

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

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Regulations and Barriers

THE RELEVANCE OF THE INTERNATIONAL PLANT PROTECTION CONVENTION  
TO THE WORKING GROUP ON SANITARY AND PHYTOSANITARY  
REGULATIONS AND BARRIERS

Paper Submitted by FAO  
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The International Plant Protection Convention (IPPC) was adopted by the FAO Conference in 1951 and came into force in 1952. In 1977 the FAO Conference adopted a series of amendments to the Convention in the form of a Revised Text. In total, ninety-five countries are parties to the Convention, while fifty have accepted the Revised Text. Two thirds of the parties need to accept the Revised Text before it comes into force. For countries not accepting the Revised Text, the original unamended text of the Convention will remain in force. The objective of the IPPC is the strengthening of international co-operation in combatting imported pests affecting plants and plant products and in preventing their spread and introduction across national boundaries. The Convention has fifteen articles which cover the whole field of plant quarantine. The Convention provides, inter alia for:

- (a) supplementary agreements which allow for a broad framework adaptable to changing conditions in the field of plant quarantine;
- (b) national plant protection organizations: the Convention requires that each contracting party, to the best of its ability, establish an official plant protection organization to carry out the inspection of growing plants and plant materials and conduct surveys; to carry out inspection and/or treatment of consignments of plant products moving in international traffic; to issue phytosanitary certificates; to provide advice within the country on pests and their control; to strengthen research in plant protection and to report on the distribution and spread of plant pests;
- (c) a uniform phytosanitary certificate and a certificate of re-export (the latter only in the Revised Text);
- (d) uniform regulatory and quarantine procedures: the Convention gives the countries full authority to regulate the entry of plants and plant products and prescribes restrictions and requirements to prohibit importation, to inspect or detail and to treat, to destroy or to refuse entry to plants or plant products.

It indicates that contracting parties should only take measures if they are made necessary by phytosanitary considerations in order to minimize interference with international trade. These include appropriate notification on requirements and reasons for prohibitions and prompt inspection of goods, particularly perishable ones;

- (e) international co-operation and for the establishment of Regional Plant Protection Organizations;
- (f) the settlement of disputes;
- (g) information exchange: In this area, the Convention provides for:
  - 1. contracting parties to submit a description of the scope of their national organization to FAO;
  - 2. information to FAO, the Regional Organization of which the party is a member and contracting parties of restrictions or requirements concerning importation; in the case of prohibitions, specific reasons must be stated;
  - 3. publishing the restrictions or requirements and communicating them immediately to FAO, the Regional Organization of which it is a member, and contracting parties; publishing its decision with reasons and immediately informing FAO, the Regional Organization of which it is a member, and contracting parties;
  - 4. information to be provided by contracting parties to FAO, Regional Organizations and contracting parties of special entry points;
  - 5. information to be provided to the exporting country by the importing country of non-conformity with requirements; in case of destruction of a consignment, a written report is required;
  - 6. dissemination by FAO of information received on importation restrictions, requirements, prohibitions and regulations at frequent intervals to contracting parties and Regional Plant Protection Organizations (Revised Text only);
  - 7. agreement by contracting parties to co-operate with FAO in the establishment of a world reporting service on plant pests, which includes the occurrence, outbreak and spread of economically important pests;
  - 8. where appropriate, gathering and dissemination of information by Regional Plant Protection Organizations;
  - 9. information to all parties of the outcome of dispute settlement procedures.

The work programme as decided by the Ministers in the present GATT negotiations relates to the IPPC in the following way:

1. Harmonization of phytosanitary regulations and measures: the Convention provides a framework for harmonized legislation. However, the Convention does not address the issue of harmonization of regulations among countries. This is addressed through the harmonization of the pest risk assessment process, and harmonized principles and procedures. These issues were discussed at the technical consultation between Regional Plant Protection Organizations in September 1989 and in the FAO Conference in November 1989. The Conference decided to assign secretariat functions for the IPPC to FAO, which would address the issues related to harmonization (see the attached relevant paragraphs of the FAO Conference Report).
2. Strengthening of Article 20: the principle of sound scientific evidence for plant protection measures is addressed in the Convention (see above). Equivalency can only relate to plant quarantine procedures and methods. It can be implied from the Convention that it is up to the importing country to decide which methods and procedures are acceptable.
3. Notification and counter-notification procedures: the Convention provides for substantial information exchange among contracting parties, FAO and Regional Plant Protection Organizations (see above). Most important are the provisions for contracting parties to publish restrictions or requirements and to publish decisions on prohibitions with reasons and to inform FAO, the Regional Plant Protection Organization of which it is a member and contracting parties of such decisions. Of further importance is the provision of a world reporting service on plant pests, especially on pest distribution, and the provision of information on specific points of entry. Finally, the information of the exporting party of consignments not conforming to the requirements of the importing country is of importance to trade. If all these steps are followed, sufficient transparency would probably be obtained.

The consultative process and multilateral dispute settlement are to some extent covered in the IPPC. The Convention provides for a dispute settlement procedure which is non-binding but will become the basis for renewed consideration by the parties concerned.

4. Possible effects on developing countries are not directly related to the IPPC and the need for technical assistance is therefore discussed in a second paper.

