



**EXPLANATORY DOCUMENT - APPENDIX
ON
INTERNATIONAL STANDARD FOR PHYTOSANITARY MEASURES No. 20 (GUIDELINES FOR A PHYTOSANITARY IMPORT REGULATORY SYSTEM)**

**Rights, Obligations and Responsibilities of the International Plant Protection Convention, International Standards for Phytosanitary Measures
and the WTO Agreement on Sanitary and Phytosanitary Measures**

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Note: Explanatory documents for International Standards for Phytosanitary Measures (ISPMs) are produced as a result of a decision of the Interim Commission on Phytosanitary Measures in 2004 (reported on paragraph 111 of the report of ICPM-6). They are written to provide supporting information to the standard they refer to and cannot be taken as an official legal interpretation of the IPPC or its related documents, and are produced for public information purposes only. Each document is written by an expert, reviewed by at least two peers (usually from the Expert Working Group concerned), then reviewed by the Standards Committee and the IPPC Secretariat. However, the material presented in explanatory documents remains the opinion of the writer and cannot be interpreted as a decision of the ICPM. It is hoped that most standards will have one or more explanatory documents associated with them.

This explanatory document is the appendix to ISPM No. 20 / Explanatory document.

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Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
A Basic agreements– general						
1; 2; 4; 5.1.2;	I (1)			Adopt legislation, technical and administrative measures to implement IPPC	obligation	contracting party
1; 2; 4; 5;			SPS preamble 1	Adopting & enforcing measures to protect plant health	right	member
1; 2; 4; 5.1.2;			SPS 02 (1)	Take measures to protect plant health <ul style="list-style-type: none"> not inconsistent with the SPS 	right obligation	member
2; 4; 5.1 (other than 5.1.5.1)	I (2)			Fulfilment of all IPPC requirements on its territory	responsibility	contracting party
4.1	I (4)			Covers plants, plant products, storage places, packaging, conveyances, containers, soil and any other organism or object capable of harbouring or spreading plant pests.	-	contracting party
3.1	Preamble 4			Take account of international standards (ISPMs); harmonisation	obligation	contracting party
3.1	Preamble 5			Take account of internationally approved principles	obligation	contracting party
References; 3.1;	Preamble 6			Notes the WTO SPS agreement	-	contracting party
5.1.3; 5.1.4; 5.1.5; 5.1.6.	IV (2 e)			Protection of endangered areas	responsibility	NPPO
1; 2; 4.1; 4.2; 4.3; 5.1.2;		ISPM-01 (01)		Regulation of imports	right	importing contracting party
3;	III			Other Conventions	right & obligation	contracting party
A02 Basic agreements– specific						
Definitions	II			IPPC definitions	obligation	-
Definitions		ISPM-05		Glossary, definitions	obligation	contracting party
--			SPS Annex A	SPS definitions	obligation	member

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
3.1; 4.1; 4.2;	VI (1)			Require phytosanitary measures for regulated pests	right	importing contracting party
3.1; 4.1; 4.2;	VII (1 a)			Adopt measures including inspection, prohibition, treatment	right	importing contracting party
3.1; 4.1; 4.2;	VII (1)			Regulate entry of plants etc.	right	importing contracting party
4.4; 5.1.5; 5.1.6;	VII (1 b)			Refuse entry, detain, treat, destroy, re-export for non-compliance	right	importing contracting party
A03 Basic agreements– disputes						
5.1.11,	XIII	ISPM-01 (08)		Dispute resolution	obligation	contracting party
5.1.11			SPS 11	Dispute avoidance & settlement	obligation	member
B Import legislation						
3.1; 4.2; 5.1.4; 5.1.9;	Preamble 2			Phytosanitary measures to be technically justified; transparent; not arbitrary, discriminatory or a disguised restriction.	obligation	contracting party
3.1; 4.2; 5.1.4;	VII (2 g)			Measures must be <ul style="list-style-type: none"> • technically justified • least restrictive • minimal impact 	obligation	importing contracting party
B01 PRA/ technical justification/ necessity						
3.1; 4.2; 5.1.4;	VII (2 a)			Measures to be technically justified	obligation	importing contracting party
3.1; 4.2; 5.1.4;	IV (2 f)			PRA	responsibility	importing NPPO

