



Economic and Social Council

Distr.: General
11 January 2011

English only

Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

127th session

Geneva, 1–4 February 2011

Item 9 of the provisional agenda

Other United Nations Economic Commission for Europe legal instruments on border crossing facilitation

International Standard for Phytosanitary Measures No. 15 and the European Convention on Customs Treatment of Pallets used in International Transport, 1960

Note by the secretariat

I. Background

1. At the 126th session of the Working Party (WP.30), the delegation of Turkey drew the attention to the fact that the European Convention on Customs Treatment of Pallets used in International Transport, 1960 brings various standards, such as International Standard for Phytosanitary Measures No. 15 (ISPM 15), which was developed under the International Plant Protection Convention (IPPC). The new standards of ISPM 15, such as the roasting procedure, should be announced on time for transport operators to take the necessary measures. The Working Party requested the secretariat to study this issue and to report back to WP.30 at its present session (ECE/TRANS/WP.30/252, paras. 19 and 20).

II. European Convention on Customs Treatment of Pallets used in International Transport, 1960

2. The objective of the Convention is to facilitate international transport and reduce its cost by means of simplified Customs procedure, applicable to the pooling of pallets. The Convention applies to pallets imported into the territory of a Contracting Party from the territory of another Contracting Party. Each Contracting Party shall grant admission, without payment of import duties and import taxes, and free of import prohibitions or restrictions, to pallets on condition that they have been previously exported or that they will be subsequently re-exported, or that an equal number of pallets of the same type and

substantially the same value have been previously exported or will be subsequently exported. The Convention also defines the conditions under which this simplification shall be applied without requiring either the production of a Customs document or security in respect of import duties and import taxes. The following 30 States are Contracting Parties to the Convention: Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cuba, Czech Republic, Denmark, Finland, France, Germany, Hungary, Italy, Luxembourg, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland.

III. International Plant Protection Convention and International Standards for Phytosanitary Measures

3. International Standards for Phytosanitary Measures (ISPMs) are the standards, guidelines and recommendations recognized as the basis for phytosanitary measures applied by Members of the World Trade Organization under the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement). ISPMs are adopted by Contracting Parties to the International Plant Protection Convention (IPPC) through the Commission on Phytosanitary Measures (CPM). The Food and Agriculture Organization of the United Nations (FAO) provides secretariat services to IPPC. Standards in themselves are not regulatory instruments but come into force once countries establish requirements within their national legislation. Further information on import and export requirements may be obtained from national plant protection organizations (NPPOs). Countries usually notify trading partners of changes to their import and export requirements through the IPPC website (<https://www.ippc.int>).

IV. International Standard for Phytosanitary Measures No. 15

4. Wood originating from living or dead trees may be infested by pests. Wood packaging material is frequently made of raw wood that may not have undergone sufficient processing or treatment to remove or kill pests and, therefore, remains a pathway for the introduction and spread of quarantine pests. International Standard for Phytosanitary Measures No. 15 (ISPM 15) covers all forms of wood packaging material of a thickness greater than 6 mm, such as crates, boxes, packing cases, dunnage, pallets, cable drums, spools/reels, etc., which can be present in almost any imported consignment, including consignments that would not normally be subject to phytosanitary inspection. ISPM requires that all wood packaging material be debarked and then heat-treated or fumigated with methyl bromide and eventually marked with a special stamp of compliance. As of July 2010, the following countries apply ISPM 15: Argentina, Australia, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Dominican Republic, Ecuador, Egypt, European Union (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland), Guatemala, Honduras, India, Indonesia, Israel, Japan, Jordan, Kenya, Lebanon, Malaysia, Mexico, New Zealand, Nicaragua, Nigeria, Norway, Oman, Paraguay, Peru, Philippines, Seychelles, South Africa, South Korea, Sri Lanka, Switzerland, Syria, Thailand, Trinidad and Tobago, Turkey, United States, Ukraine, Venezuela, Vietnam.

V. Assessment by the secretariat

5. The European Convention on Customs Treatment of Pallets used in International Transport, 1960 defines the term "pallet" as "a device on the deck of which a quantity of goods can be assembled to form a unit load for the purpose of transporting it, or of handling or stacking it with the assistance of mechanical appliances. This device is made up of two decks separated by bearers, or of a single deck supported by feet; its overall height is reduced to the minimum compatible with handling by fork lift trucks and pallet trucks; it may or may not have a superstructure". The Convention neither specifies materials of which pallets can be made nor introduces any standards regarding prior treatment of such materials. Furthermore, the Convention contains no provisions that would require Contracting Parties to exchange information of this kind.

6. A number of UNECE legal instruments in the area of border crossing facilitation (e.g. the TIR Convention, the Harmonization Convention) contain any specific article stipulating that the provisions of these legal instruments do not preclude the application of national or international regulations on grounds of public health, security, for veterinary or phytopathological reasons, etc. Even in the absence of a similar article in the 1960 Convention, the implementation of international phytosanitary standards, like ISPM 15, cannot be considered as a breach of the Convention. Thus, these standards can apply on top and irrespective of the 1960 Convention. However, their non-harmonized application and, in particular, their entry into force in various countries without proper notification of other States and all persons concerned may undermine trade and transport facilitation measures provided for in other international legal instruments.

7. Concerning the issue of exchange of information, Article 3 of Annex 4 to the Harmonization Convention stipulates that "each Contracting Party shall ensure that information on the following is readily available to any person interested: the goods subject to special phytosanitary conditions, the places where particular plants and plant products may be presented for inspection, the list of pests of plants and plant products for which prohibitions and restrictions are in force, the list of requirements as set out in laws and regulations concerning phytosanitary inspection as well as their procedures of general application". However, the Harmonization Convention applies only to goods moved across borders, but not to their packaging.

8. In conclusion, neither the 1960 Convention nor other UNECE legal instruments in the area of border crossing facilitation contain any provision that the introduction of phytosanitary standards regarding package material should be announced on time to other Contracting Parties and/or persons concerned. To rectify the situation, Article 3 of the Harmonization Convention could be amended to extend the scope of the Convention not only to goods, but also to their packaging. Alternatively, this issue can be dealt with in the framework of the International Plant Protection Convention which goes beyond the competence of the UNECE secretariat.
