

REPORT OF WORKSHOP

TRADE FACILITATION REPORT

Quarantine constraints to trade and the impact of WTO-SPS
agreement on regional trade

(Nadi, Fiji Islands, 20 March 2001)



SECRETARIAT OF THE PACIFIC COMMUNITY
SUVA, FIJI ISLANDS

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REPORT

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INTRODUCTION

The trade facilitation workshop was held in Nadi, Fiji Islands, on 20 March 2001. The meeting was officially opened by Mr Jaindra Kumar, Director, Trade and Investment Division, Forum Secretariat, Suva, Fiji Islands.

The Chairperson appointed was Mr Sione Foliaki, Principal Quarantine Officer and Head of Quarantine Division, Ministry of Agriculture & Forestry, Tonga. The presenters for the workshop were, Mr John Landos, Quarantine and Inspection Resources Pty Ltd, Griffith, ACT, Australia; presenting on the subject of Trade Facilitation Capacities of Quarantine Services in Forum Island Countries, and Ms Gretchen Stanton, WTO Headquarters, Geneva, presenting on the subject of The WTO – Sanitary and Phytosanitary Agreement.

The participants present were from: American Samoa, Fiji Islands, Guam, Nauru, Cook Islands, French Polynesia, Kiribati, New Caledonia, Niue, Palau, Samoa, Tokelau, Northern Marianas, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Wallis and Futuna and Vanuatu.

PROGRAMME

0900- 0915	Opening
0915-1015	Trade facilitation capacities of quarantine services in Forum Island Countries
	Tea
1100-1300	Working Groups to consider Landos Report recommendations
	Lunch
1400-1500	The WTO Sanitary and Phytosanitary Agreement
	Tea
1530-1630	Working groups to take into account WTO - SPS issues when finalising recommendations on Landos report
1630-1730	Plenary session: working groups' reports
1730	Closure

OPENING ADDRESS

1 Mr Jaindra Kumar, Director, Trade and Investment Division, Forum Secretariat, Suva, addressed the meeting. He said that the Forum Island Countries' trade ministers had met in 1999 to discuss trade policies, which included the possibility of a free trade agreement within the region. This had been progressed and, in parallel, trade facilitation was being considered. John Landos had been contracted to undertake a study on the effect of quarantine and customs on trade.

2 Mr Kumar requested that the PPPO consider the recommendations in the Landos Report and each member in turn advise their Ministers.

A. Trade Facilitation Presentation

3 Mr Landos said that all the recommendations contained in his report did not apply to every country due to different stages of quarantine/customs development and the difference in projects; that animal and plant quarantine involved integrated systems; and that environment issues were closely related to quarantine and tourism. He also said that each country needs to do a "stock-take" when considering the report and monitor their own situations.

A. 1 SPS issues

4 Developed countries draft the SPS rules with little or no input from the developing countries. It is difficult for the FICs to extract much benefit from the SPS Agreement as many have limited scientific capacities, especially on the animal side. Island countries have plant products that have strong potential; benefits cannot be extracted without good infrastructure. There should be regional arrangements put in place to help small island countries strengthen their capacities.

A. 2 Quarantine Focus

5 The main focus of quarantine is animal, plant and human health. Quarantine facilitates international trade in terms of exports and imports, but also needs to consider the environment, including a focus on invasive species (pests).

A. 3 Technical Assistance

6 Additional commitment to the developing nations has to be made under the SPS Agreement. It is also important to ascertain what assistance has been provided to such countries. There is a need for better information sharing and coordination between the development assistance agencies (e.g. Australia, New Zealand, US, EU and FAO) and FIC Governments.

A. 4 Resource

7 Includes equipment, funding, scientific capacity. FICs need:

- ◆ To press for funding from their own Government (e.g. cost recovery);
- ◆ To gain priority for development assistance within their country (Agriculture used to be a top priority in FIC Governments' Development agenda but things have changed over the years and it is no longer given such prominence. Students no longer consider agriculture as a lucrative future career prospects;
- ◆ A regional strengthening of scientific capacity.

A. 5 Quarantine Activity

8 Quarantine in many FICs is run in a passive way and is regarded as secondary to Customs or Immigration.

9 Quarantine officers are not very active and hence need to play a more active role in ensuring pest-free passage of goods. There are no random searches of passengers who have nothing to declare. Good examples of the importance of quarantine include the recent outbreak of foot and mouth disease in the UK and taro leaf blight in Samoa.

10 Cooperation between customs and quarantine has to be increased and one group should not feel that the other is subordinate to it. The common scenario in the FICs is that Quarantine follows Customs.

A. 6 Facilities and Equipment

11 Facilities and equipment must be upgraded. There is a lot of equipment in the Pacific that is no longer operational due to lack of proper maintenance, etc. Before equipment is purchased, Quarantine staff should be trained to operate and maintain it.

A. 7 Education Issues

12 There is a lack of scientists and technical experts. Agri-education in the FICs needs emphasizing, on para -scientific training.

13 IT and the Internet – the monopoly of the telecommunication companies in many countries does not allow the quarantine divisions access to Internet and e-mail, given their low budgets and the very high charges compared with developed countries.

