Phytosanitary Regulatory Services in South Africa

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Manager: International Plant Health Standards
Directorate Plant Health
Scope of presentation

1. International regulatory Framework
   1.1. The World Trade Organisation’s Agreement on Application of Sanitary and Phytosanitary Measures (WTO-SPS)
      - Health-related restrictions addressed by WTO negotiations
      - Scope, principles and implications of SPS Agreement for national phytosanitary regulatory services
   1.2. International Plant Protection Convention (IPPC)
2. National Phytosanitary Regulatory Services of South Africa - NPPOZA
   2.1. Structure, roles and responsibilities
   2.2. Phytosanitary capacity
   2.2. Key areas of service delivery
International Regulatory Framework

1. The WTO–SPS Agreement and its
2. Relevant standard-setting body, the IPPC:

The IPPC makes provision for trade in a plant protection agreement...

...WTO-SPS makes complementary provisions for plant protection in a trade agreement.
Location: Geneva, Switzerland

Established: 1 January 1995

Membership: 153 countries

Budget: 189m Swiss francs, 2009

Secretariat staff: ~625

http://www.wto.int

Head: Pascal Lamy (director-general)
WTO Basic Principles

No discrimination
- Most favoured nation principle (MFN)
- National treatment principle

Predictability
- Respect of tariff “bindings” (goods and services)
- Transparency (notification, TPR)

Freer trade (suppression of barriers through negotiations)
- Tariff reductions
- Prohibition of using quantitative restrictions (quotas)
- Non tariff barriers (NTB’s) include SPS
Market access and non-tariff barriers
Uruguay Round: Negotiations on Agriculture

During Uruguay Round of multilateral trade negotiations member nations established The Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures to address emerging debate over use of standards in international trade.

Objectives to:
- Eliminate quantitative import restrictions
- Eliminate other non-tariff barriers (variable levies)
- Reduce tariffs
- Reduce domestic production subsidies
- Reduce export subsidies
- Establish sanitary and phytosanitary rules
Health related restrictions and Article 20 of GATT

THE GENERAL AGREEMENT ON TARIFFS & TRADE

Article 20 --General Exception

General exceptions to GATT rules are established for measures necessary for protection of public morals, or for health and safety measures. However, such measures are not to be used as disguised trade restrictions and are not to discriminate arbitrarily or unjustifiably between countries.

Reference to: SPS and TBT Agreements
Agreement on the Application of Sanitary and Phytosanitary Measures

The right to protect human, animal or plant life or health

Avoiding unnecessary barriers to trade
Exercising rights and obligations of SPS

1. WTO Agreements while creating obligations, provides Members with corresponding rights
2. Business community exercise their rights through their government
3. Effective exercise of rights can overcome trade barriers and facilitate exports
4. Exercising rights requires understanding of the relevant Agreement and the availability of national infrastructure
5. Rules of the Agreements leads to more predictable and stable trade environment
<table>
<thead>
<tr>
<th>Human or animal health</th>
<th>risks arising from additives, contaminants, toxins or disease organisms in food, drink, feedstuff</th>
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<tr>
<td>Human life</td>
<td>from plant- or animal-carried diseases</td>
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<tr>
<td>Animal or plant life</td>
<td>from pests, diseases, disease-causing organisms</td>
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<tr>
<td>A country</td>
<td>from other damage caused by entry, establishment or spread of pests</td>
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</table>
Examples phytosanitary measures

A measure to protect:

Animal or plant health from pests, diseases, disease-carrying or disease-causing organisms

Foot-and-mouth disease measures Prevent spread of fruit fly
Examples of phytosanitary measures

A measure to protect:

The territory of a country

other damage from entry or spread of pests

Prevent entry of Zebra mussels via ballast water

regulate seeds to avoid entry of weeds
Important footnote:

“animals” include fish and wild fauna
“plants” include forests and wild flora
“pests” include weeds
“contaminants” include residues of pesticides and veterinary drugs, as well as extraneous matter
Members shall ensure that any SPS measure is:

- based on scientific principles
- applied only to the extent necessary to protect human, animal or plant life or health (least trade restrictive)
- not maintained without sufficient scientific evidence
- except as provided for in Article 5.7
Unnecessary obstacles

Article 5 (SPS)

SPS measures based on risk assessment developed by relevant international standard setting bodies.

“shall take into account available scientific evidence”

NEEDS TEST!
Unnecessary obstacles

Consider:

- How important is the policy objective?
- How much does the measure contribute to the enforcement of the regulatory policy objective?
- How big is the trade impact?
- Could an alternative measure have been used (reasonable available) that would have less trade impact?
- SPS – more weight on scientific justification of measure
Use of international standards:

- Does a relevant international standard exist (SPS?TBT)?
- If so, has an international standard been used as a basis for the measure at issue?
- Was it a situation where existing relevant standard(s) would be “ineffective or inappropriate means” of fulfilling the objective?
Standard-setting organizations

- **food safety**: CODEX
- **animal health**: OIE
- **plant health**: IPPC

**Codes and Organizations**

- **Codex** = Joint FAO/WHO Codex Alimentarius Commission
- **OIE** = World Organisation for Animal Health
- **IPPC** = International Plant Protection Convention (FAO)
Measures must be based on

International standards

OR

Risk assessment
Once have determined the NEED for an SPS measure

AND

Have determined the LEVEL of protection needed

must select

Least-trade restrictive measure

(technically and economically feasible)

to achieve level of health protection
Members should give positive consideration to recognizing other Member's technical regulations as equivalent to their own, even when they differ from theirs, provided that they fulfill their objective or provide the appropriate level of protection (ALOP).

The SPS Agreement defines the ALOP as the appropriate level of sanitary or phytosanitary protection as the level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal, or plant health or life within its territory. This concept is also referred to as “acceptable level of risk”
SPS - Pest- or disease-free areas
Article 6 (Regionalization)

Members shall ensure that their SPS measures are adapted to the SPS characteristics of an “area”

- all of a country
- part of a country
- all or parts of several countries
SPS - Pest- or disease-free areas
Article 6 (Regionalization)

SA – Mozambique

- 2008 Mozambique reported occurrence of *Bactrocera invadens* fruit fly
- SA suspended import of host commodities based on phytosanitary risk (PRA - quarantine pest)
- Bilateral technical discussions and information exchange ensued to determine possible risk mitigation options
- The establishment of pest free areas for *Bactrocera invadens* in the southern and central regions of Mozambique most appropriate mitigation option
- DAFF Directorate Plant Health provided technical assistance to its counterparts in Mozambique to establish the required pest free areas through surveillance and according to international standards for phytosanitary measures.
- Technical deliberations are in the final stages and an official bilateral “Recognition of pest free area status” is underway that will enable imports to continue from these areas
- WTO SPS Notification system.
Members shall establish an Enquiry Point AND designate a Notification Authority.

- notify other Members of new or changed SPS regulations when:
  - no international standard exists OR
  - the new regulation is different than the international standard AND
  - regulation may have significant effect on trade.
South Africa:

National Enquiry Point and Notification Authority for SPS:

Department of Agriculture, Forestry and Fisheries
Director International Trade
Members agree to facilitate provision of TA…

- help countries comply with SPS measures
  - technology, research, infrastructure
  - advice, credits, donations, grants
  - technical expertise, training, equipment
- help countries maintain and expand market access

The Standards Trade and Development Facility (STDF)
Special and Differential Treatment *Article 10*

- Members shall take account of the special needs of developing countries
- Members should accord longer time frames for compliance
- The Committee can grant specified, time-limited exceptions
- Members should encourage participation in international organizations
Summary: Key Provisions of the SPS Agreement

Non-discrimination
Scientific justification
  • harmonization
  • risk assessment
  • consistency
  • least trade-restrictiveness
Equivalence
Regionalization
Transparency
Technical assistance/special treatment
Control, inspection and approval procedures
Purpose:  
- To secure common and effective action to prevent the spread and introduction of pests of plants and plant products, and  
- to promote appropriate measures for their control

Scope:  
- Covers international cooperation in protecting plants and plants products from harmful pests
  
  “Plants”: include agricultural crops, forests, wild flora  
  “Pests”: include insects, pathogens, weeds  
  “Harm”: includes indirect effects such as from weeds
  
- Extends to items capable of harboring or spread pests, such as:  
  - Storage places, Conveyors / vehicles and containers
Government membership obligations of IPPC (NRT 97): Members should provide for a NPPO (National Plant Protection Organisation)

- Conduct pest risk analysis (PRA)
- Phytosanitary inspection
- Issue phytosanitary certificates
- Disinfestation and/or disinfection of consignments
- Phytosanitary security of consignments after inspection
- Surveillance (cultivated and wild)
- Report pest occurrence, outbreak and spread
- Control pests
- Protect endangered areas
- Designate, maintain and survey PFA’a and ALPP’s
- Training and development of staff
- National Plant Protection contact point
INTERNATIONAL STANDARDS (IS)
IPPC - IPP

Previously, it had been the responsibility of the member countries to inform the FAO / IPPC Secretariat of their phytosanitary regulations, any changes to phytosanitary regulations and pest status, who acted as the centralised depository for this information.

This system was not efficient in information dissemination and many countries did not meet their obligations.

The WTO-SPS Agreement and the NRT of the IPPC now ensures that there are structured channels, such as the International Phytosanitary Portal (IPP), for notification of changes to phytosanitary measures, deviations in the relevant regulations, and a forum for information sharing.

The primary responsibility on information sharing now lies with each individual country member.
INTERNATIONAL STANDARDS (IS)
- IPPC Contact Point

Reporting obligations:
- Pest reports
- Description of NPPO
- Phytosanitary restrictions, requirements and prohibitions
- Points of Entry
- Lists of regulated pests
- Emergency actions
- Official contact point

And optional:
- Organizational charts
- Website links
- Notifications of non-compliance
- Rationale for phytosanitary requirements
- Pest status reports
- Plant health articles
- Protocols for special import/ export programmes etc
IPPC - Phytosanitary capacity evaluation tool

Self diagnosis of **national weaknesses** and identification of **priorities** by national group of experts, with validation at a national level, thereby promoting **national awareness and consensus**

Focus on important issues and facilitates **analysis in systematic manner**
Evaluation of national SPS system capacity

- WTO
- IPPC
- OIE
- CODEX

National SPS Regulatory Services

- IMPORTS verification
- EXPORTS inspection

National Economic Policies

Research & Develop

Education & Training

Producers, Exporters, Importers

Other government departments
National legislation that mandates the activities of NPPOZA: *Agricultural Pests Act, 1983 (Act No 36 of 1983)* and Regulations

Other legislation linking to the Act No 36 of 1983 includes:

- **Fertilizers, Farm Feeds, Agricultural Remedies & Stock Remedies Act, 1947** (Act No. 36 of 1947) has reference regarding imports of biological control agents and treatment for wood packaging;
- **National Environmental Management Act, 1998** (Act No. 107 of 1998) has reference regarding imports of biological control agents;
- **National Environmental Management Biodiversity Act, 2004** (Act No. 10 of 2004) has reference to importation of alien species, listed invasive species and threatened or protected species and must be synchronized with the Agricultural Pests Act, 1983;
- **Agricultural Product Standards Act, 1990** (APS Act No. 119 of 1990)
National Plant Protection Organisation (NPPO ZA) = DPH (policy) + APIS

MINISTER: AGRICULTURE, FORESTRY & FISHERIES
(Minister Tina Joemat-Pettersson)

DIRECTOR GENERAL: DEPARTMENT OF AGRICULTURE
(Mr Peter Thabethe (Acting))

DEPUTY DIRECTOR-GENERAL: FOOD SAFETY & BIOSECURITY
(Mr Bigman Maloa)

CHIEF DIRECTOR: PLANT HEALTH AND INSPECTION SERVICES
(Mr Eben Rademeyer)

DIRECTORATE PLANT HEALTH
(Ms Alice Baxter)

AGRICULTURAL PRODUCT INSPECTION SERVICES (APIS)
(Mr Mooketsa Ramasodi)
# National Plant Protection Organisation (NPPO) of South Africa

## Director: Plant Health
**MS Alice Baxter**

**NPPOZA@daff.gov.za**

## Agricultural Product Inspection Services
**Director: APIS**
**Mr Mooketsa Ramasodi**

**DAPIS@daff.gov.za**

## Sub-Directorate of Plant Health

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<tr>
<th>Sub-Directorate</th>
<th>Contact Person</th>
<th>Email</th>
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<tr>
<td>International Plant Health</td>
<td>Mr Mashudu Silimela</td>
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<td>National Plant Health Matters</td>
<td>Mr Nolan Africander</td>
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<td>Acting:</td>
<td>Mr Jan Hendrik Venter</td>
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<td>Early Warning Systems &amp; Rapid response:</td>
<td>Ms Marianna Theyse</td>
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<td>Pest Risk Analysis:</td>
<td>Ms Rorisang Mahlakoana</td>
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<td>National Policy, Norms and Standards:</td>
<td>Mr Maanda Rambauli</td>
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<td>Plant Health Import Export Protocols:</td>
<td>Mr Mpho Sekgala</td>
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<td>Promotion and Awareness:</td>
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<td>Quarantine, Diagnostic and Infrastructure Services</td>
<td>Mr Theo Pongola</td>
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<td>Diagnostic Services:</td>
<td>Ms Melanie Arendse</td>
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<td>Seaports</td>
<td>Mr Willie Gentle</td>
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<td>Mr Ernest Phoku</td>
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Special/ Sensitive Markets

China
  Export citrus fruit, table grapes and tobacco

European Union

Israel
  Export persimmons, table grapes

Japan
  Export citrus and Production codes must be registered with IEP

Korea
  Export sweet orange and Production codes must be registered with IEP
Special/ Sensitive Markets

**Mexico**
- Export apples, pears and Production units must be registered with IEP

**New Zealand**
- The Import Health Standard (HIS) for export of green beans

**Taiwan**
- Export apples and Production units (farms) must be registered with IEP
- Special requirements for fresh produce and plants or plant products

**USA**
- Export of citrus - Only production units in the declared CBS-free areas (magisterial districts) of the Western and Northern Cape may export citrus fruit to the USA and must register with IEP
- Export of deciduous fruit, excluding apricots and Production units from all over South Africa may export to USA and must register with IEP
- Flower bulb pre-clearance programme
- Good Agricultural Practices: CBS (Citrus Black Spot) Management

- WTO SPS Notifications – Lost markets - Thailand
  Notification from the Ministry of Agriculture & Cooperatives (MOAC), Thailand: Specification of plants and other regulated articles prohibited from entry into Thailand without official import approval, 2007 ("2007" = BE/ Buddhist Era 2550)
Structure: DPH

- Directorate Plant Health (202 posts)
  - International Plant Health Matters
  - Quarantine, Diagnostic & Infrastructure Services
  - National Plant Health Matters
Ms Alice Baxter  
Director: Directorate Plant Health  
Department of Agriculture, Forestry and Fisheries  
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Language: English  

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To reduce the risk of pests associated with plants, plant products and other regulated articles by

• Developing policy and promulgating legislation, norms and standards as well as guidelines to manage plant health risks;

• Ensuring compliance with international plant health obligations and responsibilities;

• Providing appropriate phytosanitary services
Ensure a national plant health regulatory system that supports agricultural marketing and trade

Participate in bilateral and multilateral phytosanitary forums

Provide a national contact point as part of the national plant protection organisation (NPPO ZA) in terms of international obligations:
- International Plant Protection Convention (IPPC) and the WTO-Agreement on Application of Sanitary & Phytosanitary Measures (WTO-SPS)
Pest risk analysis (PRA) as technical justification for regulatory measures to support safe trade

Market access: negotiating and managing export/import programmes in cooperation with relevant role players in DAFF and SA industry bodies

Plant quarantine and pest diagnostic services

Early warning systems for detection/contingency planning regarding exotic/quarantine plant pests

Plant health promotion/awareness programmes
Market access for plant & plant products is based on:

Pest Risk Analysis (PRA) by importing country

- **3 stages of PRA**
  - Initiation stage: Identifying the pests and pathway
  - Risk assessment: Scientific evaluation of pest
  - Risk Management: Establishing appropriate mitigation measures

Bilateral liaison between NPPOs

Authorization by importing country

- Legislation
- Issue of import permit
Capacity Needs: Research and development

Need relevant and up to date **scientific data** for effective implementation of SPS requirements relating to:

- pest listing
- risk assessment
- surveillance
- Post-entry quarantine treatments and services
- diagnostic services
- risk mitigation and treatment options
SPS Capacity constraints has a domino effect

- NO SURVEILLANCE
- NO PEST LISTING
- NO PEST CATEGORIES
- NO PEST RISK ANALYSIS
- LACK TECHNICAL JUSTIFICATION FOR PHYTOSANITARY REQUIREMENTS
SA National Phytosanitary Regulatory Framework

Exports

Importing country's requirements
Inspections

Pre - Border
Pest Risk Analysis
Early Warning
Bilat/ multilat protocols

Border
Certification decisions
Risk Management Decisions

Breakthrough

Post - Border
Compliance monitoring
Interceptions

Trade Control
Surveillance
Compliance monitoring

Imports
Thank you!

[Comic strip with toads discussing diet and catching fruit flies]

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