

***C5 +1 SPS EXPERT-LEVEL REGIONAL MEETING
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CAREC Common Agenda for SPS Modernization

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Plan of Presentation

I. What is CAREC?

II. CAREC SPS Common Agenda with phytosanitary priorities

III. Implementation of Common Agenda in terms of risk-based phytosanitary measures

IV. Quarantine and regulated non-quarantine pests: meeting IPPC and WTO SPS Agreement requirements

I. What is CAREC?

- Central Asia Regional Economic Cooperation

Afghanistan, Azerbaijan, Georgia, **Kazakhstan**, **Kyrgyz Republic**, Mongolia, Pakistan, Peoples' Republic of China, **Tajikistan**, **Turkmenistan**, **Uzbekistan**

Completed CAREC SPS Projects

- RSC-C13610 (REG) *Development of an SPS Plan for CAREC Countries*
<https://www.adb.org/sites/default/files/publication/30251/modernizing-sps-measures-facilitate-trade.pdf>
- TA 8386 (REG) *Promoting Cooperation in Sanitary and Phytosanitary Measures for Central Asia Regional Economic Cooperation, 2014-2015* Report → SPS Common Agenda and priority actions

II. SPS Common Agenda with phytosanitary priorities:

1. Regulatory assessment (plant health)

a. Fundamental reforms of primary plant health laws to achieve consistency with the International Plant Protection Convention and the WTO SPS Agreement have been undertaken by most countries.

b. However, the main barrier to trade is the **lack of rules and regulations to implement the International Standards for Phytosanitary Measures under the International Plant Protection Convention.**

c. The **legislative and administrative split between plant quarantine and domestic plant protection**, which is typical in central Asian countries, also impairs the application of related SPS measures.

d. Due to lack of expertise in pest risk analysis (PRA), lack of diagnostic capacity; and the potentially large number of pests to be considered, many CAREC countries **have not prepared accurate, valid lists of quarantine pests and regulated-non-quarantine pests.**

Without these lists, risk-based phytosanitary import requirements cannot be developed and, consequently, inspection and testing requirements might be regarded as trade barriers because they are not scientifically justified. The pre-requisite for this is regionally coordinated surveillance programmes for quarantine pests.

II. SPS Common Agenda with phytosanitary priorities:

2. Laboratory assessment

a. A laboratory assessment was done for each CAREC country and covered three types of laboratories: plant health, animal health, and food safety. Lists of basic standard equipment and facilities necessary to perform essential tests and/or identify quarantine pests were prepared and laboratories were assessed through interviews and site visits.

b. [For plant health laboratories perhaps] with the exception of PRC, none of the CAREC countries have the minimum capacity to protect their respective countries from quarantine pests beyond relatively easy-to-identify insects and a few plant diseases by symptoms or by morphology of causal fungi. **SPS facilities at the border are inadequately equipped** and play the role of merely „inspection and sampling“ stations rather than laboratories.



II. SPS Common Agenda with phytosanitary priorities:

3. SPS border services management assessment

a. CAREC countries have begun to reform and modernize border services and systems, the focus has been on the customs service while other services have been dealt with in an ad hoc manner. There is a **need to involve relevant agencies operating at the border** for an efficient and effective border management system. Particular findings [for plant health] are:

*Plant origin products may, in general, be cleared inland. For planting materials, specialized testing or post-entry quarantine may be necessary at destination. **Advance notification of commercial quantities and a proper risk assessment system is necessary.** Small quantities of plant origin goods for personal use and **genuine** cross-border trade should not be subject to physical inspection.*

b. In general: numerous bilateral and multilateral agreements are in place, potentially providing a framework for cooperation on SPS issues, but many **lack the mechanisms for implementation. A CAREC-wide harmonized approach to these agreements** would be more effective.



II. SPS Common Agenda with phytosanitary priorities: General priority recommendations

1. National strategies to adopt and/or implement SPS measures in accordance with international standards, considering all elements of the system i.e., plant health, animal health, and food safety as well as laboratory and border crossing point infrastructure.
2. Establish regular consultation dialogues to discuss SPS issues at regional level including knowledge events on economic benefits of compliance with SPS requirements e.g., harmonization and risk-based control systems.

