
International legal framework: Obligations and responsibilities under the IPPC

Xylella fastidiosa & the Olive Quick Decline Syndrome (OQDS)

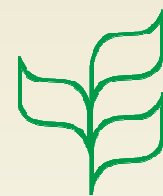
Bari, 20 April 2016



Summary

- 1. International Regulatory Framework**
- 2. The International Plant Protection Convention**
- 3. Implementation of the IPPC in national legislation**

International regulatory framework for phytosanitary protection

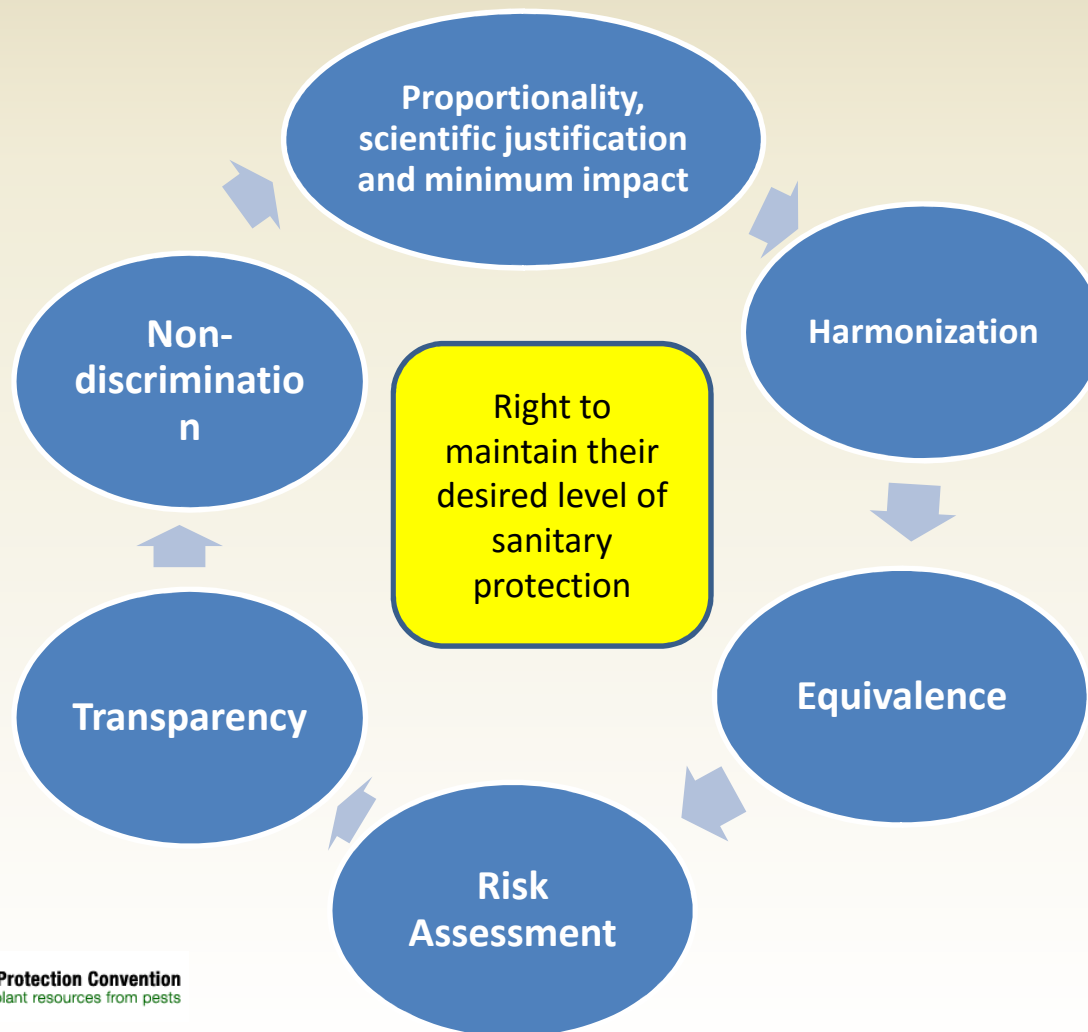


Convention on Biological Diversity

SPS

ISPM

Key Provisions in the SPS Agreement



International Plant Protection Convention (IPPC)

- Approved in 1951 (based on an earlier Convention of 1929). Revised in 1997
- It is an international agreement, binding to parties
- Obligations under the IPPC are consistent and complementary to the WTO-SPS Agreement
- The IPPC embraces the principles of sovereignty, tempered by the principles of necessity, proportionality and minimum impact, cooperation among countries and non-discrimination

