



**Report
of the
Sixth Meeting
of the
Subsidiary Body on Dispute Settlement
(SBDS)**

02 & 03 April 2008

**Rome,
Italy**

Sixth Meeting of the CPM Subsidiary Body on Dispute Settlement

Date: 02 & 03 April 2008

Present: Mr Hedley (New Zealand – chairperson), Mr Jeong (Rep. Korea), Mr Katbeh-Bader (Jordan), Ms Gerritsen (The Netherlands), Mr Greifer (USA), Mr Kouame (Côte d’Ivoire), Mr Lopian (CPM Bureau), and Mr Kedera (CPM Chairperson and Bureau), Mr Nowell (Secretariat) and Ms Mintah (Secretariat). Mr Kenmore (Secretary) for the opening of the first day only.

Not present: Mr Nieto (Ecuador).

1. Opening of the Session and Welcome Address

Mr Hedley opened the Sixth Session of the Subsidiary Body on Dispute Settlement (SBDS) and welcomed everyone to Rome. In particular, he welcomed Mr Kouame as the new SBDS member for Africa after the resignation of Mr Moumen from Algeria.

2. Adoption of Agenda

The agenda was adopted as per Appendix I.

3. Matters arising from the previous report

No matters arising as all issues will be discussed.

4. Report of IPPC Secretariat on Dispute Settlement Activities

The meeting requested the Secretariat prepare an annual summary paper on the detail of all specific dispute enquiries, including enquiries that did not result in further action. No country names to be mentioned. An interim three monthly general update to the SBDS members should be instituted and all urgent / more serious inquiries are to be notified immediately to the SBDS.

5. Promotion of the IPPC Dispute Settlement System

5.1 Presentations

The presentation provided by Mr Lopian to the SPS Committee in June 2007 was well accepted and feedback very positive.

Mr Ivess (IPPC Coordinator) made a presentation on the Dispute Settlement System to the Technical Consultation for Regional Plant Protection Organizations (RPPOs) in 2007.

5.2 Dispute Settlement Manual: The French and Spanish versions have been made available through the WTO. Chinese and Arabic will be distributed as soon as they have been checked.

5.3 Dispute Settlement Advocacy Document: the Secretariat is having problems getting printer-ready version fitted onto 2 pages using in-house options. This will be completed as soon as practically possible and will probably be completed using external printing options.

6. Update on the Expert Rosters

No call for experts made and the Secretariat noted no nominations for experts had been received.

7. Advice on ISPMs

The Secretariat noted no requests for advice had been received as per request form from the IPPC Dispute Settlement Manual.

8. OEWG on Compliance

8.1 Possible 2008 "compliance" programme to provide discussion for CPM 3

Mr Hedley briefly summarised the deliberations in the Open-ended Working Group (OEWG) and the conclusions of the meeting. He noted that an essentially practical system that is specific to the IPPC was developed which builds on existing IPPC structures and processes. Hence, the mechanism is called the "IPPC Implementation Review and Support System" and not a "Compliance Mechanism" as developed in other treaties.

Generally the proposal from the OEWG has had positive feedback from countries so far but there have been some queries regarding the functioning of the implementation Help Desk. The meeting felt that countries will require more detail on the different elements of the proposal so that they can understand the implications for the work programme over the next 3 years. Appendix II provides further detail of the envisaged work programme.

The meeting agreed that there will initially be no judgement of the quality of the data on the International Phytosanitary Portal (IPP – <https://www.ippc.int>) as provided by countries. As refinements are developed once a sustainable system has been established and tested, this component will receive more emphasis.

8.2 Possible integration with CPM Operational Plan 1.2.(i) (document CPM 2008/19)

The meeting believed this activity as described in Goal 1 (A robust international standard setting and implementation programme) and strategic area 1.2 (Standards implementation) is covered by the proposed "IPPC Implementation Review and Support System".

