

# WTO Principles and Procedures for Quarantine Access

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## 1. Introduction

In establishing the Agreement on Sanitary and Phytosanitary Measures (SPS) members of the WTO expressed a desire “to improve the human health, animal health and phytosanitary situation in all Members” and to establish a “multilateral framework of rules and disciplines to guide the development, adoption and enforcement of sanitary and phytosanitary measures in order to minimize their negative effects on trade”.

Principles outlined in the SPS relate to, the use of risk assessment, necessity, non-discrimination, equivalence, harmonization and transparency. The Agreement recognised the International Plant Protection Convention (IPPC) as the relevant international standard setting organization for phytosanitary measures. The International Plant Protection incorporates the same general principles as the SPS Agreement.

The SPS Agreement and the IPPC include the concept of appropriate level of protection (ALOP). This concept is sometime also referred to as the acceptable level of risk. The ALOP is the level of protection deemed appropriate by the country in regard to quarantine risk. Where the risks of pests are above the ALOP importing countries may require the application of measures to reduce the risks to the ALOP. Measures include treatments, inspection, procedures etc intended to reduce the risk the pest risks. In choosing and applying measures a country needs to follow the principles of necessity, equivalence and harmonization.

Pests under the IPPC are defined as “any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products”. The scope of the IPPC is not restricted to agriculture systems – it also extends to the protection of natural systems. However, this paper concentrates on the application of the IPPC to trade in horticultural products.

In order to maximize international harmonization the SPS agreement requires members as far as possible to base their phytosanitary measures on international standards, guidelines recommendations. The SPS agreement recognises the IPPC as the relevant international standard setting organization therefore measures that are based on IPPC standards, guidelines and recommendations are deemed to be necessary to protect plant life or health and are presumed to be consistent with the SPS agreement.

The IPPC has developed a number of International Standards for Phytosanitary Measures (ISPM) that are relevant to the import and export of horticultural products. These include standards that relate to risk analysis, pest status, area freedom, certification, emergency action and compliance. These standards are developed by expert working groups and following a period of formal consultation with countries are formally adopted at the meeting of parties to the convention.

## 2. Steps to quarantine access

A summary of the main steps related to gaining and maintaining market access for horticultural products is at Table 1. Further sections of the document introduce International Standards for Phytosanitary Measures relevant to these steps.

Table 1. Summary of actions related to quarantine access

<b>Country</b>	<b>Action</b>
Exporting	Request for access sent to importing country
Exporting	Information on commodity and pest status provided
Importing	Risk analysis carried out including identification of any risk management measures
Importing &Exporting	Information about required risk management measures (if required) provided and implementation program negotiated
Exporting	Measures carried out and certification provided (if required)
Importing	Measures carried out and products checked at import (if required)
Importing & Exporting	Periodic review as circumstance change

## 3. Risk analysis

In SPS and IPPC terms pest risk consists of two components. One component is the probability that the pest will be carried on the product being exported, survive transport to the importing country and establish in the importing country. The other component relates to the potential impact of this pest in the importing country. Consideration of any plant pest risks that may be associated with imports and any risk management measures that may be required is undertaken through a process call risk analysis.

The risk analysis process consists of three stages:

- Stage 1-Initiation. This stage involves identification of the risk pathways and pests that are to be analysed;
- Stage 2-Pest Risk Assessment. This stage provides an estimate of the risk based on the probability of entry and establishment of the pest and the potential impact of the pest should it establish; and
- Stage 3-Pest Risk Management. This stage identifies appropriate risk management measures to reduce the pest risks to the acceptable level of risk.

Details for risk analysis of plant pests are contained in the International Standard for Phytosanitary Measures ISPM 11 – Pest Risk Analysis for Quarantine Pests

ISPM 11 focuses on quarantine pests. These are defined as “pests of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled”. The definitions means that measures should be based on the assessment of ascertainable risks and not arbitrarily or unjustifiably discriminate against exporting countries of the same pest status as the importing country. It is not appropriate to apply measures to manage pest risks on imports if the same pests are present in the importing country and not being officially controlled. Where pests are under official control then measures in relation to import should not be more stringent than those applied within the importing country for the same pest. Field suppression of pests does not qualify as official control, only active containment or

eradication programs. The concept of official control is explained in more detail in a ISPM5 - Glossary of Phytosanitary Terms.

