



ISPM 29

**INTERNATIONAL STANDARDS FOR
PHYTOSANITARY MEASURES**

ISPM 29

**RECOGNITION OF PEST FREE AREAS
AND AREAS OF LOW PEST PREVALENCE**

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Adoption

This standard was adopted by the Second Session of the Commission on Phytosanitary Measures in March 2007.

INTRODUCTION

Scope

This standard provides guidance and describes a procedure for the bilateral recognition of pest free areas and areas of low pest prevalence. This standard does not include specified timelines for the recognition procedure. This standard also provides some considerations regarding pest free places of production and pest free production sites.

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.

Definitions

Definitions of phytosanitary terms used in the present standard can be found in ISPM 5 (*Glossary of phytosanitary terms*).

Outline of Requirements

Recognition of pest free areas (PFAs) and areas of low pest prevalence (ALPPs) is a technical and administrative process to achieve acceptance of the phytosanitary status of a delimited area. Technical requirements for establishment of PFAs and ALPPs, as well as certain elements relating to recognition, are addressed in other International Standards for Phytosanitary Measures (ISPMs). In addition, many principles of the International Plant Protection Convention (IPPC) are relevant.

Contracting parties to the IPPC should proceed with a recognition process without undue delay. The process should be applied without discrimination between contracting parties. Contracting parties should endeavour to maintain transparency in all aspects of the recognition process.

The procedure described in this standard deals with those cases where detailed information and verification may be required, such as in areas in which eradication or suppression of a pest has recently been achieved. 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 process; assessment of the information provided; communication of the results of assessment; provision of official recognition. However, where the absence of the pest in an area and the PFA status can easily be determined, the procedure for recognition described in this standard (in section 4) may not be required or very little supporting information may be necessary.

Both exporting and importing contracting parties have specific responsibilities relating to the recognition of PFAs and ALPPs.

The recognition process should be sufficiently documented by contracting parties.

Some considerations on pest free places of production and pest free sites of production are also provided.

BACKGROUND

Exporting contracting parties may establish PFAs or ALPPs, among other reasons, in order to gain, maintain or improve market access. In any of these cases, where PFAs or ALPPs are established in accordance with the relevant ISPMs, recognition of such areas without undue delay is very important to exporting contracting parties.

Importing contracting parties, in meeting their appropriate level of protection and in accordance with requirements for technical justification, may consider PFAs or ALPPs as effective phytosanitary measures. Therefore, it may also be in the interests of the importing country to provide prompt recognition of such areas where they are established in accordance with the relevant ISPMs.

For recognition of PFAs and ALPPs, the following articles of the IPPC are relevant:

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

The contracting parties shall cooperate with one another to the fullest practicable extent in achieving the aims of this Convention ... [Article VIII].

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.

REQUIREMENTS

1. General Considerations

Several ISPMs address the establishment of PFAs and ALPPs, and related issues. A range of ISPMs relate directly to the technical requirements for the establishment of PFAs and ALPPs, while many others contain provisions that may be applied in the formal process for recognition of such areas.

ISPM 1:2006 includes operational principles on recognition of PFAs and ALPPs (sections 2.3 and 2.14).

ISPM 4:1995 points out that, since certain PFAs are likely to involve an agreement between trading partners, their implementation would need to be reviewed and evaluated by the national plant protection organization (NPPO) of the importing country (section 2.3.4).

ISPM 8:1998 provides guidance on the use of the phrase “pest free area declared” in pest records (section 3.1.2).

ISPM 10:1999 describes the 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.

ISPM 22:2005 describes the requirements and procedures for the establishment of ALPPs for regulated pests in an area and, to facilitate export, for pests regulated by an importing country only. This includes the identification, verification, maintenance and use of those ALPPs.

ISPM 26:2006 describes the requirements for the establishment and maintenance of PFAs for the economically important species in the family Tephritidae.

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.

2. Related Principles

2.1 Recognition of pest free areas and areas of low pest prevalence

ISPM 1:2006 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”.

2.2 Sovereignty and cooperation

Contracting parties have sovereign authority, in accordance with applicable international agreements, to prescribe and adopt phytosanitary measures to protect plant health within their territories and to determine their appropriate level of protection to plant health. A contracting party has sovereign authority to regulate the entry of plants, plant products and other regulated articles (Article VII.1 of the IPPC). Therefore a contracting party has the right to make decisions relating to recognition of PFAs and ALPPs.

However, countries also have other obligations and responsibilities, such as cooperation (Article VIII of the IPPC). Therefore, in order to promote cooperation, an importing contracting party should consider requests for recognition of PFAs and ALPPs.

2.3 Non-discrimination

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.