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
3.1; 4.2; 5.1.4;		ISPM-01 (11)		PRA; utilise for measures	obligation	importing contracting party
3.1; 4.2; 5.1.4;		ISPM-01 (11)		Pest risk analysis (PRA)	responsibility	importing NPPO
3.1; 4.2; 5.1.4;		ISPM-02		Pest risk analysis (PRA)	responsibility	importing NPPO
3.1; 4.2; 5.1.4;		ISPM-11		PRA for quarantine pests	responsibility	importing NPPO
3.1; 4.2; 5.1.4;		ISPM-21		PRA for regulated non-quarantine pests (RNQPs)	responsibility	importing NPPO
3.1; 4.2; 5.1.4;			SPS 05 (1)	Measures based on PRA	obligation	importing member
3.1; 4.2; 5.1.4;			SPS 02 (2)	Extent necessary based on science & evidence	obligation	importing member
3.1; 4.2; 5.1.4;			SPS 05 (2 + 3)	PRA must take account of risk, mitigation & economic factors	obligation	importing member
3.1; 4.2; 5.1.4;			SPS 06 (1)	Measures take account of conditions at origin	obligation	importing member
3.1; 4.2;	VI (1 b)	ISPM-01 (02)		Necessity	obligation	importing contracting party
--	VII (3)			Application to pests not capable of establishment <ul style="list-style-type: none"> • but, if gained entry, must cause economic damage 	right obligation	importing contracting party
3.1;	VII (2 a)			Measures for phytosanitary reasons only	obligation	importing contracting party
B02 Harmonisation/ISPMs						
3.1; 4.2; 5.1.4;	X (4)			Take account of international standards (ISPMs); harmonisation	obligation	contracting party

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
3.1; 4.2; 5.1.4;		ISPM-01 (06)		Harmonisation; regulations based on ISPMs	obligation	importing contracting party
3.1; 4.2; 5.1.4;			SPS preamble 6	Harmonisation re. use of ISPMs	obligation	importing member
3.1; 4.2; 5.1.4;			SPS 03 (1)	Harmonisation re. use of international standards (ISPMs)	obligation	importing member
3.1; 4.2; 5.1.4;			SPS 03 (3)	More stringent than relevant ISPM • but if more stringent must be scientifically justified	right obligation	importing member
B03 Minimal impact						
3.1;	VII (2g)	ISPM-01 (03)		Minimal impact, least restrictive measures	obligation	importing contracting party
3.1;			SPS 05 (4)	Minimise negative trade effects	obligation	member
3.1;			SPS 05 (6)	Least trade restrictive	obligation	member
B04 managed risk						
3.1;		ISPM-01 (12)		Managed risk for measures	obligation	Importing contracting party
B05 equivalence						
3.1; 4.2.1; 4.5;		ISPM-01 (07)		Equivalence, recognition	obligation	Importing contracting party
3.1; 4.2.1; 4.5;		ISPM-24		Equivalence, determination and recognition	obligation	Importing contracting party
3.1; 4.2.1; 4.5;			SPS 04 (1)	Acceptance of equivalent measures	obligation	importing member