8.3 Fall-back plan if CPM 3 does not want to proceed this year

The programme is formulated in such a way that the CPM can determine the starting date for this activity.

8.4 Funding for Secretariat post.

The meeting noted that the success of the "Implementation Support Component" of the "IPPC Implementation Review and Support System" is largely reliant upon the appointment of a Standards Implementation Officer as proposed. Therefore, it is crucial that this post be established as soon as practically possible once the "IPPC Implementation Review and Support System" is adopted by CPM.

Funding for such an extra-budgetary post could be a challenge, but both financial and in-kind contributions should be investigated. It was suggested that such a position could be jointly supported / financed by FAO, the WB and the STDF, as it specifically deals with the implementation of phytosanitary standards. This needs to be investigated by the Secretariat as a matter of priority. In addition, a draft project proposal could be developed (the position should be filled by a senior person with considerable experience in capacity building and standard setting) for CPM 3 should contracting parties be interested in funding this system.

9. Other business

The meeting requested the establishment of Frequently Asked Questions (FAQs) section on the IPP for procedural questions relating to the IPPC dispute settlement system.

The meeting noted the importance of the implementation of the IPPC and information exchange to ensure this system works. In order to encourage countries to meet their obligations, advocacy material and training material should be distributed to NPPO and RPPOs. Particular emphasis should be made on the new approach of monitoring the implementation of the IPPC and associated standards create awareness of the new approach.

10. Closure

The Chairperson sincerely thanked those SBDS members whose terms had expired for their valuable contributions and advice over the past few years. The meeting was closed on 03 April 2008 at 12:10

Appendix I

SUBSIDIARY BODY ON DISPUTE SETTLEMENT

SIXTH MEETING

2 & 3 APRIL 2008

**India Room – A327
ROME, ITALY**

AGENDA

- 1. Opening**
- 2. Adoption of Agenda**
- 3. Matters arising from the previous report**
- 4. Report of IPPC Secretariat on dispute settlement activities**
- 5. Promotion of the SBDS**
- 6. Update on the Expert Rosters**
- 7. Interpretations of ISPMs**
- 8. OEWG on Compliance**
 - 8.1 Possible 2008 "compliance" programme to provide discussion fro CPM 3
 - 8.2 Possible integration with op plan 1.2.(i)
 - 8.3 Fall-back plan if CPM 3 does not want to proceed this year
 - 8.4 Funding for Secretariat post.
- 9. Other business**
- 10. Closure**

Appendix II**DRAFT PROGRAMME FOR
DEVELOPMENT OF THE “IPPC IMPLEMENTATION REVIEW AND SUPPORT
SYSTEM”****Components to be developed**

The “IPPC Implementation Review and Support System” has two major components of the implementation review system and the implementation support system. These are both used along with other information from the IPP, the Technical Consultation among RPPOs, the report on the use of the PCE and reports from other relevant organisations, to produce the Implementation review response.

The Implementation review response summarises the situation with the IPPC and its standards with contracting parties. From this summary it develops action plans for input into the CPM work programme for the consideration of the CPM. The recommended action plans will be a key input into the strategic and technical assistance planning of the CPM.

The various parts of the components are listed below. They are also presented in Table 1 with a proposed timetable for action.

Implementation review system

First element: monitoring by the IPPC Secretariat of the fulfilment of the reporting obligations of contracting parties through the IPP. This involves:

- ▶ IPPC Secretariat informing contracting parties (CPs) again of their reporting requirements
- ▶ CPs respond by submitting reporting requirements if not already undertaken.
- ▶ IPPC Secretariat reporting on the non-compliance of CPs with these requirements on the IPP. This involves listing countries that have not complied and for which IPPC articles are involved.

