

ISPM 1



**INTERNATIONAL STANDARDS FOR
PHYTOSANITARY MEASURES**

ISPM 1

**PHYTOSANITARY PRINCIPLES FOR THE
PROTECTION OF PLANTS AND THE APPLICATION
OF PHYTOSANITARY MEASURES IN
INTERNATIONAL TRADE**

(2006)

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Adoption

This standard was first adopted by the Twenty-seventh Session of the FAO Conference in November 1993 as *Principles of plant quarantine as related to international trade*. The first revision was adopted by the First Session of the Commission on Phytosanitary Measures in April 2006 as the present standard, ISPM 1:2006.

INTRODUCTION

Scope

This standard describes phytosanitary principles for the protection of plants that are embodied in the International Plant Protection Convention (IPPC) and elaborated in its International Standards for Phytosanitary Measures. It covers principles related to the protection of plants, including cultivated and non-cultivated/unmanaged plants, wild flora and aquatic plants, those regarding the application of phytosanitary measures to the international movement of people, commodities and conveyances, as well as those inherent in the objectives of the IPPC. The standard does not alter the IPPC, extend existing obligations, or interpret any other agreement or body of law.

References

IPPC. 1997. *International Plant Protection Convention*. Rome, IPPC, FAO.

ISPM 5. *Glossary of phytosanitary terms*. Rome, IPPC, FAO.

— All International Standards for Phytosanitary Measures.

WTO. 1994. *Agreement on the Application of Sanitary and Phytosanitary Measures*. Geneva, World Trade Organization.

Definitions

Definitions of phytosanitary terms used in the present standard can be found in ISPM 5 (*Glossary of phytosanitary terms*).

Outline of Requirements

This standard describes the following basic principles under the IPPC: sovereignty, necessity, managed risk, minimal impact, transparency, harmonization, non-discrimination, technical justification, cooperation, equivalence of phytosanitary measures and modification. This standard also describes the operational principles under the IPPC, which are related to the establishment, implementation and monitoring of phytosanitary measures, and to the administration of official phytosanitary systems. The operational principles are: pest risk analysis, pest listing, recognition of pest free areas and areas of low pest prevalence, official control for regulated pests, systems approach, surveillance, pest reporting, phytosanitary certification, phytosanitary integrity and security of consignments, prompt action, emergency measures, provision of a national plant protection organization (NPPO), dispute settlement, avoidance of undue delays, notification of non-compliance, information exchange and technical assistance.

BACKGROUND

The original version of ISPM 1 (*Principles of plant quarantine as related to international trade*) was adopted as a reference standard by the Twenty-seventh Session of the FAO Conference in 1993. It was developed at the time the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization (SPS Agreement) was being negotiated. It helped to clarify some of the elements of the SPS Agreement which were under discussion at that time. The SPS Agreement was adopted in April 1994, and experience has been gained since then on its practical application in relation to phytosanitary measures.

The current IPPC was adopted by the FAO Conference in 1997. It includes many changes to the 1979 version of the Convention. The revision of the IPPC in 1997 has meant that ISPM 1 required revision.

In addition to the SPS Agreement, other international conventions exist which also directly or indirectly deal with the protection of plants.

This standard aims to aid in the understanding of the IPPC and provides guidance on the fundamental elements in phytosanitary systems. The principles described below reflect key elements of the IPPC. In some cases, additional guidance on these elements is provided. The standard should be interpreted in accordance with the full text of the IPPC. Quotations from the IPPC are indicated in quotation marks or indented format.

PRINCIPLES

These principles are related to the rights and obligations of contracting parties to the IPPC. They should be considered collectively, in accordance with the full text of the IPPC, and not interpreted individually.

1. Basic Principles

1.1 Sovereignty

Contracting parties have sovereign authority, in accordance with applicable international agreements, to prescribe and adopt phytosanitary measures to protect plant health within their territories and to determine their appropriate level of protection for plant health.

