

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

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STATEMENT BY THE REPRESENTATIVE OF THE
INTERNATIONAL PLANT PROTECTION CONVENTION
AT THE SECOND MEETING OF THE WORKING
GROUP (3 NOVEMBER 1988)

The purpose of the International Plant Protection Convention is to prevent the introduction and spread of pests of plants and plant products and to promote measures for their control. It identifies the respective rôles of national plant protection organizations, regional organizations and FAO. The Convention, of which FAO is the depositary, was adopted by the Conference of FAO in 1951 and came into force in 1952.

Contracting parties are individual governments; at present ninety-two governments are either signatories of the Convention (possible up to 1 May 1952) or adhere to it. Some forty-seven countries have also accepted the amendments that were adopted by the FAO Conference in 1979. The amended version of the Convention will only come into force if two-thirds of the contracting governments adhere to the amended version (sixty-two governments).

Supplementary agreements are foreseen; at present, there are only regional agreements, under which a number of regional plant protection organizations have been established. Protocols to harmonize plant quarantine arrangements may also be subject to supplementary agreements.

Article IV of the Convention describes the duties of contracting governments concerning the establishment of national plant protection services and their functions. These concern field inspections, the inspection of plant and plant products moving in trade, treatment of consignments, the issue of phytosanitary certificates, the distribution of information on pests and their control, and research on plant protection.

Phytosanitary certificates are an important function described under the IPPC. The original text of the Convention contains a model phytosanitary certificate, which was substantially changed in 1979. Such a certificate should be issued to indicate that the consignment is in accord with the plant protection regulations of the receiving government. The amended version of the Convention also provides a re-export certificate. The original phytosanitary certificate states "to the best of his knowledge" (of the inspector) "free from injurious diseases and pests" and that "the consignment is believed to conform with the current phytosanitary

regulations of the importing country". Instead, the new certificate has as corresponding text: "This is to certify that the plants or plant products described above have been inspected according to appropriate procedures and are considered to be free from quarantine pests, and practically free from other injurious pests; and that they are considered to conform with the current phytosanitary regulations of the importing country".

Although the amended Convention is not yet in force, the amended certificate is normally used.

The Convention details the requirements of contracting governments in relation to imports (Article VI). It stipulates that contracting governments will have the full authority to regulate the entry of plants and plant products. To reduce interference with trade, governments shall only:

- take measures based on phytosanitary considerations;
- make public any restrictions or requirements, and make those available to other contracting governments and FAO;
- limit time of procedures;
- limit requirements as much as is possible without endangering their own plant production.

Concerning international co-operation, the Convention provides for co-operation with FAO and co-operation in establishing regional plant protection organizations. It is foreseen that contracting governments provide reports on the existence, outbreaks and spread of economically important pests to FAO; provide information on pest control; and provide information on restrictions and requirements to FAO, contracting parties, and regional organizations. FAO and regional organizations have the obligation to redistribute this information to contracting governments.

Settlement of disputes is foreseen in Article IX. Contracting governments may request the Director-General of FAO to appoint an Expert Committee to consider the question in dispute. The Expert Committee shall report to the Director-General, who subsequently submits the conclusions to all contracting governments for further consideration. The conclusions of the procedure are not binding and do not carry penalties. (This procedure has never been used so far.)

The Convention provides the framework for all legislation and regulation of export and import of plants and plant products. As such, the Convention provides all elements for fair trade practices. It is often difficult for developing countries to fulfill the obligations of the Convention, as it is not easy to establish and maintain the necessary infrastructures.

Information on pest distribution is not as easily obtained as foreseen under the Convention. Some regional organizations have good information, especially the European Plant Protection Organization. This information is accessible to FAO and, based on this, FAO is building a database on organisms of plant quarantine concern. Prompt notification is hardly ever made to FAO directly.

Information on restrictions and requirements has been collected by FAO and by a number of regional organizations. At present, FAO is publishing Digests of Plant Quarantine Regulations. As many countries have their own quarantine treatment manuals, future efforts should be towards harmonizing the various treatments. Information on national quarantine treatments is now being collected in close co-operation with the regional organizations and this information is being used to review a treatment manual first published by FAO some years ago.

International trade would obviously prefer regulations that are internationally harmonized. However, the nature of plant quarantine prevents all countries from having the same regulations. At regional level, harmonization is, to some extent, possible and is necessary to protect regions from the inadvertent introduction of quarantine pests. For this reason, the regional organizations produce lists both of pests not present in their region and pests of limited distribution in their region.

Inspection procedures and quarantine treatments lend themselves much more to harmonization, and FAO, in co-operation with the regional plant protection organizations, will further address this issue.

Import restrictions should be based on phytosanitary necessity (Article VI) and, thus, on scientific evidence. This would require the assessment of the risk to national production if a certain pest were introduced. It should, however, be accepted that such projections can only be made for a limited number of well-known pests in highly developed countries; in all other situations assessments can only be made in the broadest sense, and restrictions will therefore be conservative. The implementation of restrictions assumes the absence or the limited distribution of the pest in the country of destination. Countries may, however, lack the resources to make a sufficiently exhaustive survey.

Whether or not exporting countries can meet the conditions set by importing countries may not be relevant for discussion if the quarantine treatment requirements are at a minimum level compatible with remaining scientifically sound. Countries may need assistance to be able to meet those requirements; however, there may be requirements that cannot be met in any (economically) suitable way. Transparency of the reasons for individual regulations and their application is an absolute necessity; therefore, information exchange should be improved, taking into account the provisions of the IPPC.

In summary, the IPPC provides both for procedures for the establishment of national laws and regulations and for the basic framework for the movement of plant and plant products in international trade.

Regulations cannot be harmonized on a global basis but harmonization at regional level may be feasible. Regulations should be biologically sound; it should, however, be recognized that scientific pest risk analysis can only be done in sufficient depth in a limited number of cases. Harmonization should address procedures, in particular inspection procedures, and quarantine treatments.

There is a need for increased compliance with the provisions of the Convention concerning information exchange. This will substantially improve the transparency of plant quarantine regulations and procedures.

Governments of developing countries should be assisted to establish appropriate infrastructures to enable them to implement the provisions of the Convention.