



Rome, March 2014

COLLECTIVE/CERTIFICATION MARK - USAGE RULES

Applicant:

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)
ORGANIZZAZIONE DELLE NAZIONI UNITE PER L'ALIMENTAZIONE E L'AGRICOLTURA

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Legal Representation:

Subject to the general supervision of the Conference and the Council of the Food and Agriculture Organization of the United Nations ("FAO"), the Director-General or a representative designated by him shall have full power and authority to direct the work of the Organization according to the FAO Constitution and the General Rules of the Organization (GRO).

PREAMBLE

Nature and mandate of FAO

FAO is an international inter-governmental organization, whose mandate is to raise levels of nutrition and standards of living, to improve agricultural productivity, and to better the condition of rural populations.

FAO promotes and, where appropriate, recommends national and international action with respect to (a) scientific, technological, social and economic research; (b) the improvement of education and administration relating to nutrition, food and agriculture; (c) the conservation of natural resources and the adoption of improved methods of agricultural production; (d) the improvement of the processing, marketing and distribution of food and agricultural products.

The term "agriculture" and its derivatives include fisheries, marine products, forestry and primary forestry products.

The International Plant Protection Convention (IPPC)

The FAO Conference, at its Sixth Session (November 1951) approved the International Plant Protection Convention ("IPPC" or the "Convention"), a multilateral treaty deposited with the Director-General of FAO and administered through the IPPC Secretariat, within the FAO's Agriculture and Consumer Protection Department. One hundred and eighty-one (181) Countries are currently contracting parties to the IPPC.

The purpose of the IPPC is to secure common and effective action to prevent the spread and introduction of pests of plants and plant products and to promote measures for their control. The Convention provides a framework and forum for international cooperation, harmonization and technical exchange in collaboration with regional and national plant protection organizations (RPPOs and NPPOs).

The World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) stipulates that WTO Members base their phytosanitary measures on international standards developed within the framework of the IPPC which is recognized as the international standard setting body for International Standards for Phytosanitary Measures (ISPMs). ISPMs are the standards, guidelines and recommendations recognized as the basis for phytosanitary measures applied by WTO Members under the SPS Agreement. Non-contracting parties to the IPPC are encouraged to observe these standards.

Amendments to the Convention were unanimously adopted by the FAO Conference in November 1997. This revision updates the Convention and reflects the role of the IPPC in relation to the WTO-SPS Agreement, primarily the institutional arrangements for international phytosanitary standard setting. In accordance with Article XIII, paragraph 4 of the Convention, the new revised text came into force with respect to all contracting parties (whatever may be the date on which they became parties) as from the thirtieth day after acceptance by two-thirds of the contracting parties, i.e. on 2 October 2005.

Article XI of the New Revised Text of the IPPC provides for the establishment of the Commission on Phytosanitary Measures (“CPM” or the “Commission”) within the framework of FAO. The Commission is the global agreement's governing body and shall promote the full implementation of the objectives of the Convention. Membership in the Commission shall be open to all contracting parties.

The CPM adopts guidelines and recommendations for the implementation of the Convention and approves the ISPMs. The purpose of ISPMs is, among other matters, to describe globally accepted phytosanitary measures to manage the risk of pests associated with wood packaging material, made of coniferous and non-coniferous raw wood, in use in international trade.

Wood packing is frequently made of raw wood that may not have undergone sufficient processing or treatment to remove or kill pests and therefore becomes a pathway for the introduction and spread of pests. Non-manufactured wood packing such as pallets, dunnage, crating, packing blocks, drums, cases, load boards, pallet collars, skids, etc. are of particular concern because these articles can be present with virtually any imported consignment, including many which would not normally be the target of phytosanitary inspection.

Wood packaging material subjected to these approved measures should display the Collective/Certification Mark represented in article 3, paragraph 3, of these Rules.

ARTICLE 1 - Objectives and Scope of the Collective/Certification Mark

1.1 Purpose of the Collective/Certification Mark is to certify, when affixed, that the wood packaging material that bears the Collective/Certification Mark has been subjected to an officially approved and recognized treatment, process, or a combination of these, to reduce the risk of introduction and spread of quarantine pests associated with non-manufactured wood packaging materials.