II. SPS Common Agenda with phytosanitary priorities: Priority recommendations for plant health

1. Increase political awareness of the need to reform primary legislation, allocate government legal expertise for preparing and enacting laws or decrees on plant health measures; plant quarantine and plant protection laws should be unified, together with responsible institutions, to facilitate better resource allocation.
2. Hold regional workshops to develop guidelines for implementing rules and regulations to adopt priority International Standards for Phytosanitary Measures, initiate application for membership in European and Mediterranean Plant Protection Organization (EPPO) for those who are not yet members, and training on **pest risk analysis (PRA)**.

II. SPS Common Agenda with phytosanitary priorities: Priority recommendations for plant health (continued)

3. Develop national **quarantine and regulated non-quarantine pest lists** based on PRA followed by risk-based phytosanitary import requirements. National priority pests would be targets for diagnostic capacity. National priority pests should be pooled to identify common requirements for equipment and reagents, etc.
4. Develop quarantine facilities at the border crossing points.
5. Set up a regional technical working group to design a **regionally coordinated surveillance program** for key quarantine pests (plant health). Unified lists of quarantine pests and regulated non-quarantine pests should be developed for CAREC. Potential partners are EPPO and the European Union (EU) because many of these pests might be quarantine pests ('harmful organisms') for the EU. Priority zoning is also needed.



Current and future CAREC SPS projects

- Current Loan Agreement

Regional Upgrades of SPS Measures for Trade (RUST) helping Mongolia comply with the WTO SPS Agreement by upgrading laboratories and border inspection facilities and establishing an SPS inspection system. (<https://www.adb.org/projects/46315-001/main>)

- TA project about to start

Alignment of SPS measures in CAREC countries with international standards and development and implementation of border SPS management strategy at selected border crossing points.

III. Implementation of CAREC SPS Common Agenda on selected issue: Risk-based phytosanitary control on clearance formalities. SPS risk harmonization with customs approach.

1. SPS Risk-based phytosanitary controls

- SPS Agreement: risk assessment
- IPPC (1997 version consistent with SPS Agreement): pest risk analysis (PRA)
- PRA needed for:
 - *Deciding which potential regulated pests are actually quarantine pests or regulated non-quarantine pests*
 - *Determining import requirements for commodities that pose pest risk*
 - *'Emergency' risk assessment in case of interception of new pests and new commodities*
 - *Policy changes, e.g. banning of pesticide creating difficulties for containment or eradication*
 - *Priorities for surveillance*
 - *With fully specified import requirements, as in EU, **import permits** are redundant*
- Minimal or zero risk: exempt from controls – e.g. no phytosanitary certificate or import permit for processed vegetables or roasted nuts



III. Implementation of CAREC SPS Common Agenda on selected issues:

2. How should PRA be done?



- Two main components:
 - *Pest risk assessment – very definitely ‘science’, with rigorous procedures*
 - *Pest risk management – IPPC means making recommendations to decision makers for best options to reduce or eliminate risk*
 - (Controversy – in some jurisdictions, risk management is taken away from scientists and put in hands of administrators)
- Pest risk assessment
 - *Discipline in its own right apart from traditional pest management specialisms*
 - *Small, permanent core team to manage PRA and provide quality control – recommend plant pathologist, entomologist, weed scientist, economist as minimum*
 - *Experts for particular pests/commodities: e.g. virology, nematology, specific insect taxa*

III. Implementation of CAREC SPS Common Agenda on selected issues:

3. Impact of PRA

- Regionalisation for coordination of surveillance
- Removal of non-risk items from phytosanitary controls
 - *processed food of plant origin*
 - *small quantities for personal consumption*
 - ***Genuine cross-border trade?***