In relation to phytosanitary measures, the IPPC provides that:

With the aim of preventing the introduction and/or spread of regulated pests into their territories, contracting parties shall have sovereign authority to regulate, in accordance with applicable international agreements, the entry of plants and plant products and other regulated articles and, to this end, may:

- (a) prescribe and adopt phytosanitary measures concerning the importation of plants, plant products and other regulated articles, including, for example, inspection, prohibition on importation, and treatment;
- (b) refuse entry or detain, or require treatment, destruction or removal from the territory of the contracting party, of plants, plant products and other regulated articles or consignments thereof that do not comply with the phytosanitary measures prescribed or adopted under subparagraph (a);
- (c) prohibit or restrict the movement of regulated pests into their territories;
- (d) prohibit or restrict the movement of biological control agents and other organisms of phytosanitary concern claimed to be beneficial into their territories. [Article VII.1]

In exercising this authority, and “in order to minimize interference with international trade, ...” (Article VII.2) each contracting party undertakes to act in conformity with the provisions of Article VII.2 of the IPPC.

1.2 Necessity

Contracting parties may apply phytosanitary measures only where such measures are necessary to prevent the introduction and/or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests. In this regard, the IPPC provides that: “Contracting parties shall not, under their phytosanitary legislation, take any of the measures specified in ... unless such measures are made necessary by phytosanitary considerations ...” (Article VII.2(a)). Article VI.1(b) states that “Contracting parties may require phytosanitary measures for quarantine pests and regulated non-quarantine pests, provided that such measures are ...limited to what is necessary to protect plant health...”. Article VI.2 states that “Contracting parties shall not require phytosanitary measures for non-regulated pests.”

1.3 Managed risk

Contracting parties should apply phytosanitary measures based on a policy of managed risk, recognizing that risk of the spread and introduction of pests always exists when importing plants, plant products and other regulated articles. Contracting parties “shall institute only phytosanitary measures that are ... consistent with the pest risk involved ...” (Article VII.2(g)).

1.4 Minimal impact

Contracting parties should apply phytosanitary measures with minimal impact. In this regard, the IPPC provides that they “shall institute only phytosanitary measures that ... represent the least restrictive measures available, and result in the minimum impediment to the international movement of people, commodities and conveyances.” (Article VII.2(g)).

1.5 Transparency

Contracting parties shall make relevant information available to other contracting parties as set forth in the IPPC. In this regard, the IPPC states that, for example:

- “Contracting parties shall, immediately upon their adoption, publish and transmit phytosanitary requirements, restrictions and prohibitions to any contracting party or parties that they believe may be directly affected by such measures.” (Article VII.2(b))
- “Contracting parties shall, on request, make available to any contracting party the rationale for phytosanitary requirements, restrictions and prohibitions.” (Article VII.2(c))
- “The contracting parties shall ... cooperate in the exchange of information on plant pests, ...” (Article VIII.1 and 1(a)).
- “Contracting parties shall, to the best of their ability, establish and update lists of regulated pest ... and make such lists available ...” (Article VII.2(i)).
- “Contracting parties shall, to the best of their ability ... develop and maintain adequate information on pests status This information shall be made available ...” (Article VII.2(j)).

1.6 Harmonization

Contracting parties should cooperate in the development of harmonized standards for phytosanitary measures. In this regard, the IPPC provides that “The contracting parties agree to cooperate in the development of international standards ...” (Article X.1). Contracting parties should “take into account, as appropriate, international standards when undertaking activities related to this Convention.” (Article X.4) “The contracting parties shall encourage any state or member organization of FAO, not a party to this convention ... to apply phytosanitary measures consistent with the provisions of this Convention and any international standards adopted hereunder.” (Article XVIII)

1.7 Non-discrimination

Contracting parties should, in accordance with the IPPC, apply phytosanitary measures without discrimination between contracting parties if contracting parties can demonstrate that they have the same phytosanitary status and apply identical or equivalent phytosanitary measures.

Contracting parties should also apply phytosanitary measures without discrimination between comparable domestic and international phytosanitary situations.

In these regards, the IPPC provides that:

- phytosanitary measures “should not be applied in such a way as to constitute either a means of arbitrary or unjustified discrimination or a disguised restriction, particularly on international trade” (Preamble)
- contracting parties may require phytosanitary measures, provided that such measures are “no more stringent than measures applied to the same pests, if present within the territory of the importing contracting party” (Article VI.1(a)).

