

Webinar Series on Customs and Sanitary and Phytosanitary Measures for Mongolia

Series 1: Experiences in Integrated Border Management and Risk
Assessment for Plants and Plant Products and Animals and
Products of Animal Origin

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Session 2: The Mandates of Sanitary and Phytosanitary (SPS) Agencies
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The Mandates of Sanitary and Phytosanitary (SPS) Agencies

Plan of presentation

- ▶ Brief recap on SPS Agreement (*Recap from Introductory meeting*)
- ▶ International Plant Protection Convention (IPPC) and mandate of National Plant Protection Organisation
- ▶ Chapter 3.4 of World Organisation for Animal Health (WOAH) Terrestrial Animal Code and mandate of veterinary services

- ▶ Q & A

Accompanying materials

- ▶ SPS Agreement (ENG, RUS)
- ▶ IPPC (ENG, RUS)
- ▶ WOAHA (OIE) Terrestrial Animal Health Code Article 3.4.3
(Unofficial translation of Code also available in Russian)

SPS AGREEMENT



‘SPS Agreement’ (*Agreement on the application of sanitary and phytosanitary measures*)

- ▶ From World Trade Organisation (WTO) founded in 1995
- ▶ Provides normative framework (rules) for international trade in goods of agricultural and natural resources origin
- ▶ Covers food safety, veterinary measures and plant health
- ▶ Collectively, these are sanitary and phytosanitary (SPS) measures are *non-tariff measures* (NTMs) in the context of WTO
- ▶ In short, *SPS Agreement* provides rules to prevent SPS restricting trade unfairly.
- ▶ SPS measures are justified either by risk assessment or by being based on international standards

What counts as an SPS measure?

From Appendix A of the SPS Agreement

- ▶ Sanitary or phytosanitary measures include all relevant **laws, decrees, regulations, requirements and procedures** including, inter alia, end product criteria; processes and production methods; **testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport;** provisions on relevant statistical methods, sampling procedures and **methods of risk assessment; and packaging and labelling requirements directly related to food safety.**

- ▶ Mentoring will examine difference between SPS measures and Technical Regulations under the *WTO Agreement on Technical Barriers to Trade*.

INTERNATIONAL PLANT PROTECTION CONVENTION

International Plant Protection Convention (IPPC)



IPPC and the
International Year
of Plant Health

1997 version of IPPC provides normative framework and principles of plant health in application of the SPS Agreement

- ▶ Two most important principles:
 - ▶ Establishment of a National Plant Protection Organisation as ‘**competent authority**’ for plant health per SPS Agreement and **describing its functions**
 - ▶ Only *regulated pests* may be subject to phytosanitary measures
 - ▶ *Quarantine pests* and *regulated non-quarantine pests*

How does the NPPO use PRA?

NPPO uses **pest risk analysis (PRA)** for determining regulated pests, phytosanitary import requirements and to justify all border controls and post-border actions.

Developing measures such as lists of quarantine pests and commodity risk categorization is policy-based distinct from decision-making during border inspections. NPPO should set rules for border inspections and in-country measures whether by NPPO itself or under delegated authority.

Responsibilities and functions of the NPPPO

Summarized from IPPC Article IV

- ▶ Issuing phytosanitary certificates and maintaining security of export consignments
- ▶ Pest risk analysis
- ▶ Inspection of imports
- ▶ Application of quarantine treatments such as fumigation
- ▶ Post-border activities
 - ▶ Surveillance
 - ▶ Designation and protection of endangered areas,
 - ▶ Pest free areas and areas of low pest prevalence
- ▶ Training and development of staff

Any of these functions could be delegated to other bodies but the NPPPO will always bear primary responsibility



International Standards for Phytosanitary Measures (ISPMs)

- ▶ International standards for setting and implementing phytosanitary measures (*NOT* ‘standard pests’)
- ▶ ISPMs recognised in primary law but adopted in secondary legislation
- ▶ ADB recommends 6 priority ISPMs:
 - ▶ *ISPM 6 Surveillance*
 - ▶ *ISPM 11 Pest risk analysis for quarantine pests*
 - ▶ *ISPM 12 Phytosanitary certificates*
 - ▶ *ISPM 19 Guidelines for risks of regulated pests*
 - ▶ *ISPM 20 Guidelines for a phytosanitary import regulatory system*
- ▶ More recently ISPM 32 (Categorization of commodities according to risk) has become important for trade facilitation