1.2 This Collective/Certification Mark is for use on coniferous and non-coniferous raw wood packaging material that may serve as a pathway for plant pests posing a threat mainly to living trees. Wood

packaging material includes material such as pallets, dunnage, crating, packing blocks, drums, cases, load boards, pallet collars, and skids, which can be present in almost any imported consignment, including consignments that would not normally be the target of phytosanitary inspection.

ARTICLE 2 - Entities entitled to use the Collective/Certification Mark

2.1 The use of the Collective/Certification Mark shall be the responsibility of each contracting party to the IPPC, or member of FAO through its official NPPO, which may authorize entities ('accredited agencies') to affix the Collective/Certification Mark on wood packaging material in accordance with the standard and national legislation and regulations.

2.2 Entities shall not use the Collective/Certification Mark without prior authorization by the NPPO.

2.3 When required by contracting parties or members of FAO, FAO will enter into a licensing agreement for use of the Collective/Certification Mark.

2.4 The NPPO shall have responsibility to ensure that internal systems for exports meet the requirements set out in the standard and, where appropriate, those agreed bilaterally.

ARTICLE 3 - Use of the Collective/Certification Mark

3.1 The use of the Collective/Certification Mark will facilitate verification during inspection at the point of export, at the point of entry or elsewhere, so addressing the operational difficulties associated with the verification of compliance with treatment for wood packaging material.

3.2 The use of the Collective/Certification Mark should be in accordance with procedures as set out below.

3.3 The Collective/Certification Mark shown below is to certify that the wood packaging material that bears the Collective/Certification Mark has been subjected to an approved measure.



3.4 The Collective/Certification Mark should at minimum include the:

- symbol;
- ISO two letter country code followed by a unique number assigned by the NPPO to the producer of the wood packaging material, who is responsible for ensuring appropriate wood is used and properly marked;
- IPPC abbreviation for the approved measure used (e.g. HT, MB).

3.5 NPPOs, producers or suppliers may at their discretion add control numbers or other information used for identifying specific lots. Where debarking is required the letters DB should be added to the abbreviation of the approved measure. Other information may also be included provided it is not confusing, misleading, or deceptive.

3.6 Markings should be:

- According to the IPPC model for this purpose.
- Legible.
- Permanent and not transferable.
- Placed in a visible location, preferably on at least two opposite sides of the article being certified.

3.7 The use of red or orange should be avoided since these colours are used in the labelling of dangerous goods.

3.8 Recycled, remanufactured or repaired wood packaging material should be re-certified and re-marked. All components of such material should have been treated.

3.9 Shippers should be encouraged to use appropriately marked wood for dunnage.

ARTICLE 4 - Misuse of the Collective/Certification Mark and Sanctions

4.1 The Collective/Certification Mark is intended to be used in compliance with adopted ISPMs.

4.2 The NPPO of the exporting country has the responsibility to ensure that the use of the Collective/Certification Mark is consistent with relevant IPPC principles and ISPMs. The NPPO of the exporting country shall withdraw the authorization to use the Collective/Certification Mark from accredited agencies if they are not in compliance with the above principles and standards.

4.3 Where wood packaging material does carry the required Collective/Certification Mark, and evidence of live pests is found by the NPPO of the importing country at the point of entry, action can be taken. The actions may take the form of treatment, disposal or refused entry. The NPPO of the exporting country should be notified in cases where live pests are found, and may be notified in other cases.

ARTICLE 5 – Dispute settlement

5.1 These Rules shall be governed by general principles of law to the exclusion of any single national system of law. Any dispute, controversy or claim arising under or pursuant to these Rules shall be settled by mutual agreement. If the Parties are unable to reach agreement on any question in dispute, either party shall have the right to request arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL). The Parties agree to be bound by any arbitration ruling rendered in accordance with the above, as the final adjudication of any such dispute. Nothing contained in, or related to, these Rules shall be deemed a waiver, express or implied, of the privileges and immunities of the Food and Agriculture Organization of the United Nations.

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