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
3.1; 4.2.1; 4.5;			SPS 04 (1 + 2)	Access for investigation of equivalence, on request	right	importing member
3.1; 4.2.1; 4.5;			SPS 04 (1 + 2)	Cooperation re. agreements for equivalence	obligation	exporting member
B06 non-discrimination/consistency						
3.1; 4.2.1.2;	VI (1 a)			Measures not more stringent than domestic measures	obligation	importing contracting party
3.1; 4.2.1.2;		ISPM-01 (16)		Non-discrimination	obligation	importing contracting party
3.1;			SPS preamble 1	Not arbitrary, not unjustified discrimination; not a disguised restriction	obligation	importing member
3.1;			SPS 02 (3)	Not arbitrary, not unjustified discrimination <ul style="list-style-type: none"> • between countries • with domestic; & not a disguised restriction	obligation	importing member
3.1;			SPS 05 (5)	Consistency avoiding arbitrary or unjustified distinctions	obligation	importing member
B07 modification						
3.1; 4.4; 5.1.2; 5.1.6.4; 5.1.9.1; 8.1; 8.2;	VII (2 h)			Modify promptly Remove if no longer necessary	obligation	contracting party
3.1; 4.4; 5.1.2; 5.1.6.4; 5.1.9.1; 8.1; 8.2;		ISPM-01 (04)		Modification (and remove if no longer necessary)	obligation	contracting party

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
B08 regulated pests						
4.1;	VII (1 c)			Prohibit or restrict entry of regulated pests	right	contracting party
4.1;		ISPM-16		Regulated non-quarantine pests (RNQPs); concept & application	-	-
B09 biological control agents						
4.1; 4.2.1.1;	VII (1 d)			Prohibit or restrict entry of BCAs	right	contracting party
4.1; 4.2.1.1;		ISPM-03		Biological control agents (BCAs)	obligation, right & responsibility	contracting party
B10 phytosanitary certificates						
[4.2.1;]	V (1-2)	ISPM-12		Phytosanitary certification and issuance of phytosanitary certificates	responsibility	exporting contracting party
[4.2.1;]	V (3)			Not require a phytosanitary certificate inconsistent with the IPPC model	obligation	importing contracting party
B11 pest free areas; areas of low pest prevalence; pest free places of production						
4.2.1.2;		ISPM-01 (13)		Pest free areas (PFAs) <ul style="list-style-type: none"> recognise in exporting countries demonstrate status 	- obligation - obligation	importing CP exporting CP
4.2.1.2;		ISPM-04		Pest free areas (PFAs) <ul style="list-style-type: none"> Recognition in exporting countries 	obligation	importing NPPO
4.2.1.2;			SPS 06 (2)	Recognise pest free areas (PFAs) & areas of low pest prevalence (ALPPs)	obligation	importing member

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
4.2.1.2;			SPS 06 (3)	Access to information & for investigation of PFAs & ALPPs	right/ obligation	importing/exporting member
B12 specified points of entry						
4.2.1; 5.1.8;	VII (2 d)			Specified entry points <ul style="list-style-type: none"> not impede trade publish and communicate lists only if a phytosanitary certificate, inspection or treatment is required 	right & obligation	importing contracting party
B13 transit						
4.3;	VII (4)			Application to consignments in transit; transit measures <ul style="list-style-type: none"> only if technically justified only if necessary to prevent pest spread 	right & obligation	contracting party
B14 safeguards for R&D, etc.						
4.2.1.1; 4.2.2;	VII (5)			Safeguards for R&D, education, etc	right	importing contracting party
B15 emergency action & provisional measures						
3.1; 4.4; 5.1.6;	VII (6)			Emergency action <ul style="list-style-type: none"> evaluate as soon as possible report immediately 	right & obligation	contracting party
3.1; 4.4; 5.1.6;		ISPM-01 (14)		Emergency action <ul style="list-style-type: none"> but must validate 	right obligation	contracting party
3.1; 4.4; 5.1.6;			SPS 07 + SPS Annex B (6)	Urgent problems <ul style="list-style-type: none"> not necessary to facilitate prior consultation for emergency measures.. 	right	importing member

