

International Plant Protection Convention

International Plant Protection Convention, as revised by the 1979 Amendment

Preamble

The contracting parties, recognizing the usefulness of international cooperation in controlling pests of plants and plant products and in preventing their spread, and especially their introduction across national boundaries, and desiring to ensure close coordination of measures directed to these ends, have agreed as follows:

Article I - Purpose and responsibility

1. With the purpose of securing common and effective action to prevent the spread and introduction of pests of plants and plant products and to promote measures for their control, the contracting parties undertake to adopt the legislative, technical and administrative measures specific in this Convention and in supplementary agreements pursuant to Article III.
2. Each contracting party shall assume responsibility for the fulfillment within its territories of all requirements under this Convention.

Article II - Scope

1. For the purpose of this Convention the term "plants" shall comprise living plants and parts thereof, including seeds in so far as the supervision of their importation under Article VI of the Convention or the issue of phytosanitary certificates in respect of them under Articles IV(1)(a)(iv) and V of this Convention may be deemed necessary by contracting parties; and the term "plant products" shall comprise unmanufactured material of plant origin (including seeds in so far as they are not included in the term "plants") and those manufactured products which, by their nature or that of their processing, may create a risk for the spread of pests.
2. For the purpose of this Convention, the term "pest" means any form of plant or animal life, or any pathogenic agent, injurious or potentially injurious to plants or plant products; and the term "quarantine pest" means a pest of potential national economic importance to the country endangered thereby and not yet present there, or present but not widely distributed and being actively controlled.
3. Where appropriate, the provisions of this Convention may be deemed by contracting parties to extend to storage places, conveyances, containers and any other object or material capable of harbouring or spreading plant pests, particularly where international transportation is involved.
4. This Convention applies mainly to quarantine pests involved with international trade.
5. The definitions set forth in this Article, being limited to the application of this Convention, shall not be deemed to affect definitions established under domestic laws or regulations of contracting parties.

Article III - Supplementary agreements

1. Supplementary agreements applicable to specific regions, to specific pests, to specific plants and plant products, to specific methods of international transportation of plants and plant products, or otherwise supplementing the provisions of this Convention, may be proposed by the Food and Agriculture Organization of the United Nations (hereinafter referred to as "FAO" on the recommendation of a contracting party or on its own initiative, to meet special problems of plant protection which need particular attention or action.
2. Any such supplementary agreements shall come into force for each contracting party after acceptance in accordance with the provisions of the FAO Constitution and General Rules of the Organization.

Article IV - National organization for plant protection

1. Each contracting party shall make provision, as soon as possible and to the best of its ability, for

(a) an official plant protection organization with the following main functions:

(i) the inspection of growing plants, of areas under cultivation (including fields, plantations, nurseries, gardens and greenhouses), and of plants and plant products in storage or in transportation, particularly with the object of reporting the existence, outbreak and spread of plant pests and of controlling those pests;

(ii) the inspection of consignments of plants and plant products moving in international traffic and, where appropriate, the inspection of consignments of other articles or commodities moving in international traffic under conditions where they may act incidentally as carriers of pests of plants and plant products, and the inspection and supervision of storage and transportation facilities of all kinds involved in international traffic whether of plants and plant products or of other commodities, particularly with the object of preventing the dissemination across national boundaries of pests of plants and plant products;

(iii) the disinfection or disinfestation of consignments of plants and plant products moving in international traffic, and their containers (including packing material or matter of any kind accompanying plants or plant products), storage places, or transportation facilities of all kinds employed;

(iv) the issuance of certificates relating to phytosanitary condition and origin of consignments of plants and plant products (hereinafter referred to as "phytosanitary certificates");

(b) the distribution of information within the country regarding the pests of plants and plant products and the means of their prevention and control;

(c) research and investigation in the field of plant protection.

2. Each contracting party shall submit a description of the scope of its national organization for plant protection and of changes in such organization to the Director-General of FAO, who shall circulate such information to all contracting parties.