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.

2.5 Transparency

Updates on progress between the importing and exporting contracting parties should be provided to the designated point of contact (further described in section 3.1), as appropriate or on request, to ensure that the recognition process is conducted in an open and transparent manner.

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 shall be communicated appropriately and promptly as required by the IPPC (Article VIII.1(a)) and relevant ISPMs (e.g. ISPM 17:2002).

To improve transparency, contracting parties are encouraged to make available on the International Phytosanitary Portal decisions on PFAs and ALPPs that have been recognized (this information should be updated as appropriate).

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).

3. Requirements for the Recognition of Pest Free Areas and Areas of Low Pest Prevalence

NPPOs are responsible for designation, maintenance and surveillance of PFAs and ALPPs within their territories (Article IV.(2)e of the IPPC). To establish PFAs or ALPPs and before asking for recognition, NPPOs should take into account the appropriate ISPMs that provide technical guidance, e.g. ISPM 4:1995 for PFAs, ISPM 22:2005 for ALPPs, and ISPM 8:1998.

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.

Where the pest is absent from an area and the PFA status can easily be determined (for example in areas where no records of the pest have been made and, in addition, long-term absence of the pest is known or absence is confirmed by surveillance), the process for recognition described in this standard (in section 4) may not be required or very little supporting information may be necessary. In such cases, 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, including items listed in section 4.1 of the present standard.

3.1 Responsibilities of contracting parties

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
- cooperating 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 and:
 - . 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.

Importing contracting parties should limit any information or data requests associated with an assessment of recognition to those which are necessary.

3.2 Documentation

The whole process from initial request to final decision should be sufficiently documented by contracting parties so that the sources of information and rationale used in reaching the decision can be clearly identified and demonstrated.

4. Procedure for the Recognition of Pest Free Areas and Areas of Low Pest Prevalence

The steps described below are recommended for importing contracting parties in order to recognize PFAs and ALPPs of exporting contracting parties. However, in certain cases, as mentioned in the third paragraph of section 3, a process for recognition as described in this standard may not be required.

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.

A flow chart outlining the following steps is provided in Appendix 1. Recommended steps proceed as described from section 4.1 to section 4.6.

4.1 Request for recognition by the NPPO of the exporting contracting party

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 4:1995 or ISPM 22:2005 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 may 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 4 or ISPM 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
- relevant information directly related to the request for recognition on the structure of and resources available to the NPPO of the exporting country
- 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.

4.2 Acknowledgement by the importing contracting party of receipt of the information package and indication of its completeness for assessment purposes

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

In commencing the assessment, the importing contracting party should, if possible, 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 may provide an explanation for its absence.

Where an exporting contracting party resubmits a request 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.

4.3 Description of assessment process to be used by the 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 time frame for completion of the recognition process.

4.4 Assessment of the technical information

Once all the information has been received, the NPPO of the importing contracting party should carry out assessment of the information package, taking into account:

- provisions of the relevant ISPMs that specifically address either PFAs (ISPM 4:1995) or ALPPs (ISPM 22:2005), 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.

PFA 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 time frame, 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 time frame 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 time frame. 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.

4.5 Notification of results of assessment

Upon completion of the assessment, the importing contracting party should reach a decision on the request and should notify the exporting contracting party of the results of its assessment; if the proposed PFA or ALPP will not be recognized, the importing contracting party should provide an explanation, including technical justification where applicable, for this decision.

In the event of a disagreement related to the rejection of a request for recognition of a PFA or ALPP, efforts should in the first instance be made bilaterally to resolve these disagreements.

4.6 Official recognition

In accordance with Article VII.2(b) of the IPPC: “Contracting parties shall, immediately upon their adoption, publish and transmit phytosanitary requirements, restrictions and prohibitions to any contracting party or parties that they believe may be directly affected by such measures.” If the PFA or ALPP is recognized by the importing contracting party, this should be officially communicated to the exporting contracting party, clearly confirming the type of area recognized and identifying the relevant pest(s) for which such recognition applies. Where appropriate, amendment of the phytosanitary import requirements and any associated procedures of the importing contracting party should be made promptly.

4.7 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.

5. Considerations on Pest Free Places of Production and Pest Free Production Sites

Usually pest free places of production and pest free production sites should not require recognition using the procedures described above (section 4). In this regard ISPM 10:1999 states, 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 10)

However, ISPM 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 10 (section 3.1):

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 of this standard or another bilaterally agreed procedure.

This appendix is for reference purposes only and is not a prescriptive part of the standard.

APPENDIX 1: Flow chart outlining the procedure for the recognition of pest free areas or areas of low pest prevalence (as per section 4)