14 English language skills will become increasingly important

A. 8 Public Awareness

15 Areas identified included:

- ◆ Farmers – extension material/programmes should be prepared for farmers to enable them to come to grips with what quarantine is all about.
- ◆ Travelling public – in-flight videos such as those developed by Fiji was a very good way of communicating the message to the travelling public.
- ◆ General public – should be aware of quarantine issues when they send articles overseas or receive such items from abroad.
- ◆ VIPs - There is also a tendency amongst some quarantine staff to let senior officials or VIPs pass through quarantine without checks. Rules are for everyone regardless of their social standing.
- ◆ It takes time for information to penetrate the systems and thus it is a gradual process.

A. 9 Cultural Issues

16 Problems identified included:

- ◆ Carrying food between countries – people carry food from one country to another and thus need to be educated on the implications of their actions.
- ◆ VIPs – need to be accorded the same treatment as the rest of the population.
- ◆ Gender – it is often difficult for male quarantine officers to deal with women passengers or for male extension officers to deal with women farmers. Employing more female staff could solve this.

A. 10 Motivation and Ethics of Officers

17 There is a need to present a professional image (including uniforms) at the border. Quarantine officers should set a good example by emphasising their function.

A. 11 Consultation

18 There is a need to have consultation between quarantine and customs, between quarantine and other agencies (e.g. Environment) and between quarantine and the private sector.

A. 12 Regional Issues

19 SPC-PPS had a charter on plant and animal health. The question of who should do what often arose. It was also important to know what the regional agencies could do better and what the governments could do and could do better. The Governments also needed to maintain their sovereignty when they made a decision.

A. 12.1 Attachment training

20 FICs should be used where possible (similar conditions and problems) rather than send officers to New Zealand or Australia (unless specialist training is required).

A. 12.2 Industry associations

21 Forum Island Governments should encourage the formation of industry associations and quality standards for procedures (including quarantine standards)

A. 12.3 Diagnostic facilities

22 There was a need for regional strengthening of diagnostic facilities. Specialist staff would be required to run/maintain the facilities.

A. 13 Discussion

23 Dr Bob Ikin asked if Mr Landos had considered the option of single-border agencies. This had been considered and because of the technical requirements of quarantine it was still preferable internationally to keep the services separate.

24 Vanuatu commented on the issue of non-operational equipment in FICs and stated that, many countries do not have the financial capacity to maintain this. Mr Landos felt that it was a problem of budgeting skill and it was important that FICs had a maintenance element in their proposal (for instance, an incinerator project should also consider ongoing maintenance rather than just installation). A training programme should also be included in project proposals.

25 SPC (Mick Lloyd) commented that the PICTs needed to recognise the importance the role of international organisations such as the World Trade Organization (WTO) in international trade. International standards were being developed and the expectation was that they would apply to all countries involved in international trade.

A. 14 Comments on the Recommendations in Landos Report

26 Mr Landos briefly commented on the recommendations contained in his report. Comments included:

- ◆ There has to be closer collaboration and cooperation between the FICs.
- ◆ Stock-take; FICs should use the report as guide to evaluate their strengths and weaknesses and to identify priorities.
- ◆ Involvement of the private sector could occur more often but was not vital.
- ◆ The report was not just about the quarantine issues but also concerned food security. FIC Ministers and other politicians needed to understand this. The participants need to relay the message to their ministers and secretaries.
- ◆ Attachment training to Australia and New Zealand was not proving to be very effective. It would be more advisable for FICs to be attached to their counterpart countries such as Tonga and Vanuatu for more relevant training programmes. Australia and New Zealand would be less likely to devise FIC-focused training programmes. Only in exceptional cases, where effective training programmes are not available, should attachments to Australia and New Zealand be considered.
- ◆ Government in the FICs were encouraging industries to be more organised. Organisations such as the “Kava Councils” were being formed to enhance the trade within and outside the Pacific region.
- ◆ Diagnostic facilities - most of the Forum countries did not have well-equipped facilities. There was a need for a regional set-up in addition to strengthening of the existing mechanisms. Staff needed to be educated to run and maintain such facilities.

B. WORLD TRADE ORGANISATION: AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES

27 Ms Gretchen Stanton, WTO Headquarters, Geneva, gave a presentation on the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures (WTO SPS Agreement). She explained that an SPS measure was any measure applied to protect animal, plant or human health within the territory of the member country from risks arising from the entry, establishment or spread of pests and diseases. The measure could also be applied to prevent or limit other damage within the territory of the member.

B. 1 WTO SPS Agreement

28 It was emphasised that SPS would only apply to food if it was determined that the food product contained additives, contaminants, toxins or disease-causing organisms. How to deal with genetically modified food was still not clear under the SPS.

29 The key provisions of the SPS agreement were: scientific justification, harmonisation, equivalence, disease-free areas, technical assistance and transparency. Basic rights and obligations of members could only be exercised to the extent necessary to protect animal, plant or human life/health, based on scientific principles.

30 Importing countries must be able to justify the measures they have in place. Exporting countries should check if their products meet the international standards such as CODEX, OIE and IPPC standards. If problems are encountered by exporting countries, the importing country has to justify why they do not want the product concerned. A member may use someone else's risk assessment if it is appropriate.

31 Members are required to establish a notification authority, which is responsible for notifying any changed/intended measures that may affect trade.

B. 2 Dispute Settlement in the WTO

32 No money is involved when bringing a dispute to WTO. However, when there is a request for a panel, costs are involved. If a panel is established to assist with the resolution of the dispute, the Secretariat appoints the members to which both parties must agree.