Responsibility of contracting parties (art. I)

1. To adopt the legislative, technical and administrative measures specified in the Convention
2. To assume responsibility (...) for the fulfillment within its territories of all requirements under this Convention.
3. It applies to plant and plant products and also to storage places, packaging, conveyances, containers, soil and any other organism, object or material capable of harboring or spreading plant pests

Functions of national plant protection organizations (art. IV)

Parties should designate an NPPO with the following responsibilities

- a) Issue Phytosanitary certificates
- b) Surveillance on growing plants, plant products and regulated articles
- c) Inspection on consignments of plants, plant products and regulated articles in international traffic
- d) Disinfestation of consignments to meet phytosanitary requirements
- e) Protection of endangered areas and designation of free areas
- f) Conduct PRA
- g) Ensure the phytosanitary security of consignments after certification and prior to export
- h) Approve a list of regulated pests
- i) Information sharing
- j) Issuance of phytosanitary regulations

Phytosanitary certification (art. V)

The Phytosanitary certificate is the official document that guarantees the phytosanitary status of the consignment

The NPPO is responsible to issue Phytosanitary Certificates:

- On the basis of inspection under the authority of the NPPO
- Signed by a public officer (technically qualified and duly authorized to act on behalf of the NPPO)
- In conformity with the IPPC model
- Taking into account international standards (ISPM 7 Phytosanitary Certification System)



Regulated pests (art. VI)

Contracting parties may require phytosanitary measures for quarantine pests and regulated non-quarantine pests in compliance with the principles of:

NON DISCRIMINATION

a) no more stringent than measures applied to the same pests, if present within the territory of the importing contracting party, and

PROPORTIONALITY AND TECHNICAL JUSTIFICATION

b) limited to what is necessary to protect plant health and/or safeguard the intended use and can be technically justified by the contracting party concerned.

Approval of import requirements (art. VII)

Member countries have:

- Sovereign authority to regulate the entry of plants and plant products, including the prohibition or restriction of regulated pests and biological control agents
- The right to prescribe and enforce phytosanitary measures adopted on the basis of:
 - phytosanitary considerations
 - pest risk analysis
 - technical justification
 - notification (transparency)

Main Reference: ISPM 20 – Import regulatory system.

International Cooperation (art. VIII)

- Obligations to:
 - Exchange information on plant pests
 - Participate in campaigns for combatting pests that need international action
 - Cooperate by providing technical and biological information for PRA

Regional plant protection organizations (art. IX)

- Cooperation to establishing regional plant protection organizations to function as coordinating bodies for achieving the objectives of the Convention
- Cooperation with the Secretary and the Commission in the development of standards

International Standards for Phytosanitary Measures (ISPMs) (art. X)

- WTO members are required to base their phytosanitary measures on reference international standards (IPPC standards (ISPMs) are mentioned in Annex A of the SPS Agreement)
- ISPMs are presumed to be consistent with the SPS Agreement
- Parties to the IPPC agree to cooperate in the development of international standards and to take them into account, as appropriate when undertaking activities related to the Convention (art. X)

International Standards for Phytosanitary Measures (ISPMs)

TYPES OF ISPMs:

Reference Standards

- Glossary of Phytosanitary Terms (ISPM 5)

Concept/procedural Standards

- Guidelines for Pest Risk Analysis (ISPM 2)

Specific Standards

- Thrips palmi Karny (ISPM 27- Annex 01)

Some recommendations resulting from ISPMs

General principles (ISPM 1) include, among others...

Basic principles

- Sovereignty
- **Necessity**
- **Managed risk**
- **Minimal impact**
- **Technical justification**
- **Transparency**
- (...)

Other relevant ISPMs...

- Pest eradication (ISPM 9)
- Pest risk analysis for quarantine pests (ISPM 11)
- Use of integrated measures in a system approach for pest risk management (ISPM 14)
- Recognition of pest free areas and areas of low pest prevalence (ISPM 29)

How countries implement the IPPC in national legislation

National plant protection legislation should serve to:

- Designate a NPPO with the functions in Art. IV (issuance of Phytosanitary Certificate, import control)
- Provide this NPPO with risk assessment (PRA) and risk management functions based on the principles in ISPM 1 (technical justification, necessity, proportionality, minimum impact)
- Set up an efficient surveillance, monitoring and inspection system to implement and enforce the legislation
- Introduce obligations of notification and transparency
- Promote a participatory and integrated approach to legal drafting that takes into consideration a socio-economic impact assessment

Thank you!



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