1.8 Technical justification

Contracting parties shall technically justify phytosanitary measures “on the basis of conclusions reached by using an appropriate pest risk analysis or, where applicable, another comparable examination and evaluation of available scientific information.” (Article II.1) In this regard, the IPPC provides that “Contracting parties shall not, under their phytosanitary legislation, take any of the measures specified in paragraph 1 of this Article [VII] unless such measures ... are technically justified.” (Article VII.2(a)) Article VI.1(b) also refers to technical justification. Phytosanitary measures which conform to ISPMs are deemed to be technically justified.

1.9 Cooperation

Contracting parties should cooperate with one another to achieve the objectives of the IPPC. In particular, they “shall cooperate with one another to the fullest practicable extent in achieving the aims of [the] Convention ...” (Article VIII). Contracting parties should also actively participate in bodies established under the IPPC.

1.10 Equivalence of phytosanitary measures

Importing contracting parties should recognize alternative phytosanitary measures proposed by exporting contracting parties as equivalent when those measures are demonstrated to achieve the appropriate level of protection determined by the importing contracting party.

Relevant ISPM: ISPM 24.

1.11 Modification

Modifications of phytosanitary measures should be determined on the basis of a new or updated pest risk analysis or relevant scientific information. Contracting parties should not arbitrarily modify phytosanitary measures. “Contracting parties shall, as conditions change, and as new facts become available, ensure that phytosanitary measures are promptly modified or removed if found to be unnecessary.” (Article VII.2(h))

2. Operational Principles

Operational IPPC principles are related to the establishment, implementation and monitoring of phytosanitary measures, and to the administration of official phytosanitary systems.

2.1 Pest risk analysis

NPPOs should, when performing pest risk analysis, base it on biological or other scientific and economic evidence, following the relevant ISPMs. In doing this, threats to biodiversity resulting from effects on plants should also be taken into account.

Relevant Articles in the IPPC: Preamble, Articles II, IV.2(f) and VII.2(g).

Relevant ISPMs: ISPM 2, ISPM 5 (including Supplement No 2), ISPM 11 and ISPM 21.

2.2 Pest listing

Contracting parties “shall, to the best of their ability, establish and update lists of regulated pests ...” (Article VII.2(i)).

Relevant Articles in the IPPC: VII.2(i).

Relevant ISPMs: ISPM 19.

2.3 Recognition of pest free areas and areas of low pest prevalence

Contracting parties should ensure that their phytosanitary measures concerning consignments moving into their territories take into account the status of areas, as designated by the NPPOs of the exporting countries. These may be areas where a regulated pest does not occur or occurs with low prevalence or they may be pest free production sites or pest free places of production.

Relevant Articles in the IPPC: II.

Relevant ISPMs: ISPM 4, ISPM 8, ISPM 10 and ISPM 22.

2.4 Official control for regulated pests

When a pest which is present in a country is regulated as a quarantine pest or regulated non-quarantine pest, the contracting party should ensure that the pest is being officially controlled.

Relevant ISPM: ISPM 5 (including Supplement No. 1).

2.5 Systems approach

Integrated measures for pest risk management, applied in a defined manner, may provide an alternative to single measures to meet the appropriate level of phytosanitary protection of an importing contracting party.

Relevant ISPM: ISPM 14.

2.6 Surveillance

Contracting parties should collect and record data on pest occurrence and absence to support phytosanitary certification and the technical justification of their phytosanitary measures. In this regard, the IPPC also provides, “Contracting parties shall, to the best of their ability, conduct surveillance for pests and develop and maintain adequate information on pest status in order to support categorization of pests, and for the development of appropriate phytosanitary measures.” (Article VII.2(j))

Relevant Articles in the IPPC : IV.2(b), IV.2(e) and VII.2(j).

Relevant ISPMs: ISPM 6 and ISPM 8.

2.7 Pest reporting

Contracting parties “shall cooperate ... to the fullest practicable extent in ... the reporting of the occurrence, outbreak or spread of pests that may be of immediate or potential danger ...” to other contracting parties (Article VIII.1(a)). In this respect, they should follow the procedures established in ISPM 17:2002 and other relevant procedures.

Relevant Article in the IPPC: VIII.1(a).

Relevant ISPM: ISPM 17.

