
GENERAL NOTICE

NOTICE 805 OF 2006

DEPARTMENT OF AGRICULTURE

PUBLICATION OF PLANT HEALTH POLICY FOR PUBLIC COMMENTS

The Minister of Agriculture hereby publishes the Plant Health Policy **for comments** by the general public. Comments must be submitted in writing within **30 days of** publication of this notice to:

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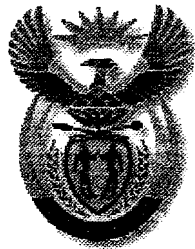
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PLANT HEALTH POLICY

for

SOUTH AFRICA

DEPARTMENT OF AGRICULTURE

DRAFT - FEBRUARY 2006

Draft PlantHealth Policy, February 2006

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DEPARTMENT OF AGRICULTURE

DIRECTORATE PLANT HEALTH : PLANT HEALTH POLICY

1. INTRODUCTION

Plants, plant products and related materials are capable of harbouring quarantine pests, which if they enter South Africa **with** imported commodities and establish, may endanger the South African agricultural, **horticultural** or forestry sectors. Similarly, pests that occur in South Africa may endanger countries to **which** we export.

The World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures (**WTO-SPS** Agreement) gives Members such as South Africa the right to adopt or enforce laws, regulations, requirements and procedures necessary to protect the health and/or life of the humans, plants and animals within its territory.

Although the **WTO** distinguishes **SPS** measures from Technical Barriers to Trade (TBT), both of these have the potential to restrict access to export markets. The **WTO-SPS** Agreement obliges Members to ensure that all regulatory measures are consistent **with** the **WTO-SPS** Agreement: in other words, regulatory measures must not be arbitrary or unjustifiable, or a disguised restriction to international trade. Further, it promotes the use of harmonised (common/**shared/universal**) sanitary and phytosanitary measures based on international standards, guidelines and recommendations.

The **WTO-SPS** Agreement gives the following definition of “phytosanitary measure”, namely: “Any measure applied: (a) to protect animal or plant life or health within the territory of the Member from risks arising from the entry, establishment or spread of pests, diseases, or disease-carrying organisms or disease-causing organisms; ...(d) to prevent or limit other damage within the

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territory of the Member from the entry, establishment or spread of pests." It recognises the International Plant Protection Convention (IPPC) as the relevant international standard-setting body for plant health.

The IPPC is an international treaty that deals with global co-operation in preventing the spread of pests of plants and plant products, and with international trade (Preamble, bullets one and two). Its purpose (Article I) is to "secure common and effective action to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control". Its provisions extend, where appropriate, in addition to plants and plant products, to "storage places, packaging, conveyances, containers, soil and any other organism, object or material capable of harbouring or spreading plant pests, particularly where international transportation is involved."

The scope of the IPPC covers organisms/pests that can cause direct or indirect damage to plants. Its provisions cover not only cultivated plants and the products of cultivated plants, therefore, but include the protection of natural flora and the environment from pests as well as invasive species and weeds. Accordingly, the Plant Health Policy also covers Living Modified Organisms (LMOs) that might act as weeds or invader species. In other words, it includes any Genetically Modified Organisms (GMOs) that might potentially endanger agriculture, horticulture, forestry or the environment through their pest status.

This policy serves as a framework to reduce the pest risk associated with plants, plant products and other regulated articles. Although its focus is mainly on international trade and therefore the First Economy, including the protection of Industry role players from unjustified phytosanitary measures, it also supports the Second Economy as it prevents the entry of pests that pose a risk to the South African agricultural sector, and prevents the spread of such pests within the country. In support of exporter compliance with plant health import requirements, therefore, this policy covers the domestic spread of regulated pests, which must be limited by means of appropriate official controls placed on the movement of plants or plant material infested or infected with regulated pests within the borders of South Africa. It aids national food security

both by preventing the entry and spread of harmful pests, and by helping to ensure the availability of healthy seed and other propagation material. It is also intended to promote an understanding of the importance of implementing internationally agreed sanitary and phytosanitary (SPS) standards as a basis for harmonised regulatory measures. It aims to underpin the South African Government's objective of a thriving and growing First and Second Economy as well as the Department of Agriculture's (DoA) focus on participating in NEPAD initiatives of the African Union (AU). It can also play an important role in terms of the harmonisation of phytosanitary measures and standards, within SADC and Africa as a whole.