Article V - Phytosanitary certificates

1. Each contracting party shall make arrangements for the issuance of phytosanitary certificates to accord with the plant protection regulations of other contracting parties, and in conformity with the following provisions:

(a) Inspection shall be carried out and certificates issued only by or under the authority of technically qualified and duly authorized officers and in such circumstances and with such knowledge and information available to those officers that the authorities of importing countries may accept such certificates with confidence as dependable documents.

(b) Each certificate for the export or re-export of plants or plant products shall be as worded in the Annex to this Convention.

(c) Uncertified alterations or erasures shall invalidate the certificates.

2. Each contracting party undertakes not to require consignments of plants or plant products imported into its territories to be accompanied by phytosanitary certificates inconsistent with the models set out in the Annex to this Convention. Any requirement for additional declarations shall be kept to a minimum.

Article VI - Requirements in relation to imports

1. With the aim of preventing the introduction of pests of plants and plant products into their territories, contracting parties shall have full authority to regulate the entry of plants and plant products and, to this end, may:

(a) prescribe restrictions or requirements concerning the importation of plants or plant products;

(b) prohibit the importation of particular plants or plant products, or of particular consignments of plants or plant products;

(c) inspect or detain particular consignments of plants or plant products;

(d) treat, destroy or refuse entry to particular consignments of plants or plant products that do not comply with the requirements prescribed under subparagraph (a) or (b) of this paragraph, or require such consignments to be treated or destroyed or removed from the country;

(e) list pests the introduction of which is prohibited or restricted because they are of potential economic importance to the country concerned.

2. In order to minimize interference with international trade, each contracting party undertakes to carry out the provisions referred to in paragraph 1 of this Article in conformity with the following:

(a) Contracting parties shall not, under their plant protection legislation, take any of the measures specified in paragraph 1 of this Article unless such measures are made necessary by phytosanitary considerations.

(b) If a contracting party prescribes any restrictions or requirements concerning the importation of plants and plant products into its territories, it shall publish the restrictions or requirements and communicate them immediately to FAO, any regional plant protection organization of which the contracting party is a member and all other contracting parties directly concerned.

(c) If a contracting party prohibits, under the provisions of its plant protection legislation, the importation of any plants or plant products, it shall publish its decision with reasons and shall immediately inform FAO, any regional plant protection organization of which the contracting party is a member and all other contracting parties directly concerned.

(d) If a contracting party requires consignments of particular plants or plant products to be imported only through specified points of entry, such points shall be so selected as not unnecessarily to impede international commerce. The contracting party shall publish a list of such points of entry and communicate it to FAO, any regional plant protection organization of which the contracting party is a member and all other contracting parties directly concerned. Such restrictions on points of entry shall not be made unless the plants or plant products concerned are required to be accompanied by phytosanitary certificates or to be submitted to inspection or treatment.

(e) Any inspection by the plant protection organization of a contracting party of consignments of plants or plant products offered for importation shall take place as promptly as possible with due regard to the perishability of the plants or plant products concerned. If any commercial or certified consignment of plants or plant products is found not to conform to the requirements of the plant protection legislation of the importing country, the plant protection organization of the importing country must ensure that the plant protection organization of the exporting country is properly and adequately informed. If the consignment is destroyed, in whole or in part, an official report shall be forwarded immediately to the plant protection organization of the exporting country.

(f) Contracting parties shall make provisions which, without endangering their own plant production, will keep certification requirements to a minimum, particularly for plants or plant products not intended for planting, such as cereals, fruits, vegetables and cut flowers.

(g) Contracting parties may make provisions, with adequate safeguards, for the importation for purposes of scientific research or education, of plants and plant products and of specimens of plant pests. Adequate safeguards likewise need to be taken when introducing biological control agents and organisms claimed to be beneficial.