2.8 Phytosanitary certification

Contracting parties should exercise due diligence in operating an export certification system and ensuring the accuracy of the information and additional declarations contained in phytosanitary certificates. “Each contracting party shall make arrangements for phytosanitary certification ...” (Article V).

Relevant Articles in the IPPC: IV.2(a) and V.

Relevant ISPMs: ISPM 7 and ISPM 12.

2.9 Phytosanitary integrity and security of consignments

In order to maintain the integrity of consignments after certification, contracting parties, through their NPPO, shall “ensure through appropriate procedures that the phytosanitary security of consignments after certification regarding composition, substitution and reinfestation is maintained prior to export” (Article IV.2(g)).

Relevant Articles in the IPPC: IV.2(g) and V.

Relevant ISPMs: ISPM 7 and ISPM 12.

2.10 Prompt action

Contracting parties should ensure that inspection or other phytosanitary procedures required at import “shall take place as promptly as possible with due regard to ... perishability” of the regulated article (Article VII.2(e)).

Relevant Article in the IPPC: VII.2(e).

2.11 Emergency measures

Contracting parties may adopt and/or implement emergency actions, including emergency measures, when a new or unexpected phytosanitary risk is identified¹. Emergency measures should be temporary in their application. The continuance of the measures should be evaluated by pest risk analysis or other comparable examination as soon as possible, to ensure that the continuance of the measure is technically justified.

Relevant Article in the IPPC: VII.6.

Relevant ISPM: ISPM 13.

2.12 Provision of an NPPO

“Each contracting party shall make provision, to the best of its ability, for an official national plant protection organization with the main responsibilities set out in [Article IV.1].” (Article IV.1).

¹ The term emergency actions in Article VII.6 of the IPPC is interpreted to include emergency measures as defined in ISPM 5.

Relevant Article in the IPPC: IV.

2.13 Dispute settlement

Contracting parties should be open to consultation regarding their phytosanitary measures, when requested by other contracting parties. If there is a dispute regarding the interpretation or application of the IPPC or its ISPMs, or if a contracting party considers that an action by another contracting party is in conflict with the obligations of the IPPC or guidance provided in its ISPMs, “the contracting parties concerned shall consult among themselves as soon as possible with a view to resolving the dispute.” (Article XIII.1) If the dispute cannot be resolved in this way, then the provisions of Article XIII relating to the settlement of disputes or other means of dispute settlement may be applied².

Relevant Article in the IPPC: XIII.

2.14 Avoidance of undue delays

When a contracting party requests another contracting party to establish, modify or remove phytosanitary measures, when conditions have changed or new facts have become available, this request should be considered without undue delay. Associated procedures, which include, but are not limited to, pest risk analysis, recognition of pest free areas or recognition of equivalence, should also be performed promptly.

Relevant Article in the IPPC: VII.2(h).

Relevant ISPM: ISPM 24 (section 2.7 and Annex 1, step 7).

2.15 Notification of non-compliance

Importing contracting parties “shall, as soon as possible, inform the exporting contracting party concerned ... of significant instances of non-compliance with phytosanitary certification.” (Article VII.2(f))

Relevant Article in the IPPC: VII.2(f).

Relevant ISPM: ISPM 13.

2.16 Information exchange

Contracting parties shall, as appropriate, provide information specified in the IPPC, as follows:

- official contact points (Article VIII.2)
- description of the NPPO and organizational arrangements of plant protection (Article IV.4)
- phytosanitary requirements, restrictions and prohibitions (Article VII.2(b)) (including specified points of entry (Article VII.2(d)) and their rationale (Article VII.2(c))
- list of regulated pests (Article VII.2(i))
- pest reporting, including occurrence, outbreak and spread of pests (Articles IV.2(b) and VIII.1(a))
- emergency actions (Article VII.6) and non-compliance (Article VII.2(f))
- pest status (Article VII.2(j))
- technical and biological information necessary for pest risk analysis (to the extent practicable) (Article VIII.1(c)).

² A non-binding dispute settlement procedure has been developed by the IPPC for use by the contracting parties.

2.17 Technical assistance

Contracting parties “agree to promote the provision of technical assistance to contracting parties, especially those that are developing contracting parties, ... with the objective of facilitating the implementation of this Convention.” (Article XX).

Relevant Article in the IPPC: XX.