2. DEFINITIONS/GLOSSARY OF TERMS (INCLUDING ACRONYMS/ ABBREVIATIONS)

See Annexure I.

3. PROBLEM STATEMENT

When plants or plant products and other regulated articles are imported into South Africa, this carries the risk that potentially damaging pests can also enter our country. These could have a significantly negative impact on South African agriculture, horticulture or forestry as well as on our export markets and therefore on the generation of foreign capital and on job creation. Likewise, pests that occur in South Africa may endanger agriculture or the environment in countries to which we export. If regulated pests are intercepted in the country importing our commodities, this could result in stricter, more expensive mitigation measures or even closure of the export programme, with a negative impact on our economy.

Risk analysis is used as a scientific tool to allow safe trade between countries. This process is often challenged in an attempt to protect local industries and, as a result, risk analyses are becoming increasingly complex. In order to maintain current export markets and also to enter new markets, South Africa needs to keep up to date with advances and changes. By accessing new markets,

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South Africa enhances the possibility for its neighbouring countries to enter those markets. So, keeping abreast of the increased complexity of *risk analysis* procedures will not **only** assist South Africa to enter more markets, but **it will** also increase market access opportunities for its regional counterparts.

Regionally, South Africa plays an important role in terms of **driving trade and** must increase its imports of agricultural commodities from other **African** countries in order to redress the current trade imbalance. The **challenges in** this respect include obtaining appropriate scientific **information on the pest** profiles of the **relevant** commodities for conducting pest risk analyses, **and pro-**ducing timely risk analyses with the available personnel resources.

Harmonisation of phytosanitary measures is an important **area of development** for the promotion of trade in plants and plant products within Africa, although the required scientific information is not always available. In this regard, **it** would be easier to achieve harmonisation within the SADC region, **particularly** among countries with similar bio- geographic profiles, than **within** Africa as a whole.

In terms of the import as well as the export of plants, plant materials **and** related regulated articles, there is a need for national guidance and awareness regarding the maintenance of plant health in South Africa. An important challenge in this respect is the requirement for competent policy implementation in the form of effective and **efficient** inspection services to ensure that both imports and **exports** comply **with** the relevant phytosanitary specifications.

- 3.1** In terms of government priorities and departmental objectives, trade in healthy and safe agricultural commodities plays a vital role in terms of the **DoA** core strategy of **global** competitiveness and profitability. This strategy includes the enhancement of profitability through sustained global competitiveness in the agricultural sector's input supply and primary production, and therefore **the** availability of healthy propagation material such as seed. **It** fits into the South African Government vision for the agricultural sector, which embodies

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sustained profitable participation in the agricultural economy by all stakeholders. It also recognizes the need to maintain and increase commercial production, support sustainable rural development farming initiatives, food security as well as to build international competitiveness.

As a first step to move the DoA strategic plan towards implementation, its strategic partners identified priority programs and actions (Strategic Plan for the Department of Agriculture, 2004), including the development of effective integrated risk management for plant health systems. This must include a sound policy for the safe import of all categories of plant commodities and related regulated articles. The management of pest risk associated with the import of micro-organisms for research purposes, as well as biological control agents, is also relevant.

3.2 Approach: Although this is the first written statement on the DoA policy regarding plant health, imports and exports are conducted in terms of the Agricultural Pests Act of 1983 (Act No. 36 of 1983) and the relevant ISPMs that have been set by the IPPC since 1995. As a member of the IPPC, South Africa undertakes to:

- Implement common and effective measures on a national and international level 1 to prevent the exportation, importation and distribution of pests of plants and plant products;
- Promote methods for the control of pests, and
- Establish the legal, technical and administrative measures necessary to achieve the goals of the Convention.

The above can only be achieved through effective partnerships and sharing of responsibility between the DoA and the various agricultural industries, producers and other national stakeholders, as well as through active participation in international standard-setting initiatives such as the IPPC and its Regional Plant Protection Organisation (RPPO) for Africa, the Inter-African Phytosanitary Council (IAPSC), as well as the Southern African Development Community (SADC). The designated responsible directorates of the DoA are the Directorate Plant Health (DPH) and the Agricultural Products Inspection Services (APIS).

