

Insights into Phytosanitary Measures in International Trade

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A state of the art packhouse at Nhimbe Fresh, Marondera, one of the largest fruit and veg exporters in Zimbabwe. See ZiMunda Newsletter Issue 18.

Exporting fruits and vegetables involves complying with international trade rules and regulations related to plant health and food safety. These measures are in place to protect human, animal, and plant life from potential risks associated with trade. In this article, I discuss phytosanitary measures in international trade, drawing from data provided by the World Trade Organization (WTO), and guidelines provided by the International Plant Protection Convention (IPPC), and the Codex Alimentarius. Under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS), countries are permitted to prioritise food safety and plant health over trade, but only if there is a scientific basis for their regulations. This can make the application of these regulations complicated for governments, farmers and traders.

When exporting fruits and vegetables, these products are specifically subject to phytosanitary measures, which are science-based rules related to the export of plants or plant products. The importing country has the right to require certain safeguards through phytosanitary measures to ensure that the products do not pose a higher than acceptable risk to human, animal, or plant life or health. Disputes can arise when there is a disagreement over the severity or extent of risk, or other SPS-related principles. For instance, there is currently a dispute between South Africa and the European Union regarding amended false codling moth cold treatment measures applicable to the Southern African citrus industry

when exporting to the EU. This dispute has been brought to the attention of the WTO through a formal request for consultations by South Africa (at the date of writing this has not progressed beyond requesting consultations).

International Standard Setting: The IPPC and Codex Alimentarius

Zimbabwe is a contracting party of the International Plant Protection Convention (IPPC), which is responsible for promoting the creation and implementation of standards, recommendations, diagnostic protocols, and phytosanitary treatments. The IPPC is recognised by the WTO as one of the “three sisters” of international standard setting bodies for SPS measures, and its International Standards for Phytosanitary Measures (ISPMs) are particularly relevant for those involved in exporting fruit and vegetables. The IPPC has developed 46 adopted ISPMs, 31 Diagnostic Protocols and 45 Phytosanitary Treatments. Exporters must comply with the importing country’s specified standards or measures, which can come from either the IPPC or Codex Alimentarius (or both depending on what the product is), and must be based on objective and accurate scientific data. These global standards or ISPM’s serve the following purposes: Safeguarding sustainable agriculture and improving worldwide food security; Preserving the environment, forests, and biodiversity; Promoting economic and trade growth. Examples of ISPM’s that are of relevance



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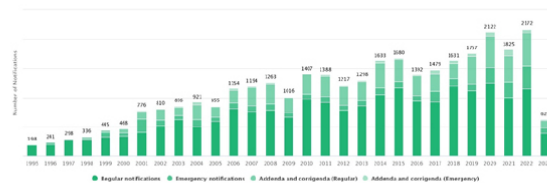
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to farmers and exporters of fruit and vegetables are ISPM 01 Phytosanitary principles for the protection of plants and the application of phytosanitary measures in international trade; ISPM 03 Guidelines for the export, shipment, import and release of biological control agents and other beneficial organisms; ISPM 15 Regulation of wood packaging material in international trade; and many more.

Notification of Phytosanitary Measures

In international trade, notifying other members of new, amended, or emergency measures is crucial. This enables affected members to provide comments on proposed regulations and for the implementing member to consider any objections or concerns before implementing final measures. It is especially important for trading partners to receive notifications of measures that do not align with international standards or recommendations, as they may want to scrutinise the scientific basis for these measures and possibly object to their validity. Governments are encouraged to disseminate regulations and establish a National Enquiry Point to respond to inquiries from other members. It is also recommended that members publish their SPS regulations online, like the EU, to ensure easy accessibility. Knowing about new or proposed changes in measures in advance may also, for example, save exporters money if it enables them to avoid rejections at the border by allowing for proactive adaptation of processes etc. in the exporting industry.

