Standards Process – Some problems/issues/complaints. List compiled by Ms M Quinlan, Consultant.