III. Implementation of CAREC SPS Common Agenda on selected issues:

4. Phytosanitary border controls and trade facilitation

Article 8/Annex C → new Agreement on Trade facilitation

Documentary requirements and fees consistent with Article 8/Annex C

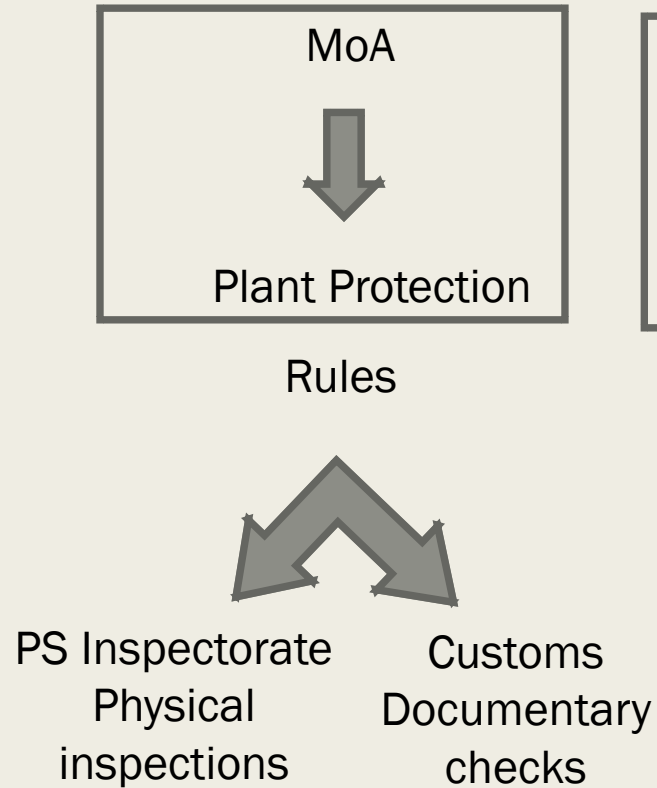
'Evolution' of SPS border controls →

A. Trade facilitation and integration of border inspections

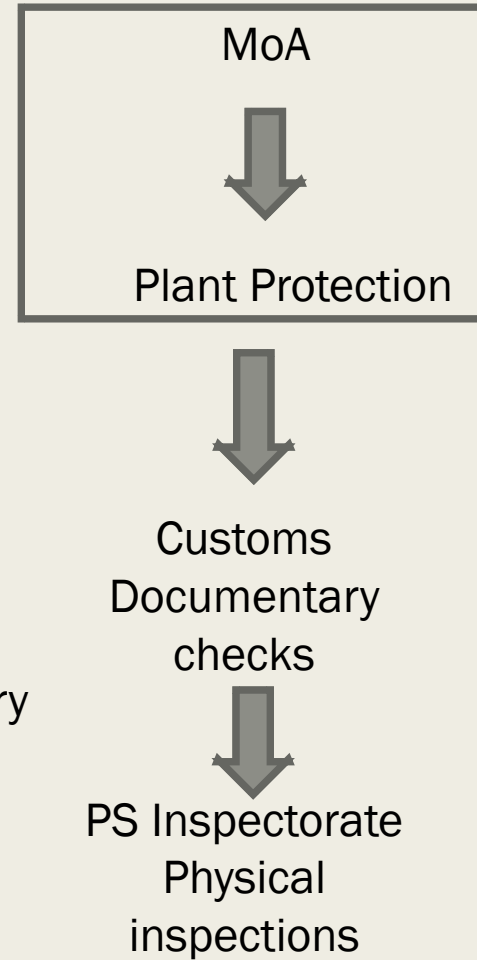
1. Ultimate 'rationalisation' of trade facilitation is to empower Customs as regulatory authority and border inspection agency
2. However, there is a danger that the importance of SPS measures will be underestimated, particularly with weakening of role of ministries responsible for agriculture, food and health whose expertise equips them to be 'competent authorities'
3. Trade facilitation initiatives to improve the performance of customs remains a focus, it is only one of the many agencies involved in border processing and, frequently, most targeted for investment and modernization. In many countries, customs agencies already use ICT systems to process declarations and use some form of risk management in guiding controls.