Second element: triennial review to evaluate the implementation of other obligations contained in the IPPC. This involves:

- ▶ the development of a questionnaire by the Secretariat to gather information from CPs regarding compliance with IPPC obligations, in particular to Articles IV, V, VII, and VIII¹.
- ▶ the review of this by the Bureau, other experts and the SBDS
- ▶ distribution of the questionnaire to CPs for completion
- ▶ collation and analysis of the data
- ▶ establishment of triennial review group
- ▶ analysis of questionnaire replies by meeting of the triennial review group. This would include suggestions for improvement
- ▶ submit to the SPTA
- ▶ report considered by CPM.

Implementation support system

IPPC Secretariat to establish an IPPC Help Desk. This would involve the appointment of a Standards Implementation Officer to the IPPC Secretariat. This officer would:

- ▶ coordinate the work of the Secretariat to:
- ▶ help with finding assistance for those CPs requesting help with the implementation of ISPMs
- ▶ provide advice relating to ISPMs (with the assistance of the SBDS)
- ▶ monitor, identify and report on compliance and implementation issues

¹ This mechanism could also deal with significant elements involved in undertaking the global review of status of plant protection in the world as per IPPC.

- ▶ ensure CPs requesting assistance are put into contact with potential donors
- ▶ provide a summary report of Help Desk activities to the CPM.

This officer would use the services of, as appropriate, the IPPC Secretariat, the CPM Bureau, the SBDS, the FAO legal office and other units in discharging this function.

Implementation review response

The Bureau will develop an Implementation Review Response every three years. This will be based on:

- ▶ the report of the triennial review
- ▶ a summary report of the Help Desk
- ▶ a report on implementation difficulties from the Technical Consultation among RPPOs
- ▶ a summary report on compliance trends from the PCE
- ▶ the annual Secretariat IPP reports
- ▶ reports from other relevant international organisations.

The report will include appropriate action plans. On the basis of this report, recommendations for the future activities could be developed to enhance implementation of the IPPC and ISPMs for incorporation into the CPM work programme. These recommendations should be a key input for the IPPC strategic and technical assistance planning. In addition, this report could address a number of recommendations of the report of the Independent IPPC Evaluation, specifically the review of the state of plant protection in the world and the development of procedures to monitor the implementation of standards.

The report will be considered by the SPTA then the CPM.

Table 1: A three year work plan with a proposed timetable

Proposed dates	Actions	Component
Year 1		
May	IPPC Secretariat informing CPs again of their reporting requirements	Implementation review system (IRS)
April	IPPC Secretariat annual report on the implementation of CPs with these requirements on the IPP – annual report to the CPM	IRS
August	Development of a questionnaire by the Secretariat to gather information from CPs regarding compliance with IPPC obligations, in particular to Articles IV, V, VII, and VIII	IRS
June	Appoint Standards Implementation Officer	Implementation support system (ISS)
September	Initiate Help Desk and support system	ISS
November	Review of the questionnaire by the Bureau, other experts and the SBDS	IRS
Year 2		
February	Distribution of questionnaire to CPs	IRS
April	IPPC Secretariat annual report on the implementation of CPs with these requirements on the IPP – annual report to the CPM	IRS
April	Establishment of triennial review group	IRS
Reports received by Secretariat June	Draft report prepared containing elements: - the report of the triennial review - a summary report of the Help Desk - a report on implementation difficulties from the Technical Consultation among RPPOs	Implementation Review Response (IRR)
Prepared by CPM Bureau July-August	- a summary report on compliance trends from the PCE - reports from other relevant international organisations. PLUS action plans.	
July	Analysis of questionnaire by a meeting of the triennial review group	IRS
September	Review by the SPTA	IRR
November	Prepare paper for the CPM	IRR
Year 3		
April	Present IRS report to CPM	IRS
April	IPPC Secretariat annual report on the implementation of CPs with these requirements on the IPP – annual report to the CPM	IRS

Appendix III**SUBSIDIARY BODY ON DISPUTE SETTLEMENT
SIXTH MEETING****02 & 03 APRIL 2008
India Room – A327
ROME, ITALY**

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