3. The measures specified in this Article shall not be applied to goods in transit throughout the territories of contracting parties unless such measures are necessary for the protection of their own plants.

4. FAO shall disseminate information received on importation restrictions, requirements, prohibitions and regulations (as specified in paragraph 2(b), (c) and (d) of this Article) at frequent intervals to all contracting parties and regional plant protection organizations.

Article VII - International Cooperation

The contracting parties shall cooperate with one another to the fullest practicable extent in achieving the aims of this Convention, in particular as follows:

(a) Each contracting party agrees to cooperate with FAO in the establishment of a world reporting service on plant pests, making full use of the facilities and services of existing

organizations for this purpose and, when this is established, to furnish FAO periodically, for distribution by FAO to the contracting parties, with the following information:

(i) reports on the existence, outbreak and spread of economically important pests of plants and plant products which may be of immediate or potential danger;

(ii) information on means found to be effective in controlling the pests of plants and plant products.

(b) Each contracting party shall, as far as is practicable, participate in any special campaigns for combatting particular destructive pests that may seriously threaten crop production and need international action to meet the emergencies.

Article VIII - Regional Plant Protection Organizations

1. The contracting parties undertake to cooperate with one another in establishing regional plant protection organizations in appropriate areas.

2. The regional plant protection organizations shall function as the coordinating bodies in the areas covered, shall participate in various activities to achieve the objectives of this Convention and, where appropriate, shall gather and disseminate information.

Article IX - Settlement of Disputes

1. If there is any dispute regarding the interpretation or application of this Convention, or if a contracting party considers that any action by another contracting party is in conflict with the obligations of the latter under Articles V and VI of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants or plant products coming from its territories, the government or governments concerned may request the Director General of FAO to appoint a committee to consider the question in dispute.

2. The Director-General of FAO shall thereupon, after consultation with the governments concerned, appoint a committee of experts, which shall include representatives of those governments. This committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the governments concerned. This committee shall submit a report to the Director-General of FAO, who shall transmit it to the governments concerned and to the governments of other contracting parties.

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

4. The governments concerned shall share equally the expenses of the experts.

Article X - Substitution of prior agreements

This Convention shall terminate and replace, between contracting parties, the International Convention respecting measures to be taken against the Phylloxera vastatrix of 3 November 1881, the additional Convention signed at Berne on 15 April 1889 and the International Convention for the Protection of Plants signed at Rome on 16 April 1929.

Article XI - Territorial application

1. Any state may at the time of ratification or adherence or at any time thereafter communicate to the Director-General of FAO a declaration that this Convention shall extend to all or any of the territories for the international relations of which it is responsible and this Convention shall be applicable to all territories specified in the declaration as from the thirtieth day after the receipt of the declaration by the Director-General.

2. Any state which has communicated to the Director-General of FAO a declaration in accordance with paragraph 1 of this Article may at any time communicate a further declaration modifying the scope of any former declaration or terminating the application of the provisions of the present Convention in respect of any territory. Such modification or

termination shall take effect as from the thirtieth day after the receipt of the declaration by the Director-General.

3. The Director-General of FAO shall inform all signatory and adhering states of any declaration received under this Article.

Article XII - Ratification and adherence

1. This Convention shall be open for signature by all States until 1 May 1952 and shall be ratified at the earliest possible date. The instruments of ratification shall be deposited with the Director-General of FAO, who shall give notice of the date of deposit to each of the signatory States.

2. As soon as this Convention has come into force in accordance with Article XIV, it shall be open for adherence by non-signatory States. Adherence shall be effected by the deposit of an instrument of adherence with the Director-General of FAO, who shall notify all signatory and adhering States.

Article XIII - Amendment

1. Any proposal by a contracting party for the amendment of this Convention shall be communicated to the Director-General of FAO.