'Evolution' of border inspection services with trade facilitation

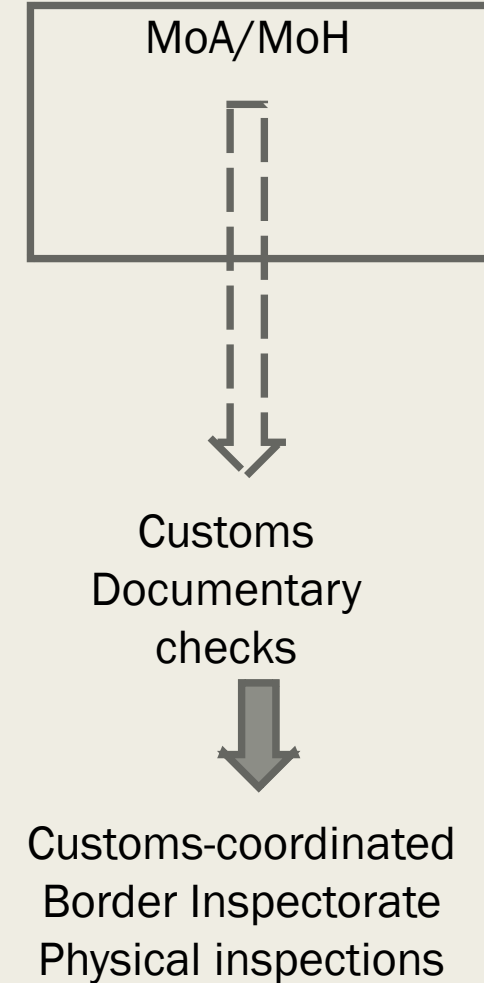
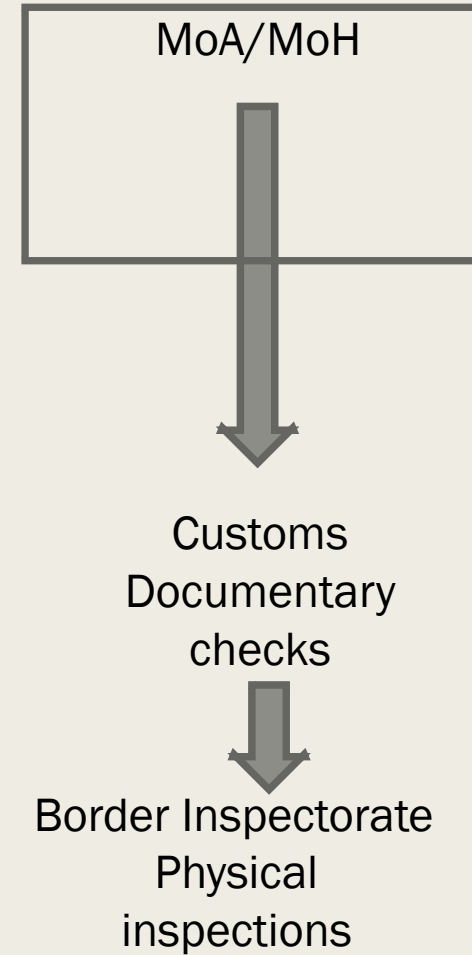
Traditional approaches



Integrated border inspections



Trade facilitation Ultimate 'rationalisation'



III. Implementation of CAREC SPS Common Agenda on selected issues:

4. Phytosanitary border controls and trade facilitation

B. Focusing on SPS border controls

1. The focus of reform efforts needs to address the issues of the systems and procedures employed by SPS agencies. Achieving meaningful trade facilitation requires a comprehensive approach based on effective information sharing, streamlining of procedures, and genuine collaboration among all border management agencies. *Use to avoid unnecessary documentation, inspections and fees.*

2. Customs 'risk management' refers to risk of missing opportunities to collect revenue as well as missing contraband goods, i.e. priorities may be consignments of certain value rather than SPS risk

3. Inland inspections are encouraged to relieve congestion at border crossings but ensure that 'green channel' imports are inspected where necessary according to risks



III. Implementation of CAREC SPS Common Agenda on selected issue: 5. Where does policy and technical support come from with 'rationalisation' for trade facilitation?

- Who does PRA and who develops policy underlying rules?
- Rules include full phytosanitary import requirements as ideal but will always need back-up support in case of new situations
 - *Avoid discarding existing expertise in Ministry of Agriculture and needing to recreate expertise in inspection body*
- But also regulatory 'firewall' is needed between policy development and source of rules and inspectorate applying the rules – especially for diagnosis and identification of pests

III. Implementation of CAREC SPS Common Agenda on selected issues:

6. Pest identification and diagnosis

- Expertise and specialist laboratories for diagnosis and identification of pests
 - *Limit to what can be expected of 'laboratories' at BIPs*
 - *Upgrading existing facilities with advanced training for staff– could be government or private*
- Shared regional laboratories not generally successful for routine plant health, but centres of excellence should be encouraged:
 - *Advanced training*
 - *Confirmation for key taxa of critical quarantine importance*

IV. Quarantine pests and regulated non-quarantine pests: meeting IPPC and WTO SPS Agreement requirements

1. Knowing the regulated pests – quarantine pests, regulated non-quarantine pests
 - Start with lists for **potential** regulated pests – [*tentative list*](#)
 - Coordinated surveillance throughout region first to determine which of these pests are present in which countries – A1, A2 lists
 - [*QPs so far recognised in CAREC region*](#) from available information
 - PRA on a national basis to determine which pests are regulated pests
 - *Communication and data sharing with regional partners, EPPO, etc.*
 - *Regional pool of specialists for PRA – sharing expertise*
 - PRA for specific import requirements for each commodity type
 - Exemption from controls for low/zero-risk items