Plant Health, plant quarantine and plant protection

- ▶ Official text of IPPC in Russian language - МЕЖДУНАРОДНАЯ КОНВЕНЦИЯ ПО КАРАНТИНУ И ЗАЩИТЕ РАСТЕНИЙ - International Convention on quarantine and protection of plants (<https://www.ippc.int/en/core-activities/governance/convention-text/>)
- ▶ Why was name of convention changed?
- ▶ Because plant quarantine and domestic plant protection were typically separate in Former Soviet Union, in legislation and administratively. Remains the same in some CAREC countries.
- ▶ ADB policy through *CAREC Common Agenda for Modernization of SPS* to unify plant protection and quarantine in legislation and administratively. ‘Plant Health’ is the SPS sector applying to inland plant protection and trade measures.

Integration of border inspections with Customs

In some CAREC countries, evolution of SPS inspection services has evolved first with integration between sector services (food safety, veterinary and plant health) and then with Customs →



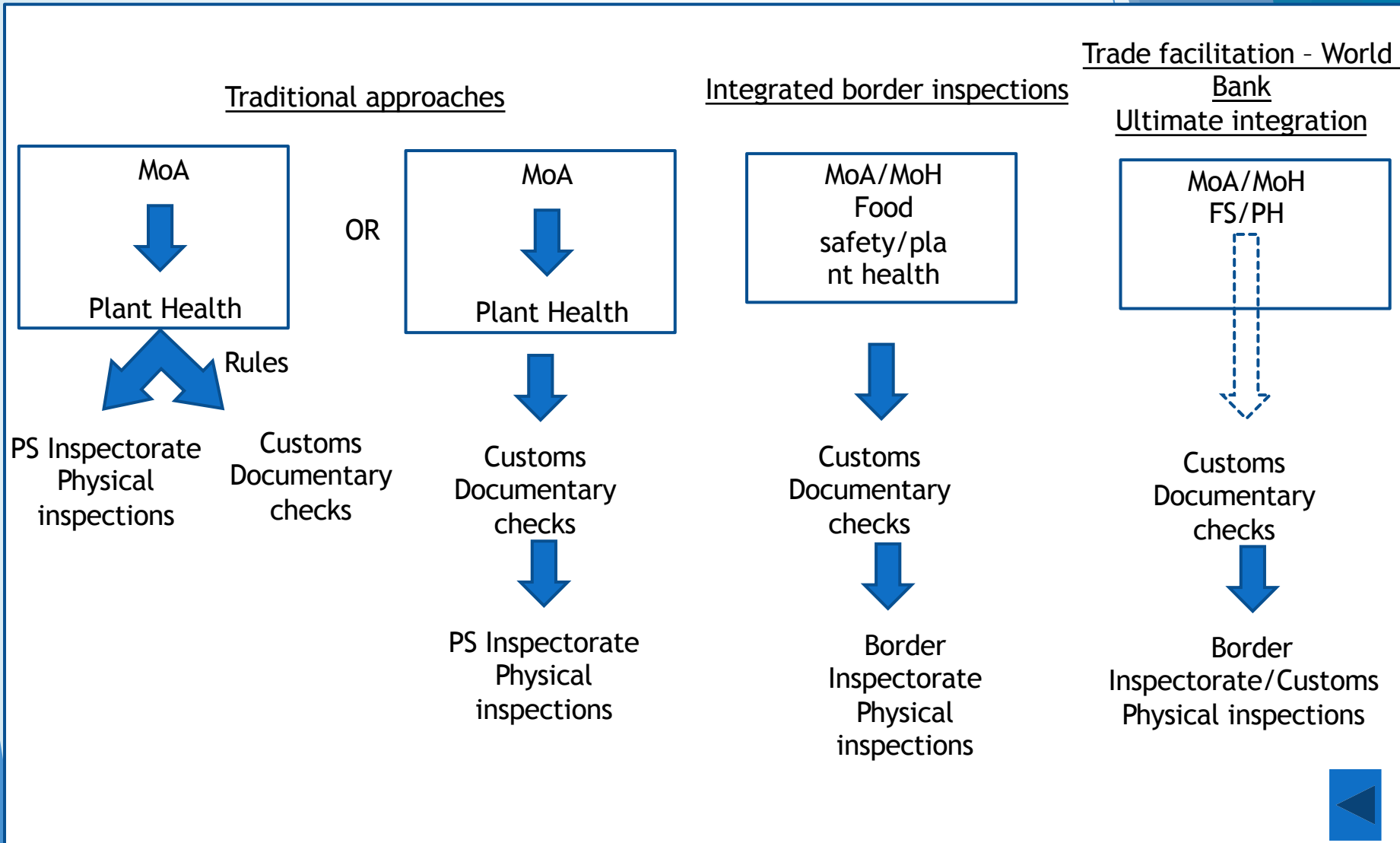
This raises the questions:

- ▶ How is NPPO then placed in relation to inspections agency (MCGA in Case of Mongolia)?
- ▶ What organization or organizations are primarily responsible for:
 - ▶ Issuing phytosanitary certificates of export/re-export?
 - ▶ Policy-related functions of pest risk analysis for determining quarantine pests and phytosanitary import requirements?
 - ▶ Pest categorization?
 - ▶ Post border measures (surveillance, pest-free areas, containment and eradication of invasive pests?)

For later discussion. The bases for these measures in Mongolia's plant health legislation will be considered in Session 3.

Evolution of border inspection services in CAREC with trade facilitation

(For simplicity, separate veterinary inspections are assumed)



ANIMAL HEALTH IN WOAAH CODES

Transboundary animal diseases (TADs)

To safeguard animals from transmissible animal diseases and people from zoonoses, the *WOAH * Terrestrial Animal Health Code* designates and lists **transboundary animal diseases (TADs)** that could move in international trade in live animals (including semen, ova, embryos and tissue cultures) and in food and other products of animal origin (POAO).

* World Organisation for Animal Health (acronym formerly OIE)

- ▶ Criteria for listing TADs are given in Code Chapter 1.2 and the lists are given in Chapter 1.3 according to the animals affected.

National Veterinary Service as competent authority for animal health

The normative framework for veterinary legislation is provided in **Chapter 3.4 of the WOAH/OIE Terrestrial Animal Health Code**. Article 3.4.3 provides the principles on which national Veterinary legislation should be based.

Most importantly:

Competent Authorities should be legally mandated, capacitated and organised to ensure that all necessary actions are taken quickly and coherently to address animal health and public health emergencies effectively.

Recognizing the complexity of veterinary matters and legislation, there may be more than one competent authority but “a reliable system of coordination and cooperation between the different authorities should be put in place” (Article 3.4.5)

Scope of powers and responsibilities of national veterinary services

- ▶ Veterinary matters are more complex than equivalent issues for plant health because veterinary authorities are involved in **inspection food products of animal origin (POAO)** at borders and on the market as well as ensuring health of live animals.
- ▶ They may be responsible for the **hygiene supervision of establishments or premises handling live animals and POAO and especially slaughterhouses**. Consequently, **animal welfare** is also their responsibility under the WOA Code, while there should be coordination with the food safety authorities on POAO.
- ▶ Veterinarians may be required to prescribe and dispense veterinary medicines that are regulated
- ▶ Finally, veterinary controls are primarily the responsibility of qualified veterinarians who have undergone lengthy and intensive training equivalent to medical professionals. Some functions may be delegated to para-professionals under their supervision.

How Mongolia's veterinary services coordinate with MCGA could be discussed after the presentation

Summary of principles of veterinary legislation to be incorporated into national legislation

- ▶ Establishment of competent authorities
- ▶ Necessary powers of competent authorities
- ▶ Delegation of powers of competent authorities
- ▶ Veterinarians and veterinary para-professionals and their regulation
- ▶ Laboratories in the veterinary domain
- ▶ Animal health and animal disease control, including:
 - ▶ animal identification and traceability, animal reproduction
 - ▶ animal feeds
 - ▶ Disease surveillance, prevention, control
- ▶ Animal welfare
- ▶ Veterinary medicines and biologicals



How these matters are dealt with in Mongolian legislation will be considered in Session 4.

Discussion, Q & A to follow

Thank, you!