The WTO has data on the number of notifications related to SPS measures since its establishment in 1995. The graph below shows the totals of all SPS notifications (not just plant related ones) per year since 1995. In 2023, there are already more SPS-related notifications than what the whole of 2000

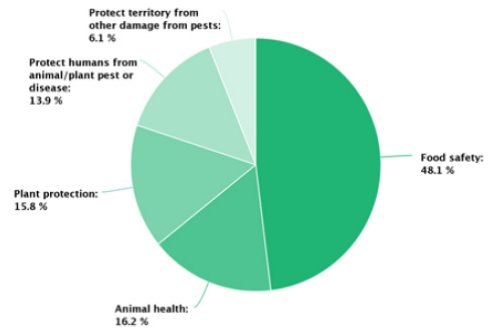


Number of SPS notifications per year. Source – WTO e-ping portal (April 2023)

and preceding years had in an entire year. Most of these notifications are regular notifications. The increasing number of annual SPS-related notifications over the years, as shown in the graph, is significant and could indicate several things. Firstly, it may reflect the growth of international trade, which in turn necessitates the implementation of more SPS measures and standards to ensure the safety of trade in food, plants, and animals. Another possible interpretation is that the rise in notifications demonstrates greater transparency and the opportunity for stakeholders to provide feedback on proposed measures that could affect them adversely. This increased transparency may lead to smoother trade flows. Since 1995, the top 10 notifiers under the SPS agreement have been the USA, Brazil, Canada, the EU, and Japan.

When a measure is notified, the notifying Member State

must provide a description of why the measure is being proposed or implemented. They must therefore state the objective of the measure. The pie chart below reveals that a significant proportion of the objectives recorded in notified measures relate to plants, which is of particular interest to



Objectives of SPS notifications. Source – WTO e-ping portal (April 2023)

those exporting fruits and vegetables. While plant protection accounts for 15.8% of these objectives, the protection of humans from animal/plant pests or diseases (13.9%) and food safety (48.1%) cover both sanitary and phytosanitary issues. The WTO data provides another interesting insight into the notifications - the frequency of key words associated with them. “Pesticides” has the third highest incidence rate with 7322 mentions, following “food safety” and “human health”. It is closely followed by “plant health” and “maximum residue limits (MRLs)”, highlighting the significance of staying up-to-date with international standard setting bodies and the constantly adapting measures when involved in exporting fruits and vegetables.

Pesticide Use and the International Trade of Fruit And Vegetables

Given the high incidence of the word “pesticide” in the notifications, pesticides are a good example of the relevance of this field of international trade law and the related notification processes to farming with fruit and vegetables. Pesticides include chemical or biological insecticides, fungicides and herbicides. It is not always possible to farm without them. This need is recognized internationally and for that reason standards and measures exist to ensure, as far as possible and as the science evolves, that the products registered for agricultural use do as little harm as possible to both those consuming and applying the products but also the environments in which they are used and that the exported plant or crop poses as little pest risk and food safety risk as possible to the importing country. Pesticides are registered for use in various countries across the world. Measures are taken to minimize their negative impacts while also facilitating their use in agriculture. The importance of these measures as well as a countries’ ability (and often their right in terms of international standards) to entirely ban or very strictly regulate active ingredients that they accept as residue limits deemed to be safe for human consumption through fruit and vegetables is something to actively consider in day to day farming. Metconazole, Fludioxonil,



Spinosad, Spirodiclofen and Glufosinate-ammonium are a few examples of the many active ingredients in insecticides, fungicides and herbicides (i.e pesticides) for which the codex alimentarius specifies MRL's in blueberries, for example. As described by the FAO's codex alimentarius, maximum residue limit (MRL) is the highest level of a pesticide residue that is legally tolerated in or on food or feed when pesticides are applied correctly in accordance with Good Agricultural Practice. Understanding the protocols available on pesticide labels and applying correct dosages and withholding periods is vital for participation in international trade. Exceeding an MRL can justifiably result in a rejection of the crop. Deviating from a label by, for example exceeding the approved dosage or by applying a product unregistered for the crop you are growing could result in a rejection on MRL grounds. More importantly, it could have an impact on the health of consumers or animals eating the product in question. MRL's differ between countries and this often leads to barriers in international trade and in some instances significant trade disputes between countries.

To read more about the notifications and standards discussed in this article scan the QR code below.



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Blueberries, WWzone the top export crops in Zimbabwe. See ZiMunda Issue 10.

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