IV. Quarantine pests and regulated non-quarantine pests: meeting IPPC and WTO SPS Agreement requirements

2. International Standards for Phytosanitary Measures (ISPMs)

- Phytosanitary standards under IPPC for phytosanitary are procedural standards for consistency with SPS Agreement

- *avoid measures being trade barriers in themselves – not-based on risk, discriminatory, etc.*



- N.B. ISPMs describe procedures, they do not explain how to do them. For example, ISPM 11 describes the processes of PRA but NOT does provide methodology. *Hands on training will be required for correct implementation of many ISPMs*

Priority ISPMS for Central Asia

- List of ISPMs from IPPC portal <https://www.ippc.int/en/core-activities/standards-setting/ispms/>
- Recommended priorities:

ISPM 06 ***Guidelines for surveillance***

ISPM 07 ***Phytosanitary certification system***

ISPM 11 ***PRA for quarantine pests [wide sense]***

ISPM 12 ***Phytosanitary certificates***

ISPM 13 ***Guidelines for notification of non-compliance and emergency action***

ISPM 14 ***Use of integrated measures for systems approach to pest risk management***

ISPM 15 ***Regulation of wood packaging in international trade***

ISPM 17 ***Pest reporting***

ISPM19 ***Guidelines on lists of regulated pests***

ISPM 20 ***Guidelines for phytosanitary import regulatory system***

ISPM 21 ***Pest risk analysis for regulated non-quarantine pests***

ISPM 23 ***Guidelines for inspection***

ISPM 27 ***Diagnostic protocols – Annexes for specific pests as appropriate***



IV. Quarantine pests and regulated non-quarantine pests: meeting IPPC and WTO SPS Agreement requirements

3. Inspection and sampling facilities at BIPs and laboratories

- BIPs visited have rudimentary 'laboratories' in some cases but generally fall below [minimum recommended requirements](#) (based on EU Directive 98/22/EC)
- Emphasised that apart from some easily identifiable insects, and perhaps some fungal pests, reference to a specialist, well equipped and professionally staffed laboratory will be necessary
- This implies facilities and training for **secure*** sampling and packaging of specimens and good communication and physical transport links between BIP and laboratory
 - **Samples and specimens are likely to present biosecurity risk**
- [Recommendations for equipment and infrastructural requirements for phytosanitary laboratory](#)



IV. Quarantine pests and regulated non-quarantine pests: meeting IPPC and WTO SPS Agreement requirements

4. Phytosanitary authorities and contact points in C5

SPS Agreement Article 7/Annex B (Transparency)

SPS Enquiry Point (Annex B paras. 3-4)

SPS National Notification Authority (Annex B para. 5-10)

Country	Phytosanitary Competent Authority	SPS National Notification Authority	SPS Enquiry point
Kazakhstan			
Kyrgyz Republic			
Tajikistan			
Turkmenistan			
Uzbekistan			

IV. Quarantine pests and regulated non-quarantine pests: meeting IPPC and WTO SPS Agreement requirements

5. Update on state of laws for plant protection and plant quarantine

Country	Separate or unified plant protection and plant quarantine laws?	Complies with IPPC (1997 version)?	Law exclusively for agrochemicals/pesticides?	Comments
Kazakhstan	Yes/No	Yes/No	Yes/No	
Kyrgyz Republic	Yes/No	Yes/No	Yes/No	
Tajikistan	Yes/No	Yes/No	Yes/No	
Turkmenistan	Yes/No	Yes/No	Yes/No	
Uzbekistan	Yes/No	Yes/No	Yes/No	

IV. Quarantine pests and regulated non-quarantine pests: meeting IPPC and WTO SPS Agreement requirements

6. Recommendations for reform of legal provisions for phytosanitary controls

- Unify laws for 'domestic plant protection' and plant quarantine/plant health
- Primary law should implement IPPC (1997 version)
- Separate law for pesticides registration and control
- Secondary legislation (Regulations, Orders, etc.) to implement ISPMs
- Adjust institutional responsibilities as necessary but ensure that MoA has firm role in phytosanitary policy and risk-based rule making
- Involve private sector to lobby for reform to create political will?

Thank you for your attention!

Acknowledgments

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