Attachment

FAO Conference Report, November 1989

Progress Report on the GATT Multilateral Trade Negotiations  
(Uruguay Round) and Implications for FAO<sup>24</sup>

85. The Conference stressed that the Uruguay Round of Multilateral Trade Negotiations under the GATT was of fundamental importance for achieving a fair and market-oriented agricultural trading system. It therefore welcomed the agreements reached in the Mid-Term Review of the negotiations by the Trade Negotiations Committee (TNC) in April 1989 which enabled the Uruguay Round negotiations to be resumed. In particular, it noted with satisfaction that the agreement on agriculture aimed to achieve substantial and progressive reductions in support and protection, resulting in correcting and preventing restrictions and distortions in world agricultural markets. The Conference also noted with satisfaction that the approach adopted by the TNC for the negotiations on agriculture included both long-term elements for the reform of agricultural policies and short-term elements as well as arrangements on sanitary and phytosanitary regulations.

86. The Conference noted in particular that the Mid-Term Review called for harmonization of national regulations on sanitary and phytosanitary regulations and measures as a long-term goal, on the basis of appropriate standards established by relevant international organizations including the FAO/WHO Codex Alimentarius Commission and the International Plant Protection Convention (IPPC). In this connection, the work programme adopted also embodied, inter alia, the objectives of: strengthening GATT Article XX so that measures taken to protect human, animal or plant life or health were consistent with sound scientific evidence and used suitable principles of equivalency; improving notification procedures; improving the multilateral dispute settlement process within the GATT in order to provide the necessary input of scientific expertise and judgement, relying on relevant international organizations; and providing technical assistance to developing countries regarding sanitary and phytosanitary measures.

87. The Conference emphasized the important pivotal rôle of FAO in these areas, particularly through the Codex Alimentarius Commission (CAC) and the International Plant Protection Convention. The Conference expressed its appreciation for the long-established and valuable work of the CAC in harmonizing food standards and related rules for international food trade, for FAO's activities in relation to the IPPC, and the Organization's technical assistance provided to developing countries on sanitary and phytosanitary measures.

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<sup>24</sup> C 89/23; C 89/25; C 89/I/PV/1; C 89/I/PV/14; C 89/PV/21.

88. The Conference fully endorsed the support provided by FAO to the Uruguay Round negotiations, including support to the GATT secretariat in relation to agriculture, tropical products and natural resource-based products, technical assistance provided to participating countries, particularly developing countries, and participation in the negotiations, including those on sanitary and phytosanitary regulations. The Conference urged that such support should continue and, where appropriate, should be intensified.

89. The Conference noted that certain strengthening of FAO activities regarding Codex would be needed. It welcomed the plans of the Director-General to create a special unit within the Food Quality and Standards Service to expedite co-operation between Codex and GATT with regard to food standards, additives, veterinary drug and pesticide residues in foods which could constitute sanitary barriers to trade. The Conference emphasized that FAO had a unique rôle to play in providing independent advice and assistance to GATT in these areas.

90. The Conference recognized the basic rôle of the International Plant Protection Convention in the field of plant quarantine and that many of the issues raised in the GATT negotiations were covered in the Convention. It noted with satisfaction the actions taken by the Director-General, at the request for technical assistance by the Director-General of GATT, to address harmonization within the field of plant quarantine.

91. The Conference noted the results of the Technical Consultation between the Regional Plant Protection Organizations, convened by the Director-General in September 1989, and considered its recommendations. The Conference agreed on the necessity to establish a secretariat within FAO for the International Plant Protection Convention to address all issues related to harmonization and information exchange in the area of plant quarantine. The Conference carefully considered the proposed programme of work of the secretariat and agreed that it should have, as the main components, the development of harmonized guidelines for pest risk assessment, harmonized plant quarantine principles with which phytosanitary laws and regulations should be consistent, and harmonized plant quarantine procedures. The Conference further agreed that the secretariat for the IPPC should be supported by a panel of experts on harmonization and plant quarantine and be entrusted with the organization of regular Technical Consultations between Regional Plant Protection Organizations.

92. The Conference noted the rôle that the Asian and Pacific and the Caribbean Plant Protection Commissions, which were FAO Statutory Bodies, would have in the harmonization at a regional level. It also noted the need to establish a Plant Protection Commission for the Near East region.

93. The Conference discussed the recommendation of the Technical Consultation held in September 1989 regarding the establishment of a technical global body in the field of plant quarantine. It was felt that a decision at present to establish such a global body would be premature and that first experience should be gained of the functioning of the arrangements set out above, as proposed by the Director-General.

94. The Conference called on the FAO Member Governments that were not yet contracting parties to the IPPC to adhere to the Convention as soon as possible and stressed the necessity for wider acceptance of its amendments so that the amended version of the Convention could enter into force.

95. The Conference stressed the need for providing technical assistance to developing countries to enable them to meet international harmonization rules and procedures for sanitary and phytosanitary measures.

96. The Conference was informed that it would be desirable to begin phasing into FAO's programme of work with the minimum of delay the additional activities envisaged in relation to the Codex and the IPPC, so as to enable the Organization to respond to possible requests concerning harmonization of regulations and dispute settlement which may arise in the GATT context. In this connection, the Conference noted that the Uruguay Round negotiations would be completed by the end of 1990 and that it was expected that the implementation of the agreed results would begin shortly thereafter.

97. As regards the financing of these additional activities, the Secretariat informed the Conference that the implementation would be contingent on the Conference's decisions regarding the Programme of Work and Budget for 1990-91, and the timely payment of all contributions, or on the possibilities of raising additional extra-budgetary resources from interested countries.