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
3.1; 4.4; 5.1.6;			SPS 07 + SPS Annex B (6)	Urgent problems <ul style="list-style-type: none"> • notify immediately • provide copy of rules • allow comment and discussion 	obligation	importing member
3.1; 5.1.6;			SPS 05 (7)	Provisional measures if insufficient information, but <ul style="list-style-type: none"> • must seek additional information 	right & obligation	importing member
C OPERATIONAL ASPECTS						
C01 NPPO						
2; 4; 4.6; 5; 5.1; 5.2;	IV (1)	ISPM-01 (10)		Provision of a NPPO	obligation	contracting party
C02 inspection, treatment & other procedures						
4.6;			SPS Annex C (3)	Inspection within your (its) territory.	right	member
4.6; 5.1.5;	IV (2 c)			Inspection of consignments in international traffic	responsibility	NPPO
4.6; 5.1.5;		ISPM-23		Guidelines for inspection	responsibility	NPPO
4.6; 5.1.5.2; 5.1.6;	VII (2 e)			Inspect and carry out other import procedures promptly	obligation	NPPO
4.6; 5.1.6; 6.1; 6.2;	IV (2 d)			Disinfestation of consignments in international traffic	responsibility	NPPO
4.6; 5.1.5;			SPS 08 + SPS Annex C (1)	Control, inspection & approval procedures: <ul style="list-style-type: none"> • published or make available; • apply without delay, • only if necessary, • consistent and equitable with domestic procedures (including fees), • respect confidentiality; • review and correct 	obligation	importing member

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
C03 surveillance & pest status						
5.1.3;	IV (2 b)			Surveillance	responsibility	NPPO
[5.1.3]	IV (2 b)			Collection of information for reporting occurrence outbreak & spread	responsibility	NPPO
5.1.3;	VII (2 j)			Surveillance for pests to support pest categorisation	obligation	contracting party
5.1.3;		ISPM-06		Surveillance for pests for detection and to support pest categorisation	obligation	contracting party
5.1.3; 5.1.4;		ISPM-08		Pest status in an area, determination/collection of data	obligation	contracting party / NPPO
C04 training of staff						
5.2.1;	IV (2 h)			Training of staff	responsibility	NPPO
C05 R&D						
--	IV (3 b)			R&D	obligation	contracting party
C06 eradication						
--		ISPM-09		Pest eradication	responsibility	NPPO
C07 PFAs, ALPPs, Pest Free Places of Production & Pest Free Production Sites						
4.2.1.2;	IV (2 e)			Designate and maintain PFAs & ALPPs	responsibility	NPPO
4.2.1.2;		ISPM-04		Pest free areas (PFAs) • Establishment	responsibility	NPPO
4.2.1.2;		ISPM-10		Pest free places of production; establishment, etc.	responsibility	NPPO
4.2.1.2;		ISPM-22		Areas of low pest prevalence (ALPPs); establishment	responsibility	NPPO

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
C08 export certification						
--	V (1)			Phytosanitary certification	obligation	exporting NPPO
--	IV (2 a)			Phytosanitary certificates; issuance	responsibility	exporting NPPO
--	V (2 a)			Phytosanitary certification, inspection and issuance	responsibility	exporting NPPO
--		ISPM-07		Export certification system	responsibility	exporting NPPO
--	V (2 b)			Phytosanitary certification as per IPPC model and taking account of international standards (ISPMs)	obligation	exporting NPPO
--	Annex			Model phytosanitary certificate		contracting party
--		ISPM-12		Phytosanitary certificates,	responsibility	exporting NPPO
--	IV (2 g)			Consignment integrity	responsibility	exporting NPPO
D international cooperation						
--	Preamble 1			Cooperate to control & prevent spread of pests	obligation	contracting party
--		ISPM-01 (09)		Cooperate to prevent introduction and spread of quarantine pests	obligation	contracting party
3.1; 3.2; [4.5]; [7];			SPS 03 (4)	Cooperate with IPPC and RPPOs	obligation	member
3.2; [4.5]; [7];	IX			RPPO cooperation	obligation	contracting party
D01 pest reporting						
[4.5]; [7];	VIII (1a)			Reporting occurrence, outbreak & spread	obligation	contracting party
[4.5]; [7];		ISPM-17		Pest reporting	obligation	contracting party

