

Phytosanitary Regulations Regarding Imports and Exports: The Role of the South African Department of Agriculture®

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The South African Department of Agriculture (SA DOA) is the national enquiry point of South Africa for the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures (WTO-SPS Agreement). In addition, the Directorate Plant Health is the National Contact Point for the International Plant Protection Convention (IPPC). Members of the WTO-SPS may protect the plants within their territories from harmful foreign pests for instance by setting phytosanitary regulations. South Africa complies with its WTO-SPS obligations by harmonizing its phytosanitary regulations with international standards and basing import regulations on pest risk analysis (PRA) information provided that these are consistent with the WTO-SPS Agreement.

INTRODUCTION

As an international dealer in plants and plant products, South Africa operates in accordance with international agreements and standards to ensure free, fair, and safe trade. One of the key functions of the Department of Agriculture (DOA) is to provide national regulatory services in terms of policy, legislation, and regulations regarding plant pests. It achieves this through a number of core elements, based on South Africa's membership of the World Trade Organisation Agreement with Application of Sanitary and Phytosanitary measures (WTO-SPS) and the International Plant Protection Convention (IPPC).

NPPO OF SOUTH AFRICA

Two Directorates in the Department of Agriculture comprise the National Plant Protection Organization (NPPO) of South Africa: Plant Health and SAAFQIS (SA Agricultural Food and Quarantine Inspection Services). The Directorate Plant Health is also the National Contact Point for the IPPC.

WORLD TRADE ORGANISATION — SANITARY AND PHYTOSANITARY MEASURES AGREEMENT

The World Trade Organization agreement on the application of sanitary and phytosanitary measures:

- Sets out the basic rules governing food safety as well as animal and plant health standards, and
- Recognizes the IPPC as the international phytosanitary standard-setting body. With the Directorate South African Agricultural Food and Quarantine Inspection Services (SAAFQIS), Directorate Plant Health acts as the NPPO in accordance with the IPPC.

Together, the WTO-SPS Agreement and the IPPC ensure that the import and export of plants and plant products take place according to accepted international principles and standards, including the appropriate assessment of risks.

INTERNATIONAL PLANT PROTECTION CONVENTION

As an international treaty relating to plant health, the purpose of the IPPC is to:

- Prevent the spread and introduction of pests of plants and plant products, and
- Promote the use of internationally standardized control measures.

PHYTOSANITARY MEASURES

The term “phytosanitary” means plant health and concerns officially controlled pests or quarantine pests.

“Measure” includes any legislation, regulation, or official procedure for preventing the introduction, spread, or impact of regulated pests.

Phytosanitary and sanitary legislation regulating global agricultural trade is therefore based on the WTO-SPS Agreement, and international standards set by multilateral bodies recognized by the WTO-SPS Agreement: IPPC, plants; the Office International des Epizooties (OIE), animals; the Codex Alimentarius Commission (Codex), humans.

WORLD TRADE ORGANISATION — SANITARY AND PHYTOSANITARY MEASURES: RIGHTS AND OBLIGATIONS

Members of the WTO-SPS may protect the humans, plants, and animals within their territories from harmful foreign pests for instance by setting phytosanitary regulations.

However, members must base all regulatory measures on scientific data and risk analysis, i.e., measures must be technically and justified appropriate to the level of risk, as well as being consistent with the WTO-SPS Agreement.

The WTO-SPS principles include:

- Scientific risk assessment (pest risk analysis or import risk analysis)
- Appropriate level of protection (early warning systems)
- Transparency/provision of information
- Harmonised measures based on International Standards for Phytosanitary Measures (ISPMs).

As a member of the WTO-SPS and IPPC, the DOA of SA aims to

- Protect the plants, animals and humans in its territory, and
- Enhance free, fair and safe agricultural trade.

South Africa complies with its International SPS obligations by upholding, for instance,

- Harmonized regulatory measures (based on ISPMs)
- Import regulations based on PRA information
- Transparency regarding all plant health information

KEY REGULATORY SERVICE COMPONENTS

- 1) **The Agricultural Pests Act (Act No. 36 of 1983)** — provides for measures by which agricultural pests may be prevented and combated, as well as matters connected with this (under revision).
- 2) **Import permits**, which are based on PRA.
- 3) **Phytosanitary inspection and evaluation**: to ensure compliance with SA's import requirements.
- 4) **Phytosanitary certificates**: to ensure compliance with import requirements of other countries. These are based on the IPPC model.
- 5) **Monitoring pesticide residue levels: maximum residue levels (MRLs)** for imports and exports of food products — to ensure compliance with the importing country's requirements by sampling and testing in terms of the Agricultural Product Standards Act (Act no. 119 of 1990).

Safe global import access for plants and plant products relies on PRA and Early Warning Systems regarding foreign pests.

The PRA process comprises:

- 1) **Risk Assessment**: the scientific evaluation of biological hazards;
- 2) **Risk Management**: setting appropriate mitigation measures, as well as
- 3) **Documentation /Communication: recording the process in a scientific manner**, and sharing information with role players.

Briefly, early warning systems to detect the entry of potentially harmful foreign pests comprise:

- 1) Detection
- 2) Response
- 3) Delimiting surveys
- 4) Eradication programmes
- 5) Control measures

CONCLUSION

The SA NPPO sets policy, applies control measures, and liaises with NPPOs of other countries:

- In support of SA's agricultural industries, and
- In compliance with the principles of free, fair, and safe trade embodied in the WTO-SPS and IPPC.