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**REPORT OF THE MEMBER NATIONS
CONSULTATION ON
THE REVISION OF THE PLANT PROTECTION
AGREEMENT FOR THE ASIA AND PACIFIC REGION**

**8-12 February 1999
FAO-RAP, Bangkok, Thailand**

**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
REGIONAL OFFICE FOR ASIA AND THE PACIFIC (RAP)
BANGKOK, THAILAND**

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**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
REGIONAL OFFICE FOR ASIA AND THE PACIFIC (RAP)
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REPORT OF THE MEMBER NATIONS CONSULTATION ON THE REVISION OF THE PLANT PROTECTION AGREEMENT FOR THE ASIA AND PACIFIC REGION

Opening Session

1. The meeting was addressed by Dr. C.Y. Shen, Regional Plant Protection Officer and Executive Secretary of the APPPC, with a request for the country delegates and observers to briefly introduce themselves. The list of delegates, observers and FAO staff is in Annex 1. The adopted agenda and timetable is in Annex 2.
2. Dr. Prem Nath, Assistant Director General and Regional Representative, FAO Regional Office for Asia and the Pacific, formally opened the meeting by outlining the history of the Asia and Pacific Plant Protection Commission (APPPC) Agreement and the most recent development of a revised text by the "Expert Working Group Meeting on the Revision of the Plant Protection Agreement for the Asia and Pacific Region" in April, 1998. Since there had been no consensus on the text, a draft Agreement with bracketed text had been sent to the member countries of the APPPC for comment. The purpose of this Meeting was to try to produce an agreed text that would be tabled for consideration at the 21st Session of the Commission to be held in Indonesia in July 1999.
3. Dr. N.A. van der Graaff, Chief, Plant Protection Service and Secretary of the IPPC outlined the technical issues that had prompted the need for a revision, particularly alignment with the WTO-SPS Agreement and the 1997 IPPC revised text. He also noted that the issues to be considered, concentrated on those of trade and phytosanitary control, but that the APPPC Agreement also dealt with pesticide and IPM matters. The rapid acceptance of any agreed amendments had also to be considered as well as the possibility of the adoption of some of the revisions as an interim arrangement.

Election of Chairperson, Vice Chairperson and Rapporteur

4. Dr. J. Hedley of New Zealand was elected as the Chairperson of the Session, and Dr. Sirisingh of Thailand as Vice-Chairperson, proposed by the Philippines and seconded by India.
5. Dr. R. Ikin of Australia, and Dr. Ragunathan of India were elected as rapporteurs, proposed by Vietnam and seconded by Malaysia.

Revision of the APPPC Agreement

6. Dr. C.Y. Shen gave a brief outline of the history of the revision of the APPPC Agreement, indicating that the 20th Session of the Commission held in Thailand in 1997, had allocated high priority to this in the work programme. The draft document developed by the "Expert Working Group Meeting on the Revision of the Plant Protection Agreement for the Asia and Pacific Region" during its meeting of 20–24 April 1998 had been circulated to Contracting Governments and 14 country responses had been received. All country comments were included in the documentation of the meeting.
7. The Chairperson requested country representatives to outline their comments with emphasis on the specific issues they wished to raise, the number of sub-commissions that might be formed and the issue of requirements for the import of rubber propagating material and seed from countries where SALB was present.

8. Each country representative gave a brief outline of the comments their governments had submitted. The meeting noted that, for legal reasons, it was not possible to further amend the amendments adopted in 1984 relating to financial matters, as these were not yet in force. The meeting considered the revised text Article by Article. The revised text of the APPPC Agreement is in Annex 3. In the following paragraphs, a number of major issues raised during the discussion are reported.

9. **Article I bis. Use of terms:** The definition of the Asia and Pacific Region was discussed. It was decided that the existing definition of, based on the geographical area, was the least controversial and that it be retained.

It was decided to add the following terms:
Control,
Genetically modified organism (living modified organism),
Pest free area,
Officially controlled,
Treatment.

To bring the APPPC Agreement into line with the IPPC, the terms “regulated pest” and “regulated non-quarantine pest” were also introduced.

10. There was general agreement for the inclusion of reference to GMOs in the functions of the Commission. The Secretariat was requested to draft a specific definition before the next APPPC Session. Delegates indicated that this definition should include plants and plant products and other organisms as they relate to pest control, including biological control agents. The Secretariat was also requested to include a definition of “officially controlled”, which is presently under consideration by the Glossary Working Group established by the IPPC Secretariat.

11. **Article II. Regional Commission:** It was decided, for clarity, to divide the article in three parts to describe its establishment, functions and procedures. The meeting considered the implementation of IPM in the region of great importance and therefore added this item to the functions of the Commission.

12. **Article II bis. Sub-commissions:** An important addition was a sub-Article indicating that a sub-commission, in its sub-region, could assume some or most of the functions of the Commission. The sub-commissions could develop and adopt sub-regional standards. The meeting emphasized there should be a small number of sub-commissions (3–4) and geographical regions should be the main determining factor.

13. **Article II ter. Secretariat:** Language was added to define the functions of the Secretariat.

14. **Article III (V).** Many delegates considered it important that lists of regulated pests of importance for individual sub-regions be prepared. It was, therefore, decided to combine the alternative text with the original text of the Article under the heading **Regulated pests.**

15. **Article IV and Appendix B (SALB):** Some delegates continued to express concern on the inclusion of any reference to SALB either in the APPPC Agreement or as an Appendix, because they considered it inappropriate to emphasize one particular pest problem. These delegates noted the lack of scientific evidence for the specific measures proposed, and the possibility of the imposition of obligations on countries not growing rubber plant, which they considered, was not in accordance with their obligations under international treaties. Delegates representing rubber producing countries insisted on the retention of sufficient

reference to SALB in the APPPC Agreement to ensure continued protection from the introduction of SALB into the region.

16. Dr. R. Ikin and Dr. A. de S. Liyanage (Australia) presented a pest risk analysis (PRA) on “South American leaf blight of Hevea” (Annex 4). This PRA concluded that restrictions on the import of budwood to rubber plant growing countries from countries infected with SALB were justified, and that risk could be managed by treatment and by growth in post entry quarantine. It concluded that the restrictions on the import of seed and non-Hevea material as stipulated in Appendix B were not technically justified. It was recognized that SALB had not entered the region, despite the existence of non-monitored pathways. Delegates from rubber producing countries did not support all the conclusions of the PRA as they considered that specific technical information for a number of steps in the process was lacking, but considered that the PRA report could be a useful technical resource for the development of a SALB standard in future.

17. It was recommended that a standard on phytosanitary measures to exclude SALB from the region be developed as soon as possible and that this would involve experts from rubber producing countries. When the standard was finalized the relevant Article on SALB and the Appendix would cease to be in effect. Some delegates suggested a fixed timeframe, but this was not acceptable to most delegates because of the lack of technical resources to provide the information required to develop such a document. It was noted that some research would be required to provide information to complete the PRA. Rubber producing countries indicated that they would require financial assistance to conclude the research required and the PRA.

18. A transitional Article and an Appendix on SALB were developed with the aim of providing protection to the region from its introduction during an interim period. In the Appendix the specific references to the American tropics were removed in favour of reference only to countries where SALB was recorded. It was recommended that the Commission develop a list of countries in which SALB was recorded.

19. There was considerable discussion on the need to identify and classify the countries in the region that would be considered as rubber plant growing countries and those which had rubber plants that were not of commercial importance. It was agreed that a list of Contracting Governments where Hevea rubber was grown commercially, or where a number of Hevea plants occurred in such circumstances to pose a significant risk of establishment and transmission to the commercially rubber plant growing countries, and those that have contiguous border with these countries, would be determined by the Commission. The list would be included in an Annex to the Appendix.

20. **Article VI. General exemptions:** It was agreed to delete the Article, as it would limit the applicability of the APPPC Agreement.

21. **Article IX. Settlements of Disputes:** Disputes would first be considered by the Commission. If the Commission were not able to resolve the disputes concerned, it could be referred to dispute settlement along the lines of the IPPC. For this purpose, the language of Article 11 of the IPPC was included in the Article.

22. **Article IV; IV.2; II quar; III.1; XI. References to voting:** To harmonize the voting procedures within the APPPC Agreement and also with the IPPC, of which the Commission is a subsidiary body, it was determined that the general rule would be a two-thirds majority present and voting. Regional and sub-regional standards would be adopted by consensus. There was no consensus on the voting procedure for the amendment of the Appendix on SALB. Therefore, the present voting procedure (unanimity) would continue.

Adoption of the Report

23. The report was adopted. In adopting the report, it was noted that countries must ensure that the draft APPPC Agreement is scrutinized by the Government department responsible for international treaties before the next session of the Commission.

**Member Nations Consultation on the Revision of the Plant Protection Agreement for
the Asia and Pacific Region
8-12 February 1999**

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**Member Nations Consultation on the Revision of the Plant Protection Agreement for
the Asia and Pacific Region
8–12 February 1999, Bangkok, Thailand**

Agenda and Timetable

Monday 8 February 1999

OPENING SESSION

09:00–09:15	Pre-opening stage: Participants will briefly introduce themselves
09:15–09:30	Opening address by Dr. Prem Nath ADG/RR
09:30–09:45	Address by Dr. N.A. Van der Graaff Chief, Plant Protection Service, FAO, Rome
09:45–10:15	Group photo and break
	Technical Session
10:15–10:30	Election of Chairperson, Vice-Chairperson and Rapporteur Adoption of the Agenda
10:30–10:45	Brief report on the Progress of Revision of Plant Protection Agreement of the Asia and Pacific Region
10:45–12:15	Presentation of country comments
12:15–13:30	Lunch
13:30–15:00	Continuation of presentation of country comments
15:00–15:15	Break
15:15–17:00	Continuation of presentation of country comments

Tuesday 9 February 1999

08:30–09:00	Summary of comments by Dr. J. Hedley
09:00–10:00	Discussion and planning of tasks
10:00–10:15	Break
10:15–12:00	Continuation of discussion
12:00–13:30	Lunch
13:00–15:00	Continuation of discussion
15:00–15:15	Break
15:15–17:00	Continuation of discussion

Wednesday 10 February 1999

08:30–10:00	Review and continuation of discussion
10:00–10:15	Break
10:15–12:00	Continuation of discussion

12:00–13:30	Lunch
13:30–15:00	Continuation of discussion
15:00–15:15	Break
15:15–17:00	Prepare draft

Thursday 11 February 1999

08:30–10:00	Discuss the revised draft
10:00–10:15	Break
10:15–12:00	Continuation of discussion
12:00–13:30	Lunch
13:30–15:00	Continuation of discussion
15:00–15:15	Break
15:15–17:00	Prepare draft

Friday 12 February 1999

08:30–10:00	Discussion on second draft of Revision of Plant Protection Agreement for the Asia and Pacific Region
10:00–10:15	Break
10:15–12:00	Discuss the follow up activities Adoption of the Report Closure of the Consultation

REVISION OF THE PLANT PROTECTION AGREEMENT FOR THE ASIA AND PACIFIC REGION

Underlined: amendments of 1984 that are not yet in force.

PLANT PROTECTION AGREEMENT FOR THE ASIA AND PACIFIC REGION

PREAMBLE

The Contracting Governments,

- desiring, through cooperative action, to prevent the introduction into and spread within the Asia and Pacific Region of plant pests and to take measures for their control;
- taking fully into account the need to protect plant, human and animal health and the environment,
- taking note of the results of the Uruguay Round of Multilateral Trade Negotiations, in particular the Agreement on the Application of Sanitary and Phytosanitary Measures;
- recognizing the need for the harmonization of phytosanitary measures,

have concluded the following Agreement, within the framework of Article XIV of the Constitution of the Food and Agriculture Organization of the United Nations, as a supplementary agreement under the International Plant Protection Convention:

ARTICLE I

Purpose and Responsibility

1. The Contracting Governments, with the purpose of securing common and effective action in preventing the introduction and spread of pests of plants and plant products, promoting appropriate measures for their control, and facilitating trade while protecting the sustainability of agriculture and protecting plant, human and animal health and the environment, undertake to adopt the legislative, technical and administrative measures specified in this Agreement.
2. Each Contracting Government shall assume responsibility, without prejudice to obligations assumed under other international agreements, for the fulfillment within its territories of all requirements under this Agreement.
3. Where appropriate, the provisions of this Agreement may be deemed by Contracting Governments to extend, in addition to plants and plant products, to storage places, packaging, conveyances, containers, soil and any other organism, object or material capable of harbouring or spreading plant pests, particularly where international transportation is involved.

ARTICLE II

Use of Terms

In this Agreement and in the appendices hereto, the following terms shall have the meaning hereby assigned to them, except where the context otherwise requires:

“Asia and Pacific Region” (hereinafter called ‘The Region’) - all territories in Asia, east of the western boundary of Pakistan and of the western boundary of China and south of the northern boundary of China and west of the eastern boundary of China, together with all those territories in the Pacific Ocean, the South China Sea and the Indian Ocean situated wholly or partly in the area bounded by longitude 100° East, latitude 45° South, longitude 130° West, latitude 38° North to the point of its intersection with the eastern coast of China;

“Commission” - the Asia and Pacific Plant Protection Commission established in pursuance of Article III of this Agreement;

“Control” - suppression, containment or eradication of a pest population;

“Genetically modified organisms” -

“International standards” - international standards established under the International Plant Protection Convention or under the auspices of its Secretariat;

“Introduction” - the entry of a pest resulting in its perpetuation, for the foreseeable future, within an area after entry;

“Official” - established, authorized or performed by a National Plant Protection Organization;

“Officially controlled” - **** (awaiting consideration by the Group on Glossary);

“Organization” - the Food and Agriculture Organization of the United Nations;

“Pest” - any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;

“Pest free area” - an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, as appropriate, this condition is being officially maintained;

“Quarantine pest” - a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

“Regulated non-quarantine pest” - a non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing contracting Government;

“Regulated pest” - a quarantine pest or a regulated non-quarantine pest;

“Treatment” - officially authorized procedure for the killing, removal or rendering infertile of pests.

ARTICLE III

Establishment of the Asia and Pacific Plant Protection Commission

The Contracting Governments hereby establish a regional Commission, to be known as the Asia and Pacific Plant Protection Commission.

ARTICLE IV

Functions of the Commission

1. The functions of the Commission shall include:

- a. the determination of procedures and arrangements necessary for the implementation of this Agreement and the making of recommendations to the Contracting Governments accordingly;
- b. the review of the state of plant protection in the region and the need for action to prevent the introduction and spread of pests;
- c. the promotion of appropriate measures to prevent the introduction and spread of pests of plants and plant products, and to control pests, including the use of integrated pest management, as appropriate, eradication and the establishment of Pest free areas and areas of low pest prevalence and the application of phytosanitary measures in relation to genetically modified organisms;
- d. the development and adoption of Regional Standards, including the development of pest risk analyses, and the identification of pests for common action and recognition of pest free areas and areas of low pest prevalence;
- e. assistance in the development of International Standards to be adopted within the framework of the International Plant Protection Convention;
- f. the review of the status of integrated pest management and the promotion of its implementation within the Region;
- g. the harmonization of the requirements for pesticide registration and usage;
- h. the collection, collation and dissemination of information on plant protection in the region as decided by the Commission;
- i. the coordination and, as appropriate, the arrangement for training of human resources;
- j. the promotion and development of multilateral and, as appropriate, bi-lateral arrangements to further the objectives of this Agreement;
- k. coordination of the work of the sub-commissions and consideration of matters of regional concern arising from that work;
- l. the resolution of technical issues; and
- m. the adoption of the programme of activities and the budget for the ensuing financial period, and their transmission to the Director-General for submission to the Council of the Organization prior to implementation.

ARTICLE V

Procedures of the Commission

1. Each Contracting Government shall be represented on the Commission and shall have one vote. However, a Contracting Government which is in arrears in the payment of its financial contributions to the Commission, shall have no vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding financial years. A majority of the Contracting Governments shall constitute a quorum.

2. The Contracting Governments shall make every effort to reach agreement on all matters by consensus. If all efforts to reach consensus have been exhausted and no agreement is reached, the decision shall, as a last resort, be taken by a two-thirds majority of the Contracting Governments present and voting, except as otherwise provided in this Agreement.

3. The Commission shall meet whenever convened by the Director-General of the Organization after consultation with by the Chairperson of the Commission. The Chairperson shall convene the Commission at least once every two years or when so requested by at least one third of the Contracting Governments.

4. The Commission shall elect from amongst the delegates a Chairperson who shall serve for a period of [four] [two] years. The Chairperson shall be eligible for re-election.

NOTE: Article II para 5 was deleted as part of the 1984 amendment

[6] 5. The Commission shall establish its own rules of procedures.

ARTICLE VI

Sub-commissions

1. The Commission may establish regional sub-commissions. Criteria for membership of regional sub-commissions shall include ecogeographic zoning, crops, pests, geographical proximity, defensible quarantine regions and trade relationships.

2. A Contracting Government may be member of more than one sub-commission.

3. A sub-commission shall provide a forum for consultation and cooperation on plant protection matters affecting the members of the sub-commission and, in addition to any special functions conferred on it by this Agreement, shall exercise, as appropriate, the functions of the Commission on those matters, with the exception of the adoption of regional standards.

4. A sub-commission may recommend regional standards for adoption by the Commission.

ARTICLE VII

Secretariat

1. The Director-General of the Organization shall appoint and provide the secretariat of the Commission from the staff of the Organization.

2. In the event that the Commission has its own autonomous budget, the Director-General shall appoint the Secretary of the Commission with the approval of the Commission.

3. The Secretary shall be responsible for implementing the policies and activities of the Commission and carrying out such other functions as may be assigned to the Secretary by this Agreement and shall report thereon to the Commission.

4. The secretariat shall cooperate with the sub-commissions in achieving the aims of the agreement.

ARTICLE VIII

Regional and Sub-regional Standards

1. The Contracting Governments agree to cooperate in the development of regional and sub-regional standards in accordance with the procedures adopted by the Commission.
2. Regional standards shall be adopted by the Commission by consensus.
3. Sub-regional standards shall be adopted by the sub-commission concerned by consensus and shall be reported to the Commission.
4. Regional and sub-regional standards shall be consistent with the principles of the International Plant Protection Convention.
5. Contracting Governments should take into account, as appropriate, standards adopted under this Agreement when undertaking activities related to this Agreement.

ARTICLE IX

International Cooperation

The Commission shall cooperate with the bodies established under the International Plant Protection Convention, with regional plant protection organizations established under that Convention and, as appropriate, other relevant international organizations to the fullest practicable extent in achieving the aims of this Agreement, and shall in particular:

- cooperate in the exchange of information on plant pests, particularly the reporting of the occurrence, outbreak or spread of pests that may be of immediate or potential danger, in accordance with such procedures as may be established by the Commission;
- participate, in so far as is practicable, in any special campaigns for combatting pests that may seriously threaten crop production and need international action to meet the emergencies; and
- as appropriate, cooperate with the Secretary of the International Plant Protection Convention and its Commission, in particular, in developing International Standards.

ARTICLE [III] X

Finance

1. Each Member of the Commission undertakes to contribute its share of the biennial budget, as approved by the Commission by a two-thirds majority of its Members at the session to be convened by the Director-General of the Organization at least once every two years in accordance with paragraph 3 of Article II. The contribution of each Member shall be divided into two equal installments, one of which shall be payable at the beginning of the first year of the biennium, and the other at the beginning of the second year.
2. Where a Contracting Government becomes a Member of the Commission in the course of a biennium, its contribution for that biennium shall be determined in accordance with principles established by the Commission.

3. Contributions shall be made in cash and shall be payable in currencies to be determined by the Commission after consultation with each Member and with the concurrence of the Director-General of the Organization.
4. Contributions from Members, as well as any supplementary contributions from Members or donations from other sources made to the Commission in order to support specific activities, shall be placed in one or more trust funds administered by the Director-General in conformity with the Financial Regulations of the Organization.
5. At the end of each financial period, any uncommitted balance in the Commission's budget shall be available to finance activities carried out in the following financial period.
6. In addition to making their contributions provided for in paragraph 1 or supplementary contributions in accordance with paragraph 4 of this Article, Members of the Commission may establish a national fund into which they may pay moneys in their national currency or in other currencies to be used for implementing the Commission's programmes and projects. Any such national fund shall be administered by the Member concerned.

ARTICLE [IV] XI

Expenses

1. The Director-General of the Organization shall appoint and provide the secretariat of the Commission from the staff of the Organization. The expenses of the Commission shall be paid out of its budget, with the exception of those relating to such staff and facilities as may be borne by the Organization within the limits of the biennial budget prepared by the Director-General of the Organization and approved by the Conference of the Organization.
2. Expenses incurred by representatives of Contracting Governments in attending sessions of the Commission shall be determined and paid by their respective governments.

ARTICLE [III] XII

Regulated Pests

1. To assist in the undertaking of cooperative action on regulated pests, sub-commissions may compile data sheets, undertake pest risk analyses and develop standards to provide guidance on appropriate regulatory action.
2. For the purpose of preventing the introduction into a sub-region of destructive pests, each sub-commission may establish lists of regulated pests. For regulated pests included in such lists, each Contracting Government in the sub-region concerned shall use its best endeavours to apply, with respect to the importation of any plants, including their packages and any packing material of plant origin, from anywhere outside the sub-region, such measures of prohibition, certification, inspection, disinfection, disinfestation, quarantine, destruction or other measures as may be recommended by the sub-commission concerned, taking into consideration the provisions of the International Plant Protection Convention.

ARTICLE [V] XIII

Measures Regarding Movement of Plants within the Region

For the purpose of preventing the spread within the Region of destructive diseases and pests, each Contracting Government shall use its best endeavours to apply, with respect to the importation into its territory of any plants, including packings and containers, and any packings and containers of plant origin, from another territory within the Region, such measures of prohibition, certification, inspection, disinfection, disinfestation, quarantine, destruction or other measures as may be recommended by the Commission, in addition to measures already adopted by each Contracting Government.

ARTICLE [IV] XIV

Transitional Measures to Exclude South American Leaf Blight of Hevea from the Region

1. In view of the importance of the Hevea rubber industry in the Region, and of the danger of introducing the destructive South American leaf blight (*Microcyclus ulei*) of the Hevea rubber tree, the Contracting Governments shall, for a transitional period as specified in paragraph 3, take the measures specified in the Appendix to this Agreement. The Appendix to this Agreement may be modified by a decision of the Commission taken unanimously.

2. The Contracting Governments undertake to work through the Commission as a matter of priority on the establishment of an appropriate regional or sub-regional standard or standards under Article VIII above, including the creation of buffer zones, to prevent the introduction and spread of South American leaf blight in the Region and on the carrying out of the necessary scientific work and pest risk analysis in this respect, such scientific work and pest risk analysis to be carried out with the involvement of the rubber producing Contracting Governments in accordance with international standards.

3. This transitional Article and the Appendix shall cease to be in effect as of the date on which a standard or standards referred to in paragraph 2 above comes into effect, as notified to the Contracting Governments by the Director-General of the Organization.

ARTICLE [VII] XV

Settlement of Disputes

1. If there be any dispute regarding the interpretation or implementation of this Agreement, or regarding action taken by any Contracting Government under this Agreement, the Contracting Governments concerned shall make every effort to settle the dispute amicably through consultations and/or negotiations between them.

2. If the dispute cannot be resolved by the means referred to in paragraph 1, it shall, upon the request of any of the Contracting Governments concerned be submitted to the Commission.

3. If the dispute cannot be resolved by the means referred to in paragraphs 1 and 2, the Contracting Government or Governments concerned may request the Director-General of FAO to appoint a committee of experts to consider the matter in dispute, in accordance with rules and procedures that may be established by the Commission. Such rules and procedures shall be consistent with any rules and procedures on dispute settlement established under, or in connection with, the International Plant Protection Convention.

4. This Committee shall include representatives designated by each Contracting Government concerned. The Committee shall consider the matter in dispute, taking into account all documents and other forms of evidence submitted by the Contracting Governments concerned. The Committee shall prepare a report on the technical aspects of the dispute for the purpose of seeking its resolution. The preparation of the report and its approval shall be according to rules and procedures established by the Commission, and it shall be transmitted by the Director-General to the Contracting Governments concerned. The report may also be submitted, upon its request, to the competent body of the international organization responsible for resolving trade disputes.

5. The Contracting Governments agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the Contracting Governments concerned of the matter out of which the disagreement arose.

6. The Contracting Governments concerned shall share the expenses of the experts.

7. The provisions of this Article shall be complementary to and not in derogation of the dispute settlement procedures provided for in other international agreements dealing with trade matters.

ARTICLE [VIII] XVI

Rights and Obligations of Contracting Governments not Parties to the International Plant Protection Convention

Nothing in the International Plant Protection Convention shall affect the rights and obligations under this Agreement of Contracting Governments that are not parties to the Convention.

ARTICLE [IX] XVII

Amendment

1. Any proposal by a Contracting Government for the amendment of this Agreement, except the Appendix, shall be communicated to the Director-General of the Organization.

2. Any proposed amendment of this Agreement received by the Director-General of the Organization shall be presented to a session of the Commission for approval.

3. Notice of any proposed amendment of this Agreement shall be transmitted to the Contracting Governments by the Director-General of the Organization not later than the time when the agenda of the session of the Commission at which the matter is to be considered is dispatched.

4. Amendments of this Agreement shall be adopted by the Commission by a two-thirds majority vote of the Contracting Governments present and voting and shall be Subject to approval by the Council of the Organization.

5. Any amendment of this Agreement approved by the Council of the Organization shall come into force for all Contracting Governments as from the thirtieth day after acceptance by two thirds of the Contracting Governments. Any amendment involving new obligations for Contracting Governments, however, shall come into force in respect of each Contracting Government, after its acceptance by two thirds of the Contracting Governments, only on acceptance by it and as from the thirtieth day after such acceptance.

6. The instruments of acceptance of amendments shall be deposited with the Director-General of the Organization. The effective date of acceptance shall be the date of such deposit. The Director-General of the Organization shall inform all Contracting Governments of the receipt of acceptances and the entry into force of amendments.

ARTICLE [X] XVIII

Signature and Adherence

1. The Government of any State situated in the Region, or any Government which is responsible for the international relations of a territory or territories in the Region, may become a party to this Agreement, by either

- a. signature; or
- b. signature subject to ratification followed by such ratification; or
- c. adherence

Governments may not subject their signature, ratification or adherence to any reservation.

2. This Agreement, the text of which was approved by the Council of the Organization on 26 November 1955, shall be open for signature until 30 June 1956 or until the date of its entry into force in conformity with the provisions of Article [XI] XIX paragraph 1, whichever date is the later. The Director-General of the Organization shall immediately inform all signatory parties of the signature of this Agreement by any other Government. Ratification shall be effected by the deposit of an instrument of ratification with the Director-General of the Organization and shall become affective as from the date of deposit.

3. This Agreement shall be open for adherence as from 1 July 1956 or from the date of its entry into force in conformity with the provisions of Article [XI] XIX, paragraph 1, whichever date is the later. Adherence shall be effected by the deposit of an instrument of adherence with the Director-General of the Organization and shall become effective as from the date of deposit.

4. The Director-General of the Organization shall immediately inform all signatory and adhering Governments of the deposit of an instrument of ratification or of adherence.

ARTICLE [XI] XIX

Entry into force

1. This Agreement shall come into force as soon as three Governments have become parties to it, either by signature, or by signature subject to ratification followed by such ratification.

2. The Director-General of the Organization shall notify all signatory Governments of the date of entry into force of this Agreement.

ARTICLE [XII] XX

Denunciation and Termination

1. Any Contracting Government may, at any time after the expiration of one year from the date on which it became a party to the Agreement, or from the date on which the Agreement

entered into force, whichever is the later, denounce this Agreement by notification addressed to the Director-General of the Organization, who shall at once inform all signatory and adhering Governments of the denunciation.

2. The denunciation shall take effect one year from the date of receipt of the notification by the Director-General of the Organization.

3. This Agreement shall automatically be terminated should the parties to it become fewer than three as the result of denunciations.

4. On termination of the Agreement all assets of the Commission shall be liquidated by the Director-General of the Organization. After settlement of the liabilities, the balance of contributions from Members shall be distributed amongst those Contracting Governments that were Members of the Commission on the date on which termination of the Agreement took effect, on the basis of the biennial budget that was current at that date. A Member whose contributions were in arrears or overdue on such date shall not be entitled to a share of the assets.

IN WITNESS WHEREOF the undersigned, duly authorized to that effect, have signed this Agreement on behalf of their respective Governments on the dates appearing opposite their signatures.

Done at Rome on the twenty-seventh day of February one thousand nine-hundred and fifty six in two copies in the English, French and Spanish languages, which languages shall be equally authoritative. The text of this Agreement shall be authenticated by the Chairperson of the Council of the Organization and the Director-General of the Organization. After expiry of the period during which the Agreement is open for signature, in accordance with Article [X] XVIII, paragraph 2, one copy of the Agreement shall be deposited with the Secretary-General of the United Nations and the other in the archives of the Organization. Additional copies of this text shall be certified by the Director-General of the Organization and furnished to all Governments parties to the Agreement, with the indication of the date on which it has come into force.

APPENDIX

TRANSITIONAL MEASURES TO EXCLUDE SOUTH AMERICAN LEAF BLIGHT OF HEVEA FROM THE REGION

1. In this Appendix, "Competent Authority" means the officer or Government Department or other agency, which each Contracting Government recognizes as its authority for the purpose of this Appendix.

2. Each Contracting Government that is listed in the Annex to this Appendix or that has a contiguous land border with a country that is listed in the Annex to this Appendix shall prohibit by law the importation into its territory or territories of any plant or plants of the genus *Hevea* from outside the Region, unless

- a. the importation is made for scientific purpose; and
- b. written permission has been granted for each consignment of plant or plants by the Competent Authority of the importing territory or territories and the importation is in accordance with such special conditions as may be imposed by the Competent Authority in granting such permission; and
- c. the plant or plants have have been freed of soil and undergone treatment in the country of origin in a manner acceptable to the Competent Authority of the importing

territory and are free from pests, and each consignment of plant or plants is accompanied or covered by a phytosanitary certificate to the effect that the above requirements have been fulfilled, and signed by an appropriate authority in the country of origin; and

- d. each consignment is addressed to and is received by the Competent Authority of the importing territory.

3. Each Contracting Government of a country that is listed in the Annex to this Appendix or that has a contiguous land border with a country that is listed in the Annex to this Appendix shall prohibit by law the importation into its territory or territories of any plant or plants of the genus *Hevea* capable of further growth or propagation (excluding seed) from any country in which South American leaf blight (*Microcyclus ulei* (*Dothidella ulei*)) is present, unless, in addition to the requirements of paragraph 2 of this Appendix, at a place approved by the Competent Authority of the importing territory and situated outside the Region and outside any country in which South American leaf blight (*Microcyclus ulei*) is present, such plant or plants have been grown for an adequate period at a plant quarantine station for *Hevea* and have been shown to be free from South American Leaf Blight and each consignment of such plant or plants is accompanied or covered by a phytosanitary certificate to the effect that the above requirements have been fulfilled, and signed by the officer-in-charge of such quarantine station.

4. Each Contracting Government of a country that is listed in the Annex to this Appendix or that has a contiguous land border with a country that is listed in the Annex to this Appendix shall prohibit by law the importation into its territory or territories of any seed of any plant of the genus *Hevea* originating in any country in which South American leaf blight (*Microcyclus ulei*) is present, unless, in addition to the requirements of paragraph 2 of this Appendix, such seed, having been examined and having undergone treatment at a place approved by the Competent Authority of the importing territory and situated outside the Region and outside any country in which South American leaf blight (*Microcyclus ulei*) is present, has been repacked with new packing materials, and unless each consignment of such seed is accompanied or covered by a phytosanitary certificate to the effect that the above requirements have been fulfilled, and that the seed is certified free from South American Leaf Blight (*Microcyclus ulei*).

5. Each Contracting Government of a country that is listed in the Annex to this Appendix or that has a contiguous land border with a country listed in the Annex to this Appendix shall prohibit by law the importation into its territory or territories of any plant or plants of the genus *Hevea*, not capable of further growth or propagation (such as fresh or dried herbarium specimens), originating in any country in which South American leaf blight (*Microcyclus ulei*) is present; unless, in addition to the requirements of subparagraphs (a), (b) and (d) of paragraph 2 of this Appendix, the Competent Authority of the importing country is satisfied that such plant or plants are required for a legitimate special purpose and that such plant or plants have been sterilized in the country of origin by a method satisfactory to the said Competent Authority.

6. Each Contracting Government of a country that is listed in the Annex to this Appendix or that has a contiguous land border with a country listed in the Annex to this Appendix shall, prohibit by law the importation into its territory or territories of any plant or plants other than the genus *Hevea*, capable of further growth or propagation and originating in any country in which South American leaf blight (*Microcyclus ulei*) is present, unless written permission has been granted for each consignment of such plant or plants by the Competent Authority of the importing territory or territories and the importation is in accordance with such special conditions as may be imposed by the Competent Authority in granting such permission.

7. The Competent Authority of any territory or territories into which any plant or plants of the genus *Hevea* are imported for further growth or propagation shall ensure that such plant or plants are grown under control for such period as will ensure that such plant or plants are free from South American leaf blight (*Microcyclus ulei*), before they are released.

ANNEX

Bangladesh

Cambodia

China, PR

India

Indonesia

Laos

Malaysia

Myanmar

Papua New Guinea

Philippines

Sri Lanka

Thailand

Vietnam

Pest Risk Analysis (PRA) of South American Leaf Blight of Rubber (*Hevea* spp.) for Commodities covered by Appendix B of the APPPC Agreement

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Introduction

At a meeting to discuss the amendment of the APPPC Agreement in 1998, a number of text changes were made without consensus being reached by the representatives of the governments participating in the meeting. In particular there were alternative texts suggested for the Articles dealing with the mandatory requirements to take cooperative action against the incursion of *Microcyclus ulei* (*Dothidella ulei*) the cause of South American leaf blight of rubber, into the region, and Appendix B which stipulated specific prohibitions and restrictions on the movement of plants and planting materials from the American Tropics.

In 1995 the 19th Session of APPPC had felt that it would be useful if a Working Group were able to undertake a PRA in *M. ulei* to ascertain with more precision its status as an international pest.

Background

At the meeting in support of changes to the text proposed by the Australian representative, proposed also by New Zealand, a pest risk analysis in accordance with the ISPM#2. 'Guidelines for pest risk analysis' and the draft ISPM 'Pest risk analysis of a quarantine pest', was presented to the meeting. The PRA was prepared to demonstrate that the mandatory requirements were not justified for imports of budwood into areas where rubber was not grown commercially and that those for imports of seed and other (non host) plants were also in conflict with the application of international standards. At the meeting it was agreed that Australia and Malaysia would cooperate in the exchange of technical information and that further discussion would take place in the context of a Crawford Fund Workshop on pest risk analysis and biotechnology in plant quarantine later in 1998.

Discussion took place at the meeting without progress on the resolution of the matter.

At an informal meeting in Rome convened by FAO during the Interim Commission on Phytosanitary Measures meeting in November this current meeting was announced and it was agreed that Australia (AQIS) would prepare a comprehensive PRA with supporting technical references for further discussion.

The PRA Process

Budwood

This PRA provides the technical justification of management options for the importation of budwood from SALB countries into countries where rubber is grown commercially. It determines that for this pathway the pest satisfies the parameters of a quarantine pest, and allocates the least restrictive import conditions that are cost effective, feasible and commensurate with the pest risk identified. In the case of the import of rubber into non-rubber-growing countries the economic criteria could not be satisfied, and a pathway could not be identified. The pest was considered as non-regulated and no phytosanitary management option were warranted.

Seed

In the case of import of seed from SALB areas, using the same ISPM draft, the assessment concluded that there was no evidence that the pathogen was seedborne and therefore could not satisfy the quarantine pest parameters. No special management action other than a precautionary non-specific cleaning of the seed was suggested prior to import.

Non-Host plants and other goods

Although it was recognized that spores of SALB could be present on non host plant material from infested areas it was considered that the imposition of specific conditions for this pathogen could not be justified provided basic hygienic procedures are followed. At a global level many pathogens would be found on the phyloplane of non host plants. To set a precedent by requiring phytosanitary action where a clear host/pathogen relationship could not be demonstrated in the pathway would be inconsistent with the PRA process. Accordingly the current requirements for the importation should be removed.

Review of current management procedures

Section 4.4 of the PRA process suggests that the effectiveness of current pest management procedures be evaluated, in particular it stresses that additionally restrictive conditions should not be applied if the currently in place are effective. In this case we have recommended that conditions be re-evaluated in the light of new technical information.

An analysis of compliance with Appendix B of the Agreement for the 16th Session in 1989 by Malaysia conclude that four of the APPPC countries were complying with the requirements of Appendix B, that 12 complied partially and that five were taking no action at a legislative or operational level. (RAPA/APPPC/89/6-1). Therefore it must be recognized that most APPPC countries have been implementing a system that has accepted a ALR far greater than that judged compulsory by Appendix B. To claim that current restrictions should be maintained because they have been effective is therefore spurious. Although the importation of budwood may be covered by legislation other pathways for the introduction of SALB are not dealt with to the same ALR.

As an example from personal experience, Singapore, Thailand, Hong Kong (China) and Malaysia do not require written traveller declarations for plant quarantine purposes at point of entry. It is believed that this is the case for many rubber producing APPPC countries. The requirements of speedy clearance of tourists on arrival is of far greater importance than plant quarantine even for tourists from South America.

APPPC should recognize that implementation of Appendix B at a national level has contributed little to the exclusion of SALB in the region. Countries should realistically appraise the risk that has already been accepted by many countries for many years and develop pragmatic and technical based management options.

The Table lists the stages of the PRA process in the draft ISPM, with an explanation of the decisions for three commodities in the appropriate columns. The technical information, on which these decisions were made, is included in a comprehensive datasheet.

We have provided this information in justification of our position, and that, we believe, of New Zealand, on the need for substantial revision of the Agreement and the Appendix B concerning SALB. It is conducted in accordance with current ISPMs and draft ISPMs. Unless additional or qualifying technical information can be provided on the biology and/or epidemiology of SALB by other technical specialists we believe this analysis to be sound.

Note: Table of PRA and SALB datasheet can be obtained from Secretariat of the APPPC.