The process of risk analysis addresses the principles of necessity and equivalence. Necessity means that any measures are applied only to the extent necessary to protect plant life or health. Measures should not be more trade restrictive than necessary and should be applied to the minimum area necessary for the effective protection of the endangered area. The principle of equivalence requires that where measures that have the same effect are identified they should be accepted as alternatives by an importing country.

#### **4. Pest status**

An important aspect of risk analysis is information about the pest status of both the exporting country and the importing country. Information on the pest status of the exporting country is needed to determine what pests may be present with the export commodity. Information on the pest status of the importing country is needed to determine the quarantine status of pests that may be present on the commodity. Only pests absent or under official control in the importing country can be considered as quarantine pests. Exporting and importing countries have responsibilities under the SPS agreement and the IPPC in regard to providing information about pest status.

The IPPC has several standards that relate to pest status. ISPM 8 – Determination of Pest Status in an Area provides detail about the gathering and recording of pest record information and the categorization of pest status. Emphasis is placed on recording the precise basis of any claims on pest status and the reliability of these claims. The standard allows for claims of pest absence based on the lack of pest records rather than specific surveys but indicates that in all cases the basis of the pest status claims should be clearly recorded and be provided on request.

Guidance on general and specific surveillance is given in ISPM –6 Guidelines for surveillance. This standard also provides information on good surveillance practice, technical requirements for diagnostic services and record keeping.

#### **5. Area freedom**

Area freedom manages quarantine risk by allowing the importation of products from countries or areas within countries that are free of quarantine pests. The opportunity to use area freedom as a risk management measure depends on the biology of the pest, the methodology that is available to detect and manage the pest and the ability of the exporting country to maintain freedom. The use of area freedom is well established for a number of fruit fly species that can easily be detected and controlled.

IPSM 4 – Requirements for the Establishment of Pest Free Areas, provides guidance on the establishment and maintenance of pest free areas consisting of an entire country or an uninfested part of a country in which a limited infested area is present or an uninfested part of a country situated within a generally infested area.

ISPM 10 – Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites, provides guidance for situations where the pest freedom is based on much smaller areas than those dealt with in ISPM 4. For example, pest freedom may relate just to a single field on a single class house.

## **6. System approaches**

In some cases quarantine risks can be managed by a single treatment such as heat treatment or fumigation. However, where individual treatments may not be sufficient to manage the risk adequately, it may be possible to manage the quarantine risks by using a combination of measures. In these cases no single measure reduces the risks to the required level of control but the combined effect of a number of measures is adequate to manage the risk. For example, for some insect pests it may be possible to grow the product in an area that has a low level of the pest, the crop could be subjected to pest control measures during growth and then after harvest kept at a low storage temperature while being transported to the importing country. In this case the two measures on their own are sufficient to manage the quarantine risks but when combined they reduce the risk to an acceptable level.

The use of a number of measures in this way is called a systems approach and ISPM 14-The use of integrated measures in a systems approach for pest risk management, provides guidance on the application of this concept.

## **7. Certification**

The main purpose of certification is to certify that the products meet the quarantine requirements of the importing country. The IPPC contains a model phytosanitary certificate that can be used for certification that is internationally recognised. Phytosanitary certificates need to be issued with the authority of the exporting country. ISPM 12-Guidelines for phytosanitary certificates provides details on the use of these certificates.

## **8. Transparency**

One of the important principles in both the SPS agreement and the IPPC is transparency. This requirement relates to informing other countries about phytosanitary regulations, pest status and other relevant, specific quarantine measures and other relevant information.

Many of the ISPMs standards emphasize the need for information to be recorded and made available on request. Two ISPMs directly address aspects of transparency. These are ISPM 13 Guidelines for the notification of non-compliance and emergency action and ISPM 17 Pest reporting.

## **9. References**

The International Plant Protection Convention website is [www.ippc.int](http://www.ippc.int). The website is in English but some of the standards and other documents are provided in Chinese and other languages.

The SPS Agreement and other relevant information can be accessed through the WTO website at [www.wto.org](http://www.wto.org).

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