2. Any proposed amendment of this Convention received by the Director-General of FAO from a contracting party shall be presented to a regular or special session of the Conference of FAO for approval and, if the amendment involves important technical changes or imposes additional obligations on the contracting parties, it shall be considered by an advisory committee of specialists convened by FAO prior to the Conference.

3. Notice of any proposed amendment of this Convention shall be transmitted to the contracting parties by the Director-General of FAO not later than the time when the agenda of the session of the Conference at which the matter is to be considered is dispatched.

4. Any such proposed amendment of this Convention shall require the approval of the Conference of FAO and shall come into force as from the thirtieth day after acceptance by two-thirds of the contracting parties. Amendments involving new obligations for contracting parties, however, shall come into force in respect of each contracting party only on acceptance by it and as from the thirtieth day after such acceptance.

5. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of FAO, who shall inform all contracting parties of the receipt of acceptance and the entry into force of amendments.

Article XIV - Entry into force

As soon as this Convention has been ratified by three signatory states it shall come into force between them. It shall come into force for each state ratifying or adhering thereafter from the date of deposit of its instrument of ratification or adherence.

Article XV - Denunciation

1. Any contracting party may at any time give notice of denunciation of this Convention by notification addressed to the Director-General of FAO. The Director-General shall at once inform all signatory and adhering states.

2. Denunciation shall take effect one year from the date of receipt of the notification by the Director-General of FAO.

Annex - Model Phytosanitary Certificate

No. _____

Plant Protection Organization of _____

TO: Plant Protection Organization(s) of _____

Description of Consignment

Name and address of exporter: _____

Declared name and address of consignee: _____

Number and description of packages: _____

Distinguishing marks: _____

Place of origin: _____

Declared means of conveyance: _____

Declared point of entry: _____

Name of produce and quantity declared: _____

Botanical name of plants: _____

This is to certify that the plants or plant products described above have been inspected according to appropriate procedures and are considered to be free from quarantine pests, and practically free from other injurious pests; and that they are considered to conform with the current phytosanitary regulations of the importing country.

Disinfestation and/or Disinfection Treatment

Date: _____

Treatment: _____

Chemical (active ingredient) : _____

Duration and temperature: _____

Concentration: _____

Additional information: _____

Additional declaration: : _____

Place of issue: _____

(Stamp of Organization) Name of authorized officer: _____

Date: _____

(Signature)

No financial liability with respect to this certificate shall attach to _____ (name of Plant Protection Organization) or to any of its officers or representatives.*

* Optional clause

Model Phytosanitary Certificate for Re-Export

No: _____

Plant Protection Organization of _____ (country of re-export)

TO: Plant Protection Organization(s) of _____ (country(ies) of import)

Description of Consignment

Name and address of exporter: _____

Declared name and address of consignee: _____

Number and description of packages: _____

Distinguishing marks: _____

Place of origin: _____

Declared means of conveyance: _____

Declared point of entry: _____

Name of produce and quantity declared: _____

Botanical name of plants: _____

This is to certify that the plants or plant products described above were imported into (country of re-export) _____ from (country of origin) _____ covered by Phytosanitary Certificate No. _____, *original _____ certified true copy _____ of which is attached to this certificate; that they are packed _____ repacked _____ in original _____ *new _____ containers, that based on the original phytosanitary certificate _____ and additional inspection _____, they are considered to conform with the current phytosanitary regulations of the importing country, and that during storage in _____ (country of re-export), the consignment has not been subjected to the risk of infestation or infection.

* Insert tick in appropriate o boxes.

Disinfestation and/or Disinfection Treatment

Date: _____

Treatment: _____

Chemical (active ingredient): _____

Duration and temperature: _____

Concentration: _____

Additional information: _____

Additional declaration: _____

Place of issue: _____

(Stamp of Organization) Name of authorized officer: _____

Date: _____

(Signature)

No financial liability with respect to this certificate shall attach to _____ (name of Plant Protection Organization) or to any of its officers or representatives.**

** Optional clause