B. 2.1 Steps in dispute settlement in the WTO

33 Ms Stanton outlined the steps involved with dispute resolution. These included:

1. Formal request for consultations (60 days +)
 2. Request for panel (arbitration, mediation)
 3. Selection of panel members (three members who are schooled in the WTO Agreement)
 4. Submission of written and oral arguments
 5. Expert advice – sought from the outside
 6. Submission of draft reports to parties
 7. Submission of the interim report and findings to parties
 8. Consideration and adoption of the final report by the dispute settlement body
- (If accepted, the procedure stops here)
9. Appeal of legal findings
 10. Consideration by appellate body
 11. Adoption of the report by the appellate body
 12. Acceptance and implementation of the outcome within a reasonable period of time.

B. 3 Comments & Questions

34 New Zealand sought clarification on the need to notify 60 days prior to any changes in measures (often final agreement was reached only days before trade needed to commence). Ms Stanton explained that a proposed regulation that may have a restrictive effect on trade would require the 60-day notification period in order to give the trading partner(s) opportunity for comment.

35 The SPC enquired as to whether a number of countries could lodge a complaint together. Ms Stanton confirmed that it was possible to do so and in fact was encouraged.

36 Tonga asked if there was compensation provided for a country that took a dispute to the WTO. Ms Stanton informed the meeting that there was none and that the parties had to pay their own expenses.

37 Palau asked if countries that were not members could have their disputes settled via the WTO system (or could a non-WTO member bring a dispute against a WTO member). Ms Stanton said that the WTO dispute settlement process was only for the member countries.

38 Wallis and Futuna asked whether, as France was a member of WTO, the French Territories could also become members. Ms Stanton said the situation was complex and may need negotiation but one did not need to be a country to be a member of the WTO (e.g. Hong Kong).

C. GROUP EXERCISE

39 A group exercise was undertaken by the meeting to consider a series of questions arising out of the Landos report

C. 1 Group 1

40 Group members: New Caledonia, Nauru, Kiribati, French Polynesia, Guam, Wallis & Futuna

C. 1.1 Questions

1. Identify areas in your countries where we can improve the focus of quarantine and accordingly plant protection.
2. Identify areas that might offer the prospect of bringing additional resources to quarantine and plant protection.

C. 1.2 Responses: Q1

- ◆ Update and focus legislation and regulations concentrating on harmonisation with WTO-SPS.
- ◆ Identify high-risk pathways for pest introduction and focus available resources on these areas to maximise quarantine effectiveness.
- ◆ Up grade communication, information-sharing and public awareness programs.

C. 1.3 Responses: Q2

- ◆ Recommend obtaining legislation to establish a separate quarantine fund, based on the collection of user fees on airline tickets and cargo shipments. Funds must be restricted only for quarantine uses
- ◆ Assess separate fees for the issuance of import permits, phytosanitary certificates and certificates of origin.
- ◆ Certify private companies to perform incineration and fumigation procedures with importers paying the companies directly for these services.
- ◆ Regional training centres should be established to cost share the training expenses

C. 2 Group 2

41 Group members: Cook Islands, Palau, American Samoa, Niue, Fiji Islands

C. 2.1 Questions

1. What can be done to improve public awareness of quarantine and plant protection in our country?
2. How can we tackle cultural issues?

C. 2.2 Responses: Q1

C. 2.2.1 Public Awareness of Quarantine

42 Improving the focus of quarantine and gaining increasing recognition (which is only effective from a partnership approach) needs public understanding and support of the objectives of quarantine, food safety, tourism, trade facilitation and prevention introduction of serious pests.

43 If improved observance of the quarantine law is desired, then there is a need to gain a better understanding by the general public for the need to observe quarantine requirements. Generally people are not aware of the importance of the real value of having a good animal and plant health status.

What Can Be Done?

- ◆ Radio programmes
- ◆ Leaflets
- ◆ Posters
- ◆ In-flight video & announcement
- ◆ Newsletters
- ◆ TV commercials & programmes
- ◆ Quarantine awareness week
- ◆ Quarantine websites
- ◆ Education curriculum
- ◆ Newspaper articles
- ◆ Production of school kits
- ◆ Educating community, politicians, church leaders and groups, legal fraternity in order to sell the benefit of quarantine.

Action plan

- ◆ Stock take
- ◆ Draft proposals and submit to respective national governments
- ◆ Liaise with regional agencies, e.g. SPC
- ◆ Undertake quarantine publicity (to the extent possible within the approved budget)
- ◆ Implementation of the approved proposal
- ◆ Draw on available information materials within the region and internationally
- ◆ Increase penalties associated with illegal importation.

C. 2.3 Responses: Q2

C. 2.3.1 Cultural issues

Problems:

- ◆ Cultural practice of carrying food
- ◆ VIPs
- ◆ Gender- inspection of female passengers by female officers.

Action

- ◆ Development of quarantine requirements/extension materials
- ◆ Development of publicity materials to be placed at points of departure and other locations
- ◆ Set up a quarantine surveillance/monitoring office to be more productive. The quarantine officer is to be more practical and undertake more baggage searches. Non-discrimination is enforced
- ◆ Educate VIPs, politicians on quarantine issues and the importance of quarantine

- ◆ Introduction of spot fines
- ◆ Increase penalties associated with illegal importation and publicise prosecution
- ◆ Recruitment of more female quarantine officers.

C. 3 Group 3

44 Group members: Tokelau, Tuvalu and Vanuatu, Fiji (Forestry)

C. 3.1 Questions

1. In the area of plant protection and quarantine, what activities and functions can be performed better on a regional basis?
2. How can we improve the motivation and work ethics of our officers?

C. 3.2 Responses: Q1

Function	Local	Regional	Regional Role
Preparing quarantine legislation	X	x	Support to access appropriate expertise to assist in the preparation of legislation.
Inspection	X		
Clearance Treatment	X	x	Advice re-new treatments e.g. replacement for methyl bromide.
Pest Surveys	X	x	Funding. Support to access expert personnel to undertake surveys.
Pest Lists / Database	X	x	Maintain database of pests and diseases in the Pacific. Links to Australia and New Zealand information.
Awareness	X	x	Promote awareness of pest movement across the region.
Training	X	x	Ensuring training courses are available that meet the needs of PICTs
Certification	X		
BQAs	X		
Liaison with other agencies	X	x	Especially with national organisations, such as WTO and IPPC, FAO etc.
Import Risk Analysis	X	x	Regional resource (person) for information (literature, database) necessary for conducting IRAs.
Formulating entry conditions	X		

C. 3.2.1 Action Plan

Pest Lists/Database

- 45 Set up user-friendly database to operate on two levels:
- a) at country level to record country data
 - b) at regional level to electronically collate data from the individual country lists.

Training

- 46 Set up appropriate training courses on a regional level (being addressed).

Import Risk Analysis

47 Appoint resource person to regional body.

C. 3.3 Responses: Q2

- ◆ Employ appropriately qualified staff
- ◆ Have clear job descriptions, performance indicators, work procedures and code of conduct so staff knows what is expected of them
- ◆ Have appropriate recognition of officers (pay rates), especially compared to other areas of the public service
- ◆ Provide adequate equipment to do the job:
- ◆ Office facilities
- ◆ Treatment facilities
- ◆ Vehicles
- ◆ Give staff a sense of identity e.g. with uniforms and a logo
- ◆ Access to training courses, especially for less qualified staff
- ◆ Ensure there are sufficient staff to carry out the job.

Action

48 Institute Quarantine Improvement Plans where they are required to implement the above measures.

C. 4 Group 4

49 Group members: Samoa, Tonga, Solomon Islands, Papua New Guinea, Marshall Islands and New Zealand.

C. 4.1 Questions

1. How can consultation with related agencies such as customs and environment be improved in our countries?
2. What steps can we take to upgrade the skills of personnel engaged on quarantine and plant protection work?
3. What steps can we take to increase the pool of people in our country who have skills that are likely to be of use to quarantine and plant protection?

C. 4.2 Responses: Q1

C.4.2.1 Organisation such as Customs

- 50 The group considered whether there were benefits in consultation and recognising that efficiencies and increased effectiveness could be realised, considered the following to be appropriate;
- ◆ Development of a MoU between the two Heads of Departments clearly specifying activities to be undertaken by each and the relationship between the two organisations.
 - ◆ Inclusion of any requirements of the MoU in the quarantine organisation annual planning sessions (e.g. running combined workshops, cross skilling to enable each organisation to act on behalf (i.e. alert) of the other.
 - ◆ Inclusion of activities in the staff performance agreements – The Quarantine (and Customs) staff should have the requirements of the MoU (as specified by the annual operational plan) included in the performance agreement with their bosses).
 - ◆ Performance assessment – the boss check with the staff to ensure agreed activities are being undertaken.

C. 4.2.2 Organisations such as Environment

51 The group considered the following to be appropriate;

- ◆ Development of a MoU between the two Heads of Departments clearly specifying any activities to be undertaken by Quarantine on behalf of Environment.
- ◆ Development of quarantine measures – when an IRA is undertaken, Quarantine should consult with Environment and explain the intended measures and ascertain whether they would meet Environment's concern.
- ◆ Workshops – ascertain each other's needs and explain the modus operandi of each Department in order to ascertain synergies.

C. 4.3 Responses: Q2

52 The group considered what skills would be required to maintain a sustainable quarantine service. The following areas of expertise were identified with the associated skill level:

- ◆ Policy – This would involve international treaties, standards, agreements, etc. Skill level – graduate
- ◆ Surveillance – ascertaining what pests were present in the country of production. Skills required to determine survey design and diagnose/identify pests – graduate
- ◆ Measures for imports – related to the formation of pest lists, pest risk assessments on individual pests associated with the import, treatment efficacy, etc. – Graduate
- ◆ Border control – Inspection of produce (both commercial and passenger accompanied). Interpersonal skills also required (diagnoses could be undertaken by the same staff involve with surveys) – diploma
- ◆ Target surveys for pest of major concern – graduate
- ◆ Pest eradication - graduate.

C. 4.4 Responses: Q3

53 The group considered the problems of attracting appropriate personnel into the quarantine arena. Two major areas were identified:

- ◆ Increase awareness/appreciation of the importance of quarantine. This should result in an increased interest of intending graduates of becoming involved in a worthwhile career.
- ◆ Government recognition of the importance and necessity of quarantine – encourage (e.g. bursaries, scholarships, etc) graduates (e.g. specialist postgraduate diplomas) to undertake a career in quarantine.

C. 5 Comments

- ◆ PNG commented on the problem of people carrying food from island to island using canoes and there being no single port for them.
- ◆ SPC suggested that a time frame should be developed for the action plan.
- ◆ Solomon Island commented that in the four groups there was no topic regarding the increase in man power i.e.increasing resources.
- ◆ Mr Landos commented that some countries had added a quarantine component to the departure tax. He suggested an airport service charge that could include the cost of passenger processing.

D. RECOMMENDATIONS

Group 1

- ◆ Update legislation and regulations and focus on harmonization with WTO-SPS.
- ◆ Identify high-risk pathways for pest introduction and focus available resources on these areas to maximize quarantine effectiveness
- ◆ Upgrade communication, information sharing and public awareness programs.
- ◆ Obtain legislation to establish a separate quarantine fund, based on the collection of user fees on airline tickets and cargo shipments. Funds must be restricted only for quarantine uses.
- ◆ Assess separate fees for the issuance of import permits, phytosanitary certificates and certificates of origin.

- ◆ Certify private companies to perform incineration and fumigation procedures with importers paying the companies directly for these services.
- ◆ Regional training centres to be established for cost-sharing of the training expenses.

Group 2

- ◆ Stock-take.
- ◆ Draft proposals and submit to respective national governments.
- ◆ Liaise with regional agencies, e.g. SPC.
- ◆ Undertake quarantine publicity (to the extent possible within the approved budget).
- ◆ Implementation of the approved proposal.
- ◆ Draw on available information materials within the region and internationally.
- ◆ Increase penalties associated with illegal importation.
- ◆ Development of quarantine requirements/extension materials.
- ◆ Development of publicity materials to be placed at appropriate locations
- ◆ Set up a quarantine surveillance/monitoring office to be more productive. The Quarantine Officer is to be more practical and undertake more baggage searches. Non-discrimination is enforced.
- ◆ Educate VIPs, politicians on quarantine issues and the importance of quarantine.
- ◆ Introduction of spot fines.
- ◆ Increase penalties associated with illegal importation and publicise prosecution.
- ◆ Recruitment of more female quarantine officers.

Group 3

- ◆ Set up user friendly database to operate on two levels:
 - a) at country level to record country data;
 - b) at regional level to electronically collate data from the individual country lists.
- ◆ Set up appropriate training courses on a regional level (being addressed).
- ◆ Appoint resource person to regional body.
- ◆ Employ appropriately qualified staff.
- ◆ Have clear job descriptions, performance indicators, work procedures and code of conduct so staff knows what is expected of them.
- ◆ Have appropriate recognition of officers (pay rates), especially compared to other areas of the public service.
- ◆ Provide adequate equipment to do the job:
 - ◆ Office facilities
 - ◆ Treatment facilities
 - ◆ Vehicles
- ◆ Give staff a sense of identity e.g. with uniforms and a logo.
- ◆ Access to training courses, especially for less qualified staff.
- ◆ Ensure there are sufficient staff to carry out the job.

Group 4

- ◆ Development of a MoU between the two Heads of Departments clearly specifying any activities to be undertaken by quarantine on behalf of environment.
- ◆ Development of quarantine measures – when an IRA is undertaken, quarantine should consult with environment and explain the intended measures and ascertain whether they would meet environment's concern.
- ◆ Workshops – ascertain each other's needs and explain the modus operandi of each Department in order to ascertain synergies.
- ◆ Increase awareness/appreciation of the importance of quarantine. This should result in an increased interest of intending graduates of becoming involved in a worthwhile career.
- ◆ Government recognition of the importance and necessity of quarantine – encourage (e.g. bursaries, scholarships, etc) graduates (e.g. specialist postgraduate diplomas) to undertake a career in quarantine.
- ◆ A time frame should be developed for the action plan.

ANNEXES

Annex 1

1.0 Information on Forum Secretariat Proposals for Trade Facilitation Measures

Next steps after the Landos Report – Information on Forum Secretariat Proposals for Trade Facilitation Measures in forthcoming Regional Trade and Economic Partnership Agreements

Following mandates from Forum Leaders, negotiations have taken place over the past 2 years on a Forum Free Trade Area. Subject to final negotiations and signing, the 14 Forum Island countries will soon enter into an agreement to establish an FTA, with a transition period of 10 years. The negotiations have also tried to develop an appropriate architecture for the inclusion of Australia and New Zealand. After much deliberation it has been decided that all 16 Forum members will enter a trade and economic partnership agreement, at this point named simply the “umbrella agreement”. At this point this will not be a free trade area for all 16, such as is proposed for the 14 islands, but it will include aspects of trade. One of the major focuses is on improving trade facilitation measures relating. It has been agreed that, to avoid some of the problems of implementation arising from resource constraints, Australia, and New Zealand will provide increased funding for trade facilitation as part of the agreement.

Under what is currently proposed, the umbrella agreement will detail a procedure that will require the formulation of detailed trade facilitation programmes in the areas of Customs, Quarantine, and Standards and Conformance within 1 year of signing. Once completed these programmes will become annexed to the main agreement, and will thus have legal standing, meaning they can be subjected to dispute settlement if appropriate. It is proposed that each programme will set out detailed objectives, outcomes, action plans and budgets for financial and technical assistance. By formalising it, we hope that the good work already done on regional harmonisation can be advanced and strengthened.

It should be stressed that whilst the Forum Secretariat is heavily involved in the facilitation of the Trade Ministers process, and negotiation of the trade agreements according to the mandates given us, we are not the experts on the details of customs and quarantine. Thus, whilst we can help members put in place a framework and procedure, we will be looking to both government officials and other expert organisations, such as PPPO and SPC, to work out and negotiate the specific details of the programmes. It is hoped that during the coming year, all the organisations and countries involved can work together towards the development of detailed programmes of partnership and harmonisation.

The Landos report is a good start in this process, and we hope that, following endorsement by officials and then recommendations to ministers, this will become the basis for ongoing discussion on developing a detailed programme in quarantine measures.

Forum Secretariat
Suva

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2.0 WTO - RECOMMENDATIONS

Laws, standards and regulations

Develop/update

- ◆ food laws and animal health protection and phytosanitary regulations

Harmonize existing:

- ◆ National food safety measures with Codex
- ◆ National animal health measures including those relating to animal products and zoonoses measures with OIE
- ◆ National phytosanitary measures with IPPC

Establish/re-activate:

- ◆ SPS Enquiry Points
- ◆ Codex Contact Points & National Codex Committees
- ◆ IPPC Contact Points/NPPOs
- ◆ Improve transparent animal disease reporting systems to OIE and within the region
- ◆ Promote regional harmonization of import and export procedures, including transit laws taking into account existing standards, guidelines and recommendations of Codex, OIE and IPPC
- ◆ Identify needs and seek means to further bilateral, regional and multilateral technical and scientific assistance and cooperation
- ◆ Establish/reinforce national (vertical and horizontal) coordination between agencies and administrations involved in food safety, animal health, zoonoses and feed safety, and plant protection
- ◆ Involve/consult consumers and other stakeholders
- ◆ Encourage and facilitate active participation of adequate personnel in the work of regional and international standard-setting bodies, in particular in the development of standards, guidelines and/or recommendations

REMEMBER: Key for success: safety from “farm to table”

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3.0 Recommendations From Landos Report

(Note: Not all recommendations made will apply to all FICs as some have appropriate measures already in place).

General

- ◆ That Forum Ministers note that the WTO SPS Agreement may well prove to be a significant impediment to trade in developing countries, whether these countries are members of the WTO or not. (Executive Summary)
- ◆ That Forum Ministers carefully consider the benefits and obligations of WTO accession and in doing so encourage their national agencies to sign the International Plant Protection Convention, and join OIE if they have significant animal production industries. (Executive Summary)
- ◆ That Forum Ministers note that limited and expensive Internet access will impede the trade facilitation efforts of quarantine services in particular. (Chapter 1.2)
- ◆ That Forum Ministers/Governments raise with developed countries in the region, in the context of their WTO obligations, the issue of the lack of tangible technical assistance in the quarantine area to FICs. (Chapter 4.1)
- ◆ That Forum Trade Ministers in consultation with ministers responsible for the customs and quarantine functions, develop a submission to their Government emphasising the importance of Ministers and VIP's showing leadership by respecting Customs and Quarantine requirements. That this submission incorporates the development of a program designed to facilitate a covenant approach being adopted by VIP's. (Chapters 3.5 and 4.11)
- ◆ That Forum Trade Ministers agree to the establishment of a scientifically based dispute-settling mechanism for use by FICs in relation to quarantine access disputes between FICs. Initially the dispute-settling mechanism should not be binding on Forum members. (Chapter 4.5)
- ◆ That Forum Trade Ministers recognise that strengthening the regional scientific capacity of SPC is going to be the only viable option for many FICs looking to facilitate trade. (Chapter 4.4)
- ◆ That Forum Trade Ministers note and take back to their respective Governments the vital importance of the credibility of a Quarantine Service in terms of gaining access to developed markets in the region. (Chapter 4.10)
- ◆ That Forum Ministers note that methyl bromide fumigation is unlikely to be available much longer as a quarantine treatment, and that the inability to use this chemical will have a significant impact on the trade facilitation activities of FICs. (Chapter 6.3)
- ◆ That Forum Ministers ensure appropriate consultative arrangements are in place between Forum Secretariat, OCO, SPC and SPTC, in particular, in the context of technical barriers to trade. (Chapter 9.3)
- ◆ That Forum Ministers receive and review a regular report of the progress of import and export access requests that affect FICs. (Chapter 9.3)
- ◆ That Forum Ministers seek a regular report from OCO and SPC that highlights their trade facilitation activities, and outlines strategic directions planned by these organisations in the context of the Regional Free Trade Area Initiative. (Chapter 9.3)
- ◆ That Forum Ministers endorse this study being widely circulated to Agriculture Ministers, SPC, SPTC, AQIS, NZMAF, APHIS and development assistance agencies. It will also be appropriate for the substance of sections of this report to be made available to Education and Telecommunication Ministers. (Chapter 9.3)
- ◆ That Forum Ministers endorse the need for a workshop designed to develop a framework to facilitate FICs

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trade. Attendees to this workshop should include Forum Secretariat, SPTC, SPC Plant and Animal Health and major development assistance agencies. (Chapter 9.3)

- ◆ That the development of consultative arrangements between key agencies be facilitated through a workshop.
- ◆ That each FIC use this report as a template to assess their capacity-building needs in the context of Customs and Quarantine trade facilitation. (Chapter 9.4)
- ◆ That FICs seeking or likely to seek WTO membership note that intellectual property legislation will be a requirement of accession. (Chapter 2.7)

Customs and Quarantine

◆ That a formal memorandum of understanding be developed by each country in respect of their Quarantine and Customs Services. This MOU should cover:

- Cross-skilling of officers of the respective services.
- Maximising the use of available resources in the context of outer island needs where these exist.
- Establishing appropriate consultative arrangements with the private sector and seaport/airport authorities.
- Mutual recognition of the importance of both the Customs and Quarantine functions to FICs.
- Joint planning for future accommodation and major equipment purchases. (Chapter 2.1)

◆ That issues related to the professionalism, motivation, integrity etc. be recognised as critical to improving the trade facilitation efforts of both Quarantine and Customs. (Chapter 2.2)

◆ That formal entry requirements which involve computer and English language skills be developed for all future appointees to Customs and Quarantine Services.

◆ Additionally, in the case of Quarantine Services, wherever possible a Diploma of Tropical Agriculture or equivalent be mandated as the base entry qualification. (Chapter 2.2)

◆ That merit-based principles be adopted for all appointment, promotions attachment training and overseas travel. (Chapter 2.2)

◆ That quite specific job descriptions be drawn up for all positions to improve the accountability of officers. (Chapter 2.2)

◆ That regular formal consultative arrangements be established in order to facilitate import processing. Membership should include Customs, Quarantine, Airport/Seaport Authorities and representatives of the private sector involved in importing goods. (Chapter 2.4)

◆ That careful consideration be given to the acquisition of high cost equipment such as scanning equipment to enable sharing of the capability of the facilities by both Customs and Quarantine. (Chapter 2.5)

◆ That all Customs and Quarantine legislation mandate the no-cost provision by Airport and Seaport Authorities of appropriate facilities essential to the trade facilitation/food/environmental activities of both Customs and Quarantine. (Chapter 2.5)

◆ That all FICs require that legislative provisions of this nature be observed in practice. (Chapter 2.5)

◆ That risk management form an important part of the allocation of resources to specific tasks in both the Customs and Quarantine functions. (Chapter 2.8)

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- ◆ That management skills be recognised as a priority and if at all possible be delivered via distance learning. (Chapter 3.3)

Customs

- ◆ That resourcing issues related to Customs be examined in the context of:
 - The potential contribution cost recovery can make.
 - The potential for a passenger service charge, collected in the ticket price, and designated for infrastructure development. (Chapter 2.3)
 - That ASYCUDA or an appropriate cut-down electronic version be implemented as the standard Customs processing software for FICs. This recommendation is made against the background of the need for preparatory up-skilling of Customs officers in the use of computers and the availability of continuing mentoring arrangements beyond implementation of any electronic system. (Chapter 3.1)
- ◆ That suitable distance learning qualifications be used as the basis for on-going Customs operational training, and that any attachment training only flow from the successful completion of any qualification-based training. (Chapter 3.3)
- ◆ That FICs encourage the development of industry-based associations with a view to improving consultation and industry processing techniques in the future. (Chapter 3.4)
- ◆ That FICs utilise the OCO Integrity Self -Assessment Guide as a means of strengthening the capacity of their Customs Services. (Chapter 3.5)

Quarantine

- ◆ That trade facilitation functions related to human health, (e.g. deratting and health practices on vessels), be performed by Quarantine under policy guidelines provided by the relevant Department of State. (Chapter 2.1)
- ◆ That gender be recognised as an important requirement in the context of female passenger and passenger luggage searches and pest and disease surveillance related to village farming. (Chapter 2.2)
- ◆ That resourcing issues relating to Quarantine be examined in the context of:
 - The contribution cost recovery can make.
 - The scope for delegating responsibility for aircraft and sea craft waste disposal to Airport and Seaport Authorities subject to appropriate auditing arrangements.
 - The scope for delegating low-risk inspection activities to the private sector under appropriate auditing arrangements.
 - The scope for privatising fumigation functions to the private sector under appropriate auditing arrangements.
 - The potential for a inbound passenger service charge (or an increase in departure tax), collected in the ticket price, and designated for infrastructure development. (Chapter 2.3)
- ◆ That all FICs recognise the contemporary focus of quarantine in the context of trade facilitation, food security and the wider environment. In doing so, all FICs take steps to ensure that appropriate consultative links are put in place between all Government agencies involved in these areas. (Chapter 4.2)
- ◆ That FICs review the structure of their Agricultural Ministry to ensure that it has the appropriate focus on trade facilitation outcomes. (Chapter 4.3)
- ◆ That FICs examine the necessity, strength and location of agencies which provide food certification in relation to both imports and exported food and agricultural products. (Chapter 4.3)
- ◆ That attachment training only be used for specialised as distinct from operational quarantine training and that officers only be selected on the basis of merit and the contribution they are able to make to their

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Quarantine Service. (Chapter 4.6)

- ◆ That operational quarantine attachment training only be utilised through one of the FICs that have been subject to substantive capacity building projects in recent years. (Chapter 4.6)
- ◆ That all FICs interested in developing their exports of agricultural/food products establish a joint private sector/Government consultative group to consider issues relating to priority given to particular applications. (Chapter 4.7)
- ◆ That Forum Secretariat on behalf of FICs arrange for annual bilateral market access discussions to be established with Australia, New Zealand and the USA (Hawaii/Guam) (Chapter 4.7)
- ◆ That FIC Governments with an interest in facilitating exports strongly encourage the development of industry associations in order to improve organisational arrangements in the private sector. (Chapter 4.8)
- ◆ That FICs arrange for the development of an integrity self-assessment guide, similar to that produced by OCO for Customs Services, for use by Quarantine Services. (Chapter 4.10)
- ◆ That FIC Quarantine Services take a more proactive approach to passenger processing in part by maintaining regular random searches of passenger baggage. (Chapter 4.11)
- ◆ That a partnership approach be adopted in the context of improving public awareness of the need to respect quarantine requirements. That SPC urgently develop a package of regional awareness resources that can be utilised by individual FICs. (Chapter 4.11)
- ◆ That a Quarantine Week be considered by all FICs as a means of improving public awareness of quarantine requirements. (Chapter 4.11)
- ◆ That FICs with assistance from SPC better define and advertise what foods can be carried between FICs and from island to island within FICs. (Chapter 4.11)
- ◆ That FICs following receipt of appropriate technical advice tighten up the practice of issuing Phytosanitary Certificates to outgoing passengers. (Chapter 4.11)
- ◆ That FICs move towards ensuring that their quarantine legislation reflects the contemporary scope of quarantine provides adequate controls in the context of trade facilitation and is WTO compliant. (Chapter 4.13)
- ◆ That all FICs who have outer islands recognise the benefits that may be available in terms of trade having regard to the area freedom provisions of the SPS Agreement. In doing so, affected FICs should look to establish appropriate controls in order to maintain area freedom using either Quarantine staff or staff from other Government agencies who have been trained in the specific controls in place. (Chapter 4.14)

Other

- ◆ That a review be conducted of SPC's animal and plant health organisational structure to ensure that appropriate attention is directed to trade facilitation support for FICs. This review should incorporate Codex food-related needs. (Chapter 4.5)
- ◆ That following this review the scientific capacity of SPC Plant and Animal Health be substantively upgraded with a view to meeting the trade facilitation needs of FICs. (Chapter 4.5)
- ◆ That the selection criteria, for the soon-to-be-established Quarantine position in SPC-PPS, include substantive trade facilitation skills. (Chapter 4.5)

- ◆ That SPC seek the integration of Pacific PestNet into its organisation so as to provide a more focused approach to trade facilitation and related quarantine issues covered by Pacific PestNet. (Chapter 4.5)
- ◆ That SPC develop an integrated plant and animal health web site, which has a specific focus on trade facilitation and which contains all useful trade facilitation links. (Chapter 4.5)
- ◆ That the development of Para Plant and Animal Sciences qualifications based on distance learning is pursued with a real sense of urgency by SPC. (Chapter 4.6)
- ◆ That appropriate resources are made available for structured mentoring arrangements to be the responsibility of SPC. (Chapter 4.6)
- ◆ That SPC continue to improve the availability of appropriate diagnostic facilities to the region. (Chapter 4.9)
- ◆ That to address the issue of poor coordination between development assistance by regional organisations and bilateral development assistance support, future capacity building projects be the subject of consultation with agencies such as OCO and SPC Animal and Plant Health in particular. (Chapters 4.5, 5.2 and 8)
- ◆ That funding designated for key regional organisations be provided, wherever possible on a long-term basis. (Chapter 2.3)

4.0 ACRONYMS AND ABBREVIATIONS

ACIAR	Australian Centre for International Agricultural Research
ACP	Africa, Caribbean and the Pacific
APHIS-PPQ	Animal Plant Health Inspection Service-Plant Protection Quarantine of (USDA)
APPPC	Asia Pacific Plant Protection Commission
AQIS	Australian Quarantine Inspection Service
ASDOA	American Samoa Department of Agriculture
AusAID	Australian Agency for International Development
BioNET	BioNET-International
BQA	Bilateral Quarantine Agreement
BTA	Bilateral Trade Agreement
CABI	CAB International
CBD	Convention of Biological diversity
CIRAD	Centre de coopération internationale en recherche agronomique pour le developpement
CNT	Cook Is, Niue and Tokelau
COGENT	Coconut Genetic Resources Network
ERP	Emergency Response Plan
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FFM	Fruit Fly Management Project
FICs	Forum Island Countries
GMO	Genetically Modified Organism
GPPIS	Global Plant Protection Information Service
HTFA	High Temperature Forced Air (Treatment Facility)
ICPM	Interim Commission for Phytosanitary Measures
IPPC	International Plant Protection Convention
IRA	Import Risk Analysis
ISC	Interim Standards Committee of the ICPM
ISPM	International Standards for Phytosanitary Measures
IT	Information Technology
MAFF	Ministry for Agriculture Fisheries and Forest (Fiji)
NAKIA	National Agriculture Quarantine and Inspection Authority of Papua New Guinea
NARI	National Agricultural Research Institute
NGO	Non-governmental organisation
NPPO	National Plant Protection Organisations
NRT	New Revised Text(of IPPC)
NZ MAF	New Zealand Ministry for Agriculture
NZODA	New Zealand Official Development Assistance
OCT	Overseas Countries and Territories
PAL	Pest Advisory Leaflets
PARTA	Pacific Regional Trade Agreement
PCC	PMP-Project Co-ordinating Committee
PDD	Project Design Document
PEQ	Post Entry Quarantine
PHALPs	Permanent Heads of Agriculture and Livestock Production Services
PICTs	Pacific Island Countries and Territories
PMP	Pest Management in the Pacific
PPPIS	Pacific Plant Protection Information System
PPPO	Pacific Plant Protection Organisation
PPPS	Pacific Plant Protection Service
PRA	Pest Risk Analysis
PRAs	Participative Rural Appraisals
RGC	Regional Germplasm Centre (SPC)
RMFFP	Regional Management of Fruit Fly in the Pacific
RPPO	Regional Plant Protection Organisation
SPC	Secretariat of the Pacific Community
SPS	Sanitary and Phytosanitary Measures
USDA	United States Department of Agriculture
WTO-SPS	WTO agreement on the Application of Sanitary and Phytosanitary Measures
WTO	World Trade Organization

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