

1 **SPECIFICATION No. X**

2 **Title or proposed title:** Guidelines for Analysis of Diversion from Intended Use

3 **Reason for the standard:**

4 Diversion from intended use (DFIU) affects both importing and exporting countries and  
5 can occur with many high-volume, high-value commodities traded regionally and  
6 internationally. Harmonized guidance on diversion from intended use is needed to 1)  
7 standardize procedures for documenting and assessing the additional risks associated  
8 with DFIU; 2) ensure there is a rational basis for selecting appropriate measures when  
9 DFIU is an issue and 3) provide importing countries with guidance to prevent/manage  
10 DFIU.

11 While intended use and diversion from intended use are mentioned in the IPPC and in  
12 several ISPMs (e.g. ISPM 11, ISPM 32), there is no conceptual guidance that explains to  
13 contracting parties how to assess risk, ensure that there is a rational relationship between  
14 risk and strength of measures, or manage risk in cases of diversion from intended use.  
15 Existing ISPMs on pest risk analysis (e.g. ISPM 2, 11 and 21), do not contain guidance  
16 on evaluating the potential for DFIU. The lack of harmonized guidance has resulted in ad-  
17 hoc solutions by trading partners, and in at least one regional trade dispute.

18 Diversion from intended use is currently being discussed/considered as an issue in the  
19 development of several IPPC commodity-specific standards: e.g., grain, seed, cut  
20 flowers. It may be preferable to develop broad conceptual guidance on managing the risk  
21 of diversion from intended use, rather than commodity-by-commodity guidance, to ensure  
22 that guidance is comprehensive.

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**Relevance to fulfillment of the NAPPO Strategic Plan:**

Developing harmonized guidance on diversion from intended use aligns with the NAPPO strategic plan in the following areas:

- **Harmonize plant protection activities designed to facilitate safe trade -** Develop priority regional standards and other NAPPO documents, based on the latest available scientific and technical information, of highest relevance to the NAPPO member countries.
- **Contribute leadership in the international phytosanitary community -** Identify emerging plant health policy issues from outside of the NAPPO region which have the potential to affect its member countries and consider the need for action.

**Scope and purpose:**

This standard will provide harmonized guidance for risk analysts, risk managers and plant health decision makers in both importing and exporting countries on 1) how to account for the risk from DFIU when conducting a risk assessment; 2) how to select appropriate phytosanitary measures when DFIU is an issue and 3) how to manage/prevent DFIU after importation.

The scope of the standard will apply to:

- commodities with multiple end uses where diversion from intended use has implications for the amount and strength of phytosanitary measures (for example, plant commodities intended for consumption and / or propagation);

- 1 • intentional (planting commodities intended for consumption) and unintentional
- 2 diversion (e.g., grain spillage);
- 3 • all pathways where diversion from an intended to an unintended use may occur
- 4 (e.g., consumption, planting, processing or others that may be identified by EG).

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6 **Tasks:**

7 The EG will undertake the following tasks when developing a standard on diversion from

8 intended use (DFIU):

- 9 • review existing regional and international standards related to DFIU;
- 10 • review published literature, meeting reports, dispute documents and discussion
- 11 papers dealing with DFIU;
- 12 • examine examples of commodities susceptible to DFIU;
- 13 • review existing regulations related to DFIU in NAPPO countries;
- 14 • consider examples where DFIU commonly occurs for non-traded commodities in
- 15 NAPPO countries;
- 16 • examine intentional versus unintentional diversion;
- 17 • examine diversion of entire consignments versus partial diversion of
- 18 consignments;
- 19 • clarify the role of risk assessment as the basis for phytosanitary measures for
- 20 DFIU;

- 1 • develop harmonized guidance for risk assessment when DFIU is an issue.  
2 Guidance should treat specific issues that may arise in the assessment of risk of  
3 DFIU:
- 4 ○ how to assess likelihood, magnitude, and consequences of diversion,
  - 5 ○ data needs and availability,
  - 6 ○ uncertainty associated with DFIU,
  - 7 ○ how to consider the risk from both intended and unintended pathways when  
8 assigning a risk ranking,
  - 9 ○ situations where risk assessment for DFIU is necessary and situations  
10 where it is not.
- 11 • develop harmonized guidance for selecting measures when DFIU is an issue:
- 12 ○ how to consider the risk from both intended and unintended pathways when  
13 imposing measures,
  - 14 ○ consider situations where it may be preferable or necessary to impose  
15 measures pre-entry, at entry, or in combination,
  - 16 ○ examine measures in the importing country to restrict the uses of an  
17 imported consignment, including legal or contractual obligations on the  
18 importer, import authorization, compliance agreements, labelling of  
19 consignments, increased inspections where the potential for diversion  
20 exists.
- 21 • other issues as identified by the EG.
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1 **Expertise:**

- 2 • plant health specialists and pest risk analysts with experience relating to  
3 commodities that are commonly diverted (e.g., grains, pulses, potatoes);
- 4 • experts on risk management with experience relating to phytosanitary measures  
5 for grains, pulses, potatoes and other commonly diverted commodities;
- 6 • plant health regulators from importing and exporting countries with experience in  
7 trade issues concerning diversion from intended use and understanding of relevant  
8 WTO/SPS, IPPC disciplines and principles.
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10 **Participants:**

11 To be determined

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13 **Approval:**

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16 **Bibliography:**

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20 environmental risks and living modified organisms*, Rome, IPPC, FAO.

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- 1 ISPM 16. 2016. *Regulated non-quarantine pests: concept and application*. Rome,
- 2 IPPC, FAO.
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- 7 *NAPPO Discussion Document 07: Diversion from Intended Use*.
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- 9 Columbia, Canada: Food and Agriculture Organization of the United Nations,
- 10 International Plant Protection Convention, December 6-8, 2011.
- 11 *RSPM 40. Principles of Pest Risk Management for the Import of Commodities*. Ottawa,
- 12 NAPPO.