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
D02 transparency; publication of regulations & pest lists; contact/enquiry point						
2; 4;	IV (3 c)			Issuance of phytosanitary regulations	obligation	contracting party
5.1.9; 7;	VII (2 b)			Publish and transmit requirements	obligation	importing contracting party
5.1.8; 5.1.9; 7;		ISPM-01 (05)		Transparency; phytosanitary prohibitions, restrictions, requirements <ul style="list-style-type: none"> • publish & disseminate • rationale on request 	obligation	importing contracting party
5.1.8; 5.1.9; 7;			SPS 07	Transparency; notification of measures and provision of information	obligation	importing member
5.1.8; 5.1.9; 7;			SPS 07 + SPS Annex B (1-4)	Publish regulations <ul style="list-style-type: none"> • promptly • permit time for implementation • establish enquiry point • non-discrimination re. charges for copies of regulations 	obligation	importing member
5.1.8; 5.1.9; 7;			SPS 07 + SPS Annex B (5)	Notify proposed changes to regulations <ul style="list-style-type: none"> • via the SPS Secretariat • promptly • permit time for comment 	obligation	importing member
4.5; 5.1.8;	VIII (2)			Designate a contact point	obligation	contracting party
5.1.8; 7;	VII (2 c)			Give rationale on request	obligation	importing contracting party
5.1.8; 7;			SPS 05 (8)	Provision of rationale for measures if not based on international standards	right/ obligation	importing/ exporting member
5.1.4; 5.1.8; 6.1;	VII (2 i)			Establish and update lists of regulated pests and disseminate	obligation	importing contracting party

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
5.1.4; 5.1.8; 6.1;		ISPM-19		Preparation, maintenance and dissemination of lists of regulated pests	obligation	importing contracting party
D03 reporting of non-compliance & emergency action						
4.5; 5.1.6.3; 6.1;	VII (2 f)			Non-compliance – report as soon as possible	obligation	importing contracting party
4.5; 5.1.6.3; 6.1;		ISPM-01 (15)		Notification of non-compliance – report promptly	obligation	importing contracting party
4.5; 5.1.6.3; 6.1;		ISPM-13		Non-compliance notification – report promptly	obligation	importing contracting party
5.1.6.3; 6.1;	VII (6)			Emergency action – report immediately	obligation	importing contracting party
5.1.6.3; 6.1;		ISPM-13		Emergency action – report promptly	obligation	importing contracting party
D04 provision of pest information						
[5.1.8]		ISPM-08		Reporting pest status	obligation	NPPO
[5.1.8]	VII (2 j)			Make surveillance data available on request	obligation	contracting party
[5.1.8]	VIII (1a)			Cooperate in exchange of pest information	obligation & right	contracting party
[5.1.8]	VIII (1c)			Cooperate in exchange of information for PRA	obligation & right	contracting party
5.2.2; [5.1.10];	IV (3 a)			Distribution of information within their territory on regulated pests incl. control	obligation	contracting party

Section in ISPM no. 20	IPPC 1997 Article	Other ISPMs	WTO-SPS Agreement	Subject	Right/Obligation/Responsibility	NPPO/Contracting Party/Member
D05 cooperation in country of export						
5.1.5.1;			SPS 08 + SPS Annex C (2)	Cooperation with controls in country of export.	right/ obligation	importing/exporting member
D06 technical assistance						
--	XX			Promote provision of technical assistance	obligation	contracting party
--			SPS preamble 7	Assistance to developing countries	obligation	member
--			SPS 09 & 10	Assistance to developing countries including special and differential treatment	obligation & right	member
D07 IPPC Secretariat						
[7.]	XII (4 c)			Disseminate lists of regulated pests from contracting parties.	obligation	IPPC Secretariat
[7.]	XII (4 d)			Disseminate requirements, restrictions & prohibitions from contracting parties.	obligation	IPPC Secretariat