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Within the framework of the resources at its disposal, the DoA **strives towards** the practical implementation of the IPPC and its ISPMs. **Some of the most** important benefits of this approach are as follows:

- Adherence to the IPPC and its standards increases the **credibility of national** phytosanitary systems for trading partners;
- Most major trading partners and **WTO Members are contracting partners to** the IPPC;
- Participation allows for active input into the processes of **global harmoni-**
sation of phytosanitary standards.

3.3 Principal challenges currently include -

3.3.1 Revision of the Agricultural **Pests** Act to bring it into line **with national** requirements as well as the requirements of the IPPC and its **ISPMs in terms of** South Africa's signatory membership of the WTO-SPS Agreement **and the IPPC**, as well as with **the** relevant technical developments;

3.3.2 Reaching emerging farmers with appropriate plant health **promotion and** information materials;

3.3.3 Conducting pest risk analyses with the available capacity within **an acceptable** timeframe and in conformance with international standards;

3.3.4 Facilitation of imports from neighbouring countries by harmonisation **of phyto-**
sanitary **measures** for the **sub-region**.

4. OBJECTIVES

The objective of this policy is to ensure effective plant health **management** systems and services for South Africa, which operate in compliance with international and national plant health obligations and responsibilities in support of agricultural trade and food security.

This needs to be achieved through -

- Drafting and maintaining plant health **legislation**, policies, norms and **standards** as well as assisting industry with interpretation of *these* documents and the relevant international standards;
- Managing an effective **PRA** component in order to access international markets **by** complying with international agreements and standards as well as promoting harmonisation of import conditions in the SADC region;
- Developing, maintaining and co-coordinating plant health programs and protocols;
- Developing surveillance systems for the early detection of recently introduced regulated pests, and contingency plans for efficient and effective control ~~so~~ that national and international trade is safeguarded and food production is secured;
- Ensuring post-entry plant quarantine services and plant health diagnostic services with regard to regulated plant pests;
- **Ensuring national** regulatory inspection **services/audits** and evaluations **related** to effective risk management at official ports of entry and **importer's** premises, and national plant and plant product inspection as well as official phytosanitary certification services;
- Participating in the standard setting process of the IPPC; as well as
- Developing and managing promotion and curriculum development programs relating to plant health in order to support both international and national market access and maintenance for South African plants and plant products.

5. POLICY SCOPE

5.1 Policy options:

5.1.1 Policy based on international norms and standards: As South Africa is a **signatory** member of the **WTO - SPS** Agreement and the IPPC, the import policy of the **DoA** must be aligned with ~~the~~ relevant principles, obligations and **ISPMs**. The **WTO-SPS** Agreement gives members the right to adopt and enforce **laws, regulations** and procedures necessary to protect the health and life of humans,

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plants and animals within its territory. At the same time, Members are obliged to ensure that such measures are consistent with the provisions of the **WO-SPS** Agreement. This means that all phytosanitary measures must be technically justified or, in other words, based on science, and on the international standards developed by the **IPPC**.

Where relevant scientific evidence is insufficient, a Member has the right to provisionally adopt measures that are based on available pertinent information. This may include information from the relevant international organizations as well as measures applied by other Members. In such circumstances, Members must strive to obtain the additional information necessary for a more objective assessment of risk, and to review the relevant measure **accordingly, within** a reasonable timeframe.

Although regulatory measures are often interpreted as restrictions to trade, free, fair and safe trade can be achieved if scientific **risk** analysis procedures are applied in accordance **with** international standards in order to reduce the potential of introducing quarantine pests. Accordingly, all regulatory measures must be technically justified as well as appropriate to the **level** of risk involved.

5.2 Recommended policy option:

Regulatory measures pertaining to plant health must be based on risk analysis principles and the relevant **ISPMs**. There must be a legislative framework in place as well as the capacity to implement this and to audit implementation. In terms of the Agricultural Pests Act, 1983 (Act **No. 36 of 1983**), South Africa currently authorises imports based on a permit system except for low risk commodities published in a specific Regulation,

5.3 Justification of the recommendation in terms of efficiency, effectiveness, social effects, environmental impact and technical feasibility: **Regulations** based on the relevant **ISPMs** will embody the principles of appropriate level of protection and minimal impact as well as economic and operational feasibility. Harmonisation of regulatory measures with international standards Will facili-

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tate economic integration of SADC and SACU members if all Members follow this strategy.

- 5.4** Comparison of the political, institutional, legal, social and economic viability of the different options: This is not applicable as there are no broad options because the policy must be based on the IPPC and its ISPMs, implemented in accordance with DoA capacity. In terms of the IPPC and the WTO-SPS Agreement, South Africa subscribes to the principle of transparency. Accordingly, it provides for a national plant health contact point (Directorate Plant Health), pest risk analysis as well as plant health awareness and promotion components, through which its plant health regulatory measures and their technical justification are made internationally available.
- 5.5** Institutional implications:
The DoA has the mandate for this Plant Health Policy. Directorate PH administers the relevant Act, namely the Agricultural Pests Act, 1983 (Act No. 36 of 1983), and controls imports by means of PRA and the execution of the relevant management options executed by plant health regulations. For the import of bio-control agents, DPH works in close collaboration with the ARC and other research institutions as well as DEAT. In terms of institutional capacity and structure, the relevant components of a National Plant Protection Organisation (NPPO) in terms of South Africa's membership of the IPPC have been put in place, including the provision of quarantine facilities and diagnostic laboratories as well as inspection services. There is also a component tasked with communication on plant health through awareness, promotion and curriculum development programs in terms of IPPC requirements for an NPPO. The PRA team requires further strengthening, because the demand for PRAs and the current phytosanitary capacity does not balance.
- 5.6** Financial implications: Financial implications are incorporated in the annual budget as core functions of the DoA.
- 5.7** Communication implications: Communication implications are incorporated as core functions of the DoA. In the spirit of the international principle of transpa-

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rency, the NPPO of South Africa maintains a phytosanitary contact point and website, and is obliged to notify the IPPC Secretariat of any outbreaks of regulated pests within its territory. It is obliged to participate in the activities of the IPPC as well as the appropriate Regional Plant Protection Organisation (RPPO), namely the Inter-African Phytosanitary Council of the AU.

- 5.8** Legislative and regulatory implications: This Plant Health Policy is the mandate of the DoA directorate Plant Health, although other directorates play a substantial role in the functioning of the NPPO of South Africa. The Directorate PH controls imports by means of PRA and administers the relevant Act (Agricultural Pests Act, Act No. 36 of 1983). In respect of potential pest risks, an Early Warning component has also been instituted, which is responsible for developing detection and surveillance systems as well as contingency plans and control procedures for recently introduced regulated pests. Exports are regulated in terms of the relevant ISPMs. Plant health regulations based on the relevant ISPMs embody the principles of appropriate level of protection and minimal impact (least restrictive measures) as well as economic and operational feasibility. Harmonisation of regulatory measures with international standards will facilitate economic integration of AU Members, and South Africa should lead the way for all AU members to follow this strategy in order to facilitate regional trade.
- 5.9** This plant health policy will support the development, implementation and monitoring of risk management strategies, policies and legislation for the control of pests and diseases of plants and plant products with the main focus on international trade. It will ensure that there are skilled people to provide appropriate measures with regard to the relevant plant health services, and that all role-players including traders and the traveling public are well informed. Through ensuring compliance with legislation and phytosanitary measures, it will work towards preventing the entry of agricultural products which pose a risk to the South African agricultural, horticultural and forestry sectors as well as the environment in terms of the introduction, spread and establishment of pests and diseases. This policy will also contribute to align the plant health regulatory system in South Africa with international principles,

standards and guidelines according to this country's membership of the WTO-SPS and the IPPC.

5.10 Instruments of implementation

The plant health policy **will** be implemented in terms of the following Act (and in harmony with the legislation listed in Annexure II):

Agricultural Pests Act, 1983 (Act No. 36 of 1983)

The aim of the **current** Act is to provide for measures to prevent and control the importation of pests of plants, and to provide measures for their national control. In terms of its provisions, no **person** is allowed to import into South Africa any controlled goods except under the authority of a permit and **in** compliance with the relevant import requirements. Its **scope** covers plants, plant products and their pathogens including biological control agents; insects and exotic animals as defined, as well as growth media, honey, beeswax and used apiary equipment.

Import conditions are **established** through a **pest risk** analysis to ensure that they are technically justified and are not used as unjustified **barriers** to free trade. Import permits may also be issued in terms of **regulation(s)**. The Act is under revision to bring **it** into line with the IPPC and its phytosanitary standards in terms of South Africa's signatory membership of **the WTO-SPS** Agreement and the IPPC, as well as **with** the relevant technical developments. Administered by the **DoA**, **it** has three executive officers, namely the Senior Manager of each of the **following** directorates: Plant Health, APIS, and Land Use and **Soil** Management (LUSM). **PRA** and import **regulations** are provided by **DPH**, while the relevant phytosanitary inspections are conducted by the departmental inspection services (APIS) in terms of the Border Control Strategy within the **DoA**. The parts of this Act dealing with migratory pests such as locusts and **red-billed quelea** are administered by **DLUSM**.

Regarding import risk analysis and regulations, various categories need to be covered, including the following:

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- (a) Plants and plant products used for planting: various **post** entry **quaran-** tine and non-quarantine options are available based on the level **of risk** involved based **on** the outcome of the **risk assessment**
- (b) Plants and plant products for consumption or processing
- (c) Plants and plant products for evaluation purposes
- (d) Plants and plant products for exhibition and filming purposes
- (e) Packaging materials including dunnage
- (f) Research and other scientific material including biological **control** agents
- (g) International travelers' personal effects
- (h) International mail and courier services
- (i) Living Modified Organisms (**LMO**)s/Genetically Modified **Organisms** (**GMOs**): The GMO Act, passed in 1997, controls **all** field trials, **imports**, exports, and commercial releases. The Agricultural Pests Act of **1983** was used before the **GMO** Act was implemented. **Directorate Plant** Health conducts imports in collaboration with the relevant **DoA Directo-** rate and Registrar responsible for regulating the entry of **GMOs** and **LMOs**
- (j) Means of transport
- (k) Apiary equipment
- (l) Other regulated **articles** (such as used farm equipment).

The export **of** plants, plant products and other regulated articles takes **place** in accordance with the relevant import conditions, directives or bilaterally agreed protocols. Compliance is officially verified by means of phytosanitary inspec- tions, sampling and testing as **well** as the issuance of the relevant **certification**.

Public awareness of this Act is promoted to inform the public that illegally imported regulated articles are often infested or infected with foreign pests that could endanger agriculture and the natural heritage of South Africa.

Where required, links are established with other relevant Acts and clients are advised of any additional authorizations that they need prior to import:

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- Regarding genetically manipulated organisms, permit applicants are required to declare that the relevant commodity does not contain any **GMOs**. Such imports are dealt with in terms of the Genetically Modified Organisms Act, **1997** (Act No. **15 of 1997**), administered by the DoA Directorate Genetic Resources Management (see Annexure II).
- **Before permitting** the importation and release of biological control agents, the relevant Acts are taken into consideration according to the envisaged impact of the pest as shown by the risk assessment.
- Plant propagating material is subject to the provisions of the Plant Improvement Act, **1976** (Act No. **53 of 1976**) and the Plant Breeders Rights Act, **1976** (Act No. **15 of 1976**), as indicated in Annexure II.
- The importation of tropical fish, which are included in the Agricultural Pests Act, **1983** (Act No. **36 of 1983**) under its **definition** of "exotic animal", is subject to the relevant nature conservation regulations, namely Section 81 of the Nature Conservation Ordinance, **1983** (Ordinance 12 of **1983**). Importers are accordingly referred to the appropriate authority.
- On request of the Directorate Animal Health, DoA, the importation of specific plants that are toxic to cattle is prohibited. Similarly, specific **plants with** narcotic properties are prohibited entry on request of the South African Police Service.

6. INDICATORS OF PERFORMANCE

Performance indicators used to measure the extent to which the desired **objectives** are being attained/an indication of how monitoring of **implementation** and evaluation of impact are to be conducted will include the number of:

- Completed PRA reports; early warning protocols; contingency plans; **legislative** documents; import and export protocols and programs as well as **bilateral** engagements and inputs contributing to facilitate safