

# **NATIONAL STANDARDS FOR PHYTOSANITARY MEASURES**

## **NSPM: 29**

### **Recognition of pest free areas and areas of low pest prevalence**

**2013**

(This standard is approved by (the NPPO and) the Quarantine Committee of Nepal, chaired by the secretary of the Ministry of Agriculture Development on 1<sup>st</sup> December 2013 and, is submitted by National Plant Quarantine Program to the National Notification Authority to be notified to the WTO member states)

## Table of Contents

1. Introduction.....	1
1.1 Scope .....	1
1.2 References .....	1
1.3 Definitions .....	2
1.4 Outline of requirements .....	2
2 Background .....	2
3 Requirements .....	3
3.1 General considerations.....	3
3.2 Related principles .....	4
3.2.1 Recognition of pest free areas and areas of low pest prevalence .....	4
3.2.2 Sovereignty and cooperation.....	4
3.2.3 Non-discrimination of PFAs and ALPPs .....	5
3.2.4 Avoidance of undue delay.....	5
3.2.5 Transparency .....	5
3.2.6 Other relevant principles of the IPPC and its ISPMs .....	5
4. Requirements for recognition of pest free areas and areas of low pest prevalence .	6
4.1 Responsibilities of contracting parties .....	6
4.2 Documentation .....	7
5. Procedure for recognition of pest free areas and areas of low pest prevalence .....	7
5.1 Request for recognition by the NPPO of the exporting contracting party .....	7
5.2 Acknowledgement from NPPO of importing contracting party and identification of major omissions in the information supplied .....	9
5.3 Description of recognition process to be used by NPPO of importing contracting party.....	9
5.4 Assessment of the technical information .....	9
5.5 Notification of result of assessment to NPPO of exporting contracting party.....	10
5.6 Official recognition .....	10
5.7 Duration of recognition.....	11
6. Considerations on recognition of pest free places of production and pest free production sites .....	11
Appendix 1: Flow chart outlining the procedure .....	13

# 1. Introduction

## 1.1 Scope

This standard provides guidelines and describes a procedure for the recognition of pest free areas (PFAs) and areas of low pest prevalence (ALPPs). Recognition of PFAs and ALPPs is a technical and administrative process to achieve acceptance of the phytosanitary status of a delimited area although this NSPM deals with the bilateral recognition of PFAs and ALPPs by contracting parties. NSPM preparation based on guidelines and recommendations developed within the framework of the IPPC. This standard also adopted the principles, recommendations and format of ISPM to achieve international harmonization of phytosanitary measures with the aim to facilitate trade.

## 1.2 References

- IPPC. 1997. International Plant Protection Convention. Rome, IPPC, FAO.
- ISPM 1. 2006. Phytosanitary principles for the protection of plants and the application of phytosanitary measures in international trade. Rome, IPPC, FAO.
- ISPM 4. 1995. Requirements for the establishment of pest free areas. Rome, IPPC, FAO. [published 1996]
- ISPM 5. Glossary of phytosanitary terms. Rome, IPPC, FAO.
- ISPM 6. 1997. Guidelines for surveillance. Rome, IPPC, FAO.
- ISPM 8. 1998. Determination of pest status in an area. Rome, IPPC, FAO.
- ISPM 9. 1998. Guidelines for pest eradication programmes. Rome, IPPC, FAO.
- ISPM 10. 1999. Requirements for the establishment of pest free places of production and pest free production sites. Rome, IPPC, FAO.
- ISPM 12. 2001. Guidelines for phytosanitary certificates. Rome, IPPC, FAO.
- ISPM 13. 2001. Guidelines for the notification of non-compliance and emergency action. Rome, IPPC, FAO.
- ISPM 14. 2002. The use of integrated measures in a systems approach for pest risk management. Rome, IPPC, FAO.
- ISPM 17. 2002. Pest reporting. Rome, IPPC, FAO.
- ISPM 20. 2004. Guidelines for a phytosanitary import regulatory system. Rome, IPPC, FAO.
- ISPM 22. 2005. Requirements for the establishment of areas of low pest prevalence. Rome, IPPC, FAO.
- ISPM 24. 2005. Guidelines for the determination and recognition of equivalence of phytosanitary measures. Rome, IPPC, FAO.
- ISPM 26. 2006. Establishment of pest free areas for fruit flies (Tephritidae). Rome, IPPC, FAO. WTO. 1994. Agreement on the Application of Sanitary and Phytosanitary Measures. Geneva, World Trade Organization.
- ISPM 29. 2007. Recognition of pest free areas and areas of low pest prevalence

Plant Protection Act, 2007 and Rules, 2010

Introduction and importance of Pest Free Area and requirements for declaration of free area, MTF/NEP/060/STF/STDF-170, 2010. Government of Nepal, MoAD/DoA, WTO and FAO.

### **1.3 Definitions**

Pest Free Area is defined in the International Standard for Phytosanitary Measures No. 5 (Glossary of phytosanitary terms) (ISPM 5, 2010) as “An area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained” [FAO, 1995].

Area of low pest prevalence is defined in the International Standard for Phytosanitary Measures No. 5 (Glossary of phytosanitary terms) (ISPM 5, 2010) as “An area whether, all of the country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures [IPPC 1997]

### **1.4 Outline of requirements**

The establishment, recognition and use of a PFA by an National Plant Protection Organization (NPPO) provides for the export of plants, plant products and other regulated articles from the country in which the area is situated (exporting country) to another country (importing country) without the need for application of additional phytosanitary measures when certain requirements are met. So it is agreed that general guidance for the recognition of pest free areas (PFAs) and areas of low pest prevalence (ALPPs) should be developed. The standard will outline the main criteria for the recognition of PFAs and ALPPs. Furthermore it will provide guidance on the process that may need to be followed by both the importing and exporting countries for recognition of such areas. This is to ensure that importing and exporting countries have appropriate guidance on the activities required under the IPPC and its standards, that exporting countries can achieve recognition of PFAs and ALPPs without undue delay while importing countries can continue to maintain their appropriate level of protection.

This procedure includes the following steps for the contracting parties: request for recognition, acknowledgement of receipt of the request and the accompanying information package; description of the assessment process; assessment of the information provided; communicating the results of the assessment; provision of official recognition.

The process should be applied without discrimination between contracting parties. Contracting parties should endeavour to maintain transparency in all aspects of the recognition process. Both exporting and importing contracting parties have specific responsibilities relating to the recognition of PFAs and ALPPs. It is essential that the recognition process should be sufficiently documented by contracting parties.

Some considerations for recognition of pest free places of production and pest free production sites are also provided. The use of pest free places of production or pest free production sites is dependent on the use of criteria concerning the biology of the pest, the characteristics of the place of production, the operational capabilities of the producer, and the requirements and responsibilities of the NPPO.

## **2 Background**

National Plant Protection Organization specified by the Government of Nepal pursuant to Section 6 (Plant Protection Act, 2007) should establish PFAs or ALPPs in order to gain maintain or improve market access. NPPO should also establish PFAs or ALPPs according to the relevant ISPMs and recognition of such areas without undue delay is very important to the NPPO of Nepal. Importing contracting parties, in meeting their appropriate level of protection (ALOP) and in accordance with requirements for technical justification, may consider PFAs or ALPPs (possibly as part of a systems approach) as effective phytosanitary measures. The

utilization of Pest Free Areas (PFAs) is a phytosanitary measure used to facilitate trade of plants, plant products and other regulated articles including NTFPs, without the need for additional phytosanitary measures. Therefore, it is in the interest of the importing country to provide prompt recognition of such areas where they are established in accordance with the relevant ISPMs. For this purpose, reasonable access should be given, upon request, to the importing Member for inspection, testing and other relevant procedures

Different NPPOs may design different actions and practices for the establishment and maintenance of a PFA or ALPP for the same pest, which in turn could cause difficulties in the recognition of these PFAs or ALPPs by trading partners. NSPMs addressed mostly “horizontal” (generic) topics, which were aimed at standardizing principles and activities of an NPPO. The governing body of the IPPC recognized these problems and adopted a more “vertical” (specific) oriented standard setting policy. Taking this into consideration, NPPO of Nepal should give more preference to the establishment of pest- or commodity-specific standards.

Thus, the pest free status of an area may be used as the basis for the phytosanitary certification of plants, plant products and other regulated articles with respect to the stated pest(s). The PFA is then an element in the justification of phytosanitary measures taken by an importing country to protect an endangered area. If it is intended to use a pest free area or area of low pest prevalence to facilitate trade with another country, such plan may have the form of a specific work plan as part of a bilateral arrangement between the NPPOs of both importing and exporting contracting parties or may be a general requirement of an importing country, which should be made available to it on request.

In order to provide guidance to NPPO the following Articles of the IPPC and Article of WTO are relevant:

Article IV.2 (e) of the IPPC: The responsibilities of an official national plant protection organization shall include the protection of endangered areas and the designation, maintenance and surveillance of pest free areas and areas of low pest prevalence.

Article VIII of the IPPC: International cooperation- The contracting parties shall cooperate with one another to the fullest practicable extent in achieving the aims of this Convention

Article 6 (“Adaptation to Regional Conditions, Including Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence”) of the Agreement on the Application of Sanitary and Phytosanitary Measures (WTO, 1994) addresses the issue of recognition of PFAs and ALPPs.

### **3 Requirements**

The requirements for the bilateral recognition of pest free areas and areas of low pest prevalence discussed as under:

#### **3.1 General considerations**

In most cases an official operational plan is needed which specifies the required phytosanitary procedures that a country is applying. If it is intended to use a pest free area or area of low pest prevalence or pest free place of production or production site to facilitate trade with another country, such plan may have the form of a specific work plan as part of a bilateral arrangement between the NPPOs of both importing and exporting contracting parties (i.e., Plant Protection Directorate (NPPO) of Nepal or may be a general requirement of an importing country, which should be made available to it on request. It is recommended that the exporting country consults with the importing country in the early stages of the process in order to ensure that importing country requirements are met.

NPPO of Nepal should be responsible for designation, maintenance and surveillance of PFAs and ALPPs within their territories (Article IV.2e of the IPPC). To establish PFAs or ALPPs and before asking for recognition, NPPO should take into account the appropriate ISPMs that provide technical guidance.

ISPM No. 1. The most prominent reference to the recognition of PFAs and ALPPs can be found in ISPM No.1 “Phytosanitary principles for the protection of plants and the application of phytosanitary measures in international trade”, which contains operational principle 2.3 on the recognition of PFAs and ALPPs

ISPM No. 10 (Requirements for the establishment and use of pest free places of production and pest free production sites as risk management options for meeting phytosanitary requirements for the import of plants, plant products and other regulated articles.

NSPM (Requirements for the establishment and maintenance of PFAs for the economically important species in the family Tephritidae).

ISPM No. 4 (Requirements for the establishment of pest free areas)

ISPM No. 22 (Requirements for the establishment of areas of low pest prevalence) for ALPPs, and

ISPM No. 8 (Determination of pest status in an area)

They may also consider other technical guidance that may be developed on establishment of PFAs or ALPPs for specific regulated pests or groups of these pests. The importing contracting party is responsible for determining the type of information that will be required, in order to recognize a PFA or ALPP, depending on the type of area and its geography, the method used to establish the pest status of the area (pest free area or low pest prevalence area), the contracting party’s appropriate level of protection, and other factors for which technical justifications exist.

Although the recognition of PFAs and ALPPs may generally be a bilateral process of information exchange between importing and exporting contracting parties, recognition may take place without a detailed process if agreed between the parties (for example without bilateral negotiations and verification activities). Usually, pest free places of production and pest free production sites should not require a recognition process and, therefore, only some consideration is given in this standard on use of procedures in particular cases.

## **3.2 Related principles**

### **3.2.1 Recognition of pest free areas and areas of low pest prevalence**

ISPM 1 (Operational Principles: 2.3) states that contracting parties should ensure that their phytosanitary measures concerning consignments moving into their territories take into account the status of areas, as designated by the NPPOs of the exporting countries. These may be areas where a regulated pest does not occur or occurs with low prevalence or they may be pest free production sites or pest free places of production.

### **3.2.2 Sovereignty and cooperation**

Contracting parties have sovereign authority, in accordance with applicable international agreements, to apply phytosanitary measures to protect plant health within their territories and

to determine their appropriate level of protection ALOP to for plant health. With the aim of preventing the introduction and/or spread of regulated pests into their territories, contracting parties shall have sovereign authority to regulate the entry of plants and plant products and other regulated articles and, to this end, may:

- a) prescribe and adopt phytosanitary measures concerning the importation of plants, plant products and other regulated articles, including, for example, inspection, prohibition on importation, and treatment;
- b) refuse entry or detain, or require treatment, destruction or removal from the territory of the contracting party, of plants, plant products and other regulated articles or consignments thereof that do not comply with the phytosanitary measures
- c) prohibit or restrict the movement of regulated pests into their territories
- d) prohibit or restrict the movement of biological control agents and other organisms of phytosanitary concern claimed to be beneficial into their territories (Article VII.1)

### **3.2.3 Non-discrimination of PFAs and ALPPs**

In recognizing PFAs and ALPPs, the process used by the importing contracting party for assessing such requests from different exporting contracting parties should be applied in a non-discriminatory manner in accordance with the IPPC. Phytosanitary measures should be applied in such a way as to constitute either a means of arbitrary or unjustified discrimination or disguised restriction (Preamble, IPPC)

### **2.2.4 Avoidance of undue delay**

Contracting parties should endeavour to recognize PFAs and ALPPs, and to resolve any disagreements related to recognition, without undue delay. The importing country should be notified immediately upon initiation of the corrective actions. Relevant importing NPPOs should be notified without undue delay of changes in the PFA and ALPP status (further information on pest reporting requirements are provided in NSPM: Pest Reporting. Failure of the NPPO to take appropriate corrective actions will result in termination of the PFA and ALPP status.

### **3.2.5 Transparency**

The basic requirement is that trading partners be transparent. It is an obligation for countries that are a party to the WTO with its SPS agreement and under basic principles of the IPPC, that countries must be transparent. Throughout the recognition process, transparency is of central importance. An exporting member needs to have a transparent system to gain the trust of the importing member, while the importing member's transparency regarding requirements and procedures can facilitate the recognition process.

If the control measures are not effective and the pest becomes established in the whole area (the area recognized as pest free), the status would be lost. In order to reinstate the area, the procedures for the establishment and maintenance outlined in this standard should be followed. In addition, there are procedures for reporting the outbreak of specific diseases as well as the reinstatement (or restoration) of a zone after an outbreak. So any change in the status of the regulated pest in the area under consideration, or in the importing contracting party's territory, relevant to recognition should be communicated.

### **3.2.6 Other relevant principles of the IPPC and its ISPMs**

In recognizing PFAs and ALPPs, contracting parties should take into account the following rights and obligations held by contracting parties, and principles of the IPPC:

- minimal impact (Article VII.2(g) of the IPPC)
- modification (Article VII.2(h) of the IPPC)
- harmonization (Article X.4 of the IPPC)

- risk analysis (Articles II and VI.1(b) of the IPPC)
- managed risk (Article VII.2(a) and VII.2(g) of the IPPC)
- cooperation (Article VIII of the IPPC)
- technical assistance (Article XX of the IPPC)
- equivalence (section 1.10 of ISPM 1:2006).

#### **4. Requirements for recognition of pest free areas and areas of low pest prevalence**

To establish PFAs or ALPPs and before asking for recognition, NPPO should take into account the appropriate ISPMs that provide technical guidance, e.g. ISPM No. 4 (Requirements for the establishment of pest free areas) for PFAs, ISPM No. 22 (Requirements for the establishment of areas of low pest prevalence) for ALPPs, and ISPM No. 8 (Determination of pest status in an area).

Long term presence and absence of pests is confirmed by surveillance. The surveillance and collection systems should operate on an ongoing and timely basis. Surveillance should be conducted in accordance with ISPM No.6. Pest surveillance and reporting systems should be adequately described and documented and this information should be made available to other countries on request (see ISPM No. 6 Guidelines for surveillance).

Absence of the pest should be recognized according to the first paragraph of section 3.1.2 of ISPM 8:1998 without the need for detailed information or elaborate procedures. In other cases, such as in areas where a pest has recently been eradicated (ISPM 9:1998) or suppressed, more detailed information and verification may be required

##### **4.1 Responsibilities of contracting parties**

Both the importing and exporting NPPOs are responsible for collaborating to establish program requirements, including regulations, work plans and compliance agreements as necessary for recognizing and implementing particular import programs. Importing contracting party NPPO verifies the information received and communicates to exporting contracting party NPPO if any additional information needed. Exporting contracting party NPPO dispatches lacking documents or explanation for absence to importing contracting party NPPO.

Article IV, 2 (e) of the IPPC prescribes that the responsibilities of an official national plant protection organization (NPPO) shall include the protection of endangered areas and the designation, maintenance and surveillance of PFAs and areas of low pest prevalence (ALPP) (IPPC, 1997a). It is, therefore, the ultimate responsibility of an NPPO to designate and establish the PFA. Only the NPPO knows the scientific and technical details leading to the delimitation of the PFA and it is the NPPOs' scientific and technical judgement which leads to the conclusion that the area should be considered free from a specific pest. Based on these considerations, only the relevant NPPO can objectively declare an area free from a specific pest.

The exporting contracting party is responsible for:

- requesting recognition of an established PFA or ALPP
- providing appropriate information on the PFA or ALPP
- designating a point of contact for the recognition process
- providing appropriate additional information if necessary for the recognition process-
- co-operating in the organization of on-site verification visits, if requested.



The importing contracting party is responsible for:

- acknowledging receipt of the request and the associated information
- describing the process to be used for the recognition process including, if possible, an estimated time frame for the evaluation
- designating a point of contact for the recognition process
- technically assessing the information
- communicating and justifying the need for on-site verifications and cooperating in their organization
- communicating the results of the assessment to the exporting contracting party
  - if the area is recognized, promptly modifying any phytosanitary regulations, as appropriate;
  - if the area is not recognized, providing an explanation, including technical justification where applicable, to the exporting contracting party.

#### **4.2 Documentation**

The NPPO should maintain appropriate records related to the PFA and ALLP in general, and in relation to the particular pest(s) concerned. The whole process from initial request to final decision should be sufficiently documented and periodically reviewed by contracting parties so that the sources of information and rationale used in reaching the decision can be clearly identified and demonstrated. Documentation supporting PFA and ALPP status at all phases should be made immediately available to the importing country upon request. Whatever the type of PFA, documentation should be available, as appropriate, on the:

- data assembled to establish the PFA
- various administrative measures taken in support of the PFA
- delimitation of the PFA
- phytosanitary regulations applied
- technical details of surveillance, or survey and monitoring systems used.

It may be useful for an NPPO (i.e., Plant Protection Directorate of Nepal) to send documentation about a PFA to a central information service (FAO or a Regional Plant Protection Organization), with all relevant details, so that the information can be communicated to all interested NPPOs (trading partners) at their request.

### **5. Procedure for recognition of pest free areas and areas of low pest prevalence**

A series of steps described below are recommended for importing contracting parties in order to recognize PFAs and ALPPs of exporting contracting party (NPPO of Nepal). Normally, the exporting contracting party may wish to consult with the importing contracting party before submitting a request with the aim of facilitating the recognition process together with relevant information (information package) on the area of concern. A flow chart outlining the following steps is provided in **Appendix 1**.

#### **5.1 Request for recognition by the NPPO of the exporting contracting party**

The NPPO of Nepal (exporting contracting party) requests information about the importing contracting party's requirements and procedures. An exporting contracting party may either request information about an importing contracting party's requirements and procedures prior to

formally requesting recognition of its PRA, or at the time it initiates the bilateral process of recognition.

At the request of the exporting contracting party, the importing contracting party explains its requirements and procedures for recognition of sanitary or phytosanitary status with respect to a given pest or disease. The importing contracting party may, for example, request answers to a specific questionnaire. The exporting contracting party provides supporting information showing that the procedures used to obtain recognition of that area are based on an international standard, guideline or recommendation.

If the response from the importing contracting party is negative, the importing contracting party issues a decision rejecting the request and providing reasons. This allows the exporting contracting party to modify and adapt its system with a view to seeking recognition in the future. If the response from the importing contracting party is positive, the importing contracting party indicates comments where they exist.

The importing contracting party provides feedback to the exporting contracting party regarding responses and indicates whether further clarification is necessary. If necessary, the importing contracting party carries out a visit in order to verify the information provided in support of the request for recognition PRA or ALPP. This technical inspection could consider the administrative structure of the regulatory bodies.

As described the procedures above, the exporting contracting party submits its request for recognition of a PFA or ALPP to an importing contracting party. To support its request, the exporting contracting party provides a technical information package based on ISPM No. 4 (Requirements for the establishment of pest free areas) or ISPM No. 22 (Requirements for the establishment of areas of low pest prevalence) as appropriate. This information package should be sufficiently detailed to demonstrate objectively that the areas are, and are likely to remain, PFAs or ALPPs, as appropriate.

The package should include the following information:

- the type of recognition requested, i.e. either a PFA or an ALPP
- location and description of the area to be recognized, with supporting maps, as appropriate
- pest(s) under consideration, and biology(ies) and known distribution relevant to the area (as described in ISPM No. 4 or ISPM No. 22 as appropriate)
- commodity(ies) or other regulated article(s) to be exported
- general information on hosts and their prevalence within the designated area
- phytosanitary measures and procedures applied for the establishment of the PFA or ALPP, and results of these measures
- phytosanitary measures and procedures applied to maintain the PFA or ALPP, and results of these measures
- relevant phytosanitary regulations relating to the PFA or ALPP
- record-keeping arrangements relating to the area, in accordance with the appropriate standards
- a description of corrective action plans, including related communication arrangements with the importing country concerned
- other relevant information (e.g. recognition of the area in question by other contracting parties, and possible systems approaches relating to ALPPs).

The exporting contracting party should designate a point of contact for communication relating to the request for recognition.

## **5.2 Acknowledgement from NPPO of importing contracting party and identification of major omissions in the information supplied**

The NPPO of the importing contracting party should promptly acknowledge receipt of the request for recognition and of the accompanying information package to the NPPO of the exporting contracting party. Before commencing the assessment, the importing contracting party should identify and communicate to the NPPO of the exporting contracting party if any significant component of the information package is missing, or if other significant information may be needed to assess the request.

The NPPO of the exporting contracting party should submit to the NPPO of the importing contracting party any missing information, or identifies the location within the submitted package in which the required information may already be found, or may provide an explanation for its absence.

Where NPPO of Nepal (i.e. exporting contracting party) resubmits a request to importing party for recognition of a PFA or ALPP (e.g. if further data is acquired, or new or additional procedures are implemented), the importing contracting party should take into consideration all information previously provided, if verification has been provided by the exporting contracting party that the information remains valid. If resubmission is due to a previous non-acceptance of a request for recognition, any relevant details in the corresponding technical explanation related to the previous assessment should also be taken into consideration. Likewise if a contracting party has withdrawn a PFA or ALPP (e.g. maintenance of the PFA or ALPP became uneconomic) and wishes to reinstate it, previous information should be considered. The assessment should be completed, without undue delay, by focusing on the revised or supplemental information and/or data provided, if appropriate.

## **5.3 Description of recognition process to be used by NPPO of importing contracting party**

The importing contracting party should describe the process intended to be used in assessing the information package and in subsequently recognizing the PFA or ALPP, including any necessary legislative or administrative steps or requirements that will need to be completed. Furthermore, the importing contracting party is encouraged to establish if possible an anticipated timeframe for completion of the recognition process.

## **5.4 Assessment of the technical information**

This describes the assessment process to be used for the recognition process for PFA or ALPP. Once all the information has been received, the NPPO of the importing contracting party will carry out assessment of the information package, taking into account:

- provisions of the relevant ISPMs that specifically address either PFAs (ISPM No. 4: Requirements for the establishment of pest free areas) or ALPPs (ISPM No. 22: Requirements for the establishment of areas of low pest prevalence), including the following information:
  - systems used to establish the PFA or ALPP
  - phytosanitary measures to maintain the PFA or ALPP
  - checks to verify that the PFA or ALPP is being maintained
- other relevant ISPMs (in particular those described in section 1) depending on the type of recognition requested

- status of the pest in the territories of both contracting parties. PFAs or ALPPs previously recognized by a third country or another contracting party may be considered as reference for the assessment process.

Clarification of the information provided may be required or additional information may be requested by the importing contracting party in order to complete the assessment. The exporting contracting party should respond to technical concerns raised by the importing contracting party by providing relevant information to facilitate completion of the assessment. On-site verification or on-site review of operational procedures may be requested, where justified, based on the results of the ongoing assessment, records of previous trade between the two parties (in particular if there is a lack of information, interception records, non-compliance with import requirements), or previous recognition of areas between the two parties or by other parties. The schedule, agenda and content of the on-site verification or review should be agreed bilaterally, and access provided as necessary.

The assessment should be completed without undue delay. If at any stage progress is not proceeding in accordance with the anticipated timeframe, if established, the exporting contracting party should be notified. Upon request of the exporting contracting party, reasons should be provided and (if appropriate) a new timeframe prepared and provided by the importing contracting party to the exporting contracting party. The exporting contracting party may request cancellation or postponement of the assessment at any time. Should the exporting contracting party request postponement of the assessment, this may result in changes in the anticipated timeframe. If the pest status or phytosanitary regulations change in the importing country, recognition of the PFA or ALPP may no longer be required and the assessment process may stop.

### **5.5 Notification of result of assessment to NPPO of exporting contracting party**

Upon completion of the assessment, the importing contracting party notifies the exporting contracting party of the results of its assessment. If the proposed PFA or ALPP is not recognized the importing contracting party provides an explanation with technical justification for this determination. In the event of a disagreement related to the rejection of a request for recognition of a PFA or ALPP, efforts should be made bilaterally to resolve these disagreements.

### **5.6 Official recognition**

The official recognition is of great significance for international trade and constitutes one of the most important legal links between contracting parties. By acquiring and maintaining its official status, a country also demonstrates transparency and helps to promote plant health, thereby gaining the trust of its partners and of the international community.

The exporting country NPPO will request recognition of a PFA by the importing country NPPO. If the PFA or ALPP is recognized by the importing contracting party, this should be officially communicated to the NPPO of exporting contracting party, clearly confirming the type of area recognized and identifying the relevant pest(s) for which such recognition applies. An importing country should officially notify the exporting country if it accepts or does not recognize the PFA status.

If the exporting country does not agree to modifications, recognition is not granted and the scientific reasons behind the rejection communicated. If the exporting country agrees to modifications, then the Importing NPPO country grants recognition through the Official Recognition Document.

## **5.7 Duration of recognition**

Recognition of a PFA or ALPP should remain in effect unless:

- there is a change in pest status in the area concerned and it is no longer a PFA or ALPP
- there are significant instances of non-compliance (as described in section 4.1 of ISPM 13:2001) related to the areas in question or related to the bilateral arrangement noted by the importing contracting party

## **6. Considerations on recognition of pest free places of production and pest free production sites**

“Pest free places of production” and “pest free production sites” (for simplicity reasons they are hereafter referred to as “pest free places or sites of production” – PFPSP).

First of all, PFPSPs are generally much smaller than PFAs and/or ALPPs. The definition of place of production is “any premises or collection of fields operated as a single production or farming unit. This may include production sites which are separately managed for phytosanitary purposes” (IPPC, 2008a). There is no separate definition of production site, but ISPM No.5 defines a pest free production site as “a defined portion of a place of production in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained for a defined period and that is managed as a separate unit in the same way as a pest free place of production” (IPPC, 2008a). Secondly, the implementation of PFPSPs differs from PFAs and ALPPs. While PFAs and ALPPs are managed as a whole by the NPPO of the exporting country, a PFPSP is managed individually by the producer under the supervision and responsibility of the NPPO (See introduction and importance of Pest Free Area and requirements for declaration of free area, MTF/NEP/060/STF/STDF-170, Government of Nepal, MoAD/DoA, WTO and FAO, July, 2010).

Usually pest free places of production or production sites should not require recognition using the procedures. In this regard ISPM No. 10 (Requirements for the establishment of pest free places of production and pest free production sites) states that, for such places and sites, “the issuance of a phytosanitary certificate for a consignment by the NPPO confirms that the requirements for a pest free place of production or a pest free production site have been fulfilled. The importing country may require an appropriate additional declaration on the phytosanitary certificate to this effect.” (Section 3.2 of ISPM No. 10). However, ISPM No. 10 (in section 3.3) also indicates: “The NPPO of the exporting country should, on request, make available to the NPPO of the importing country the rationale for establishment and maintenance of pest free places of production or pest free production sites. Where bilateral arrangements or agreements so provide, the NPPO of the exporting country should expeditiously provide information concerning establishment or withdrawal of pest free places of production or pest free production sites to the NPPO of the importing country.”

As described in ISPM No. 10: “When complex measures are needed to establish and maintain a pest free place of production or pest free production site, because the pest concerned requires a high degree of phytosanitary security, an operational plan may be needed. Where appropriate, such a plan would be based on bilateral agreements or arrangements listing specific details required in the operation of the system including the role and responsibilities of the producer and trader(s) involved.” In such cases recognition may be based on the procedure recommended in section 4.

In the case of a bilateral recognition process of the PFA, the importing country aims to assess the information on the PFA provided by the exporting country. This NSPM provides that the recognition of PFAs and ALPPs may generally be a bilateral process of information exchange between importing and exporting contracting parties and that recognition may take place without a detailed process if agreed between the parties (for example without bilateral negotiations and verification activities) (IPPC, 2007a).

**Appendix 1: Flow chart outlining the procedure** for the recognition of pest free areas or areas of low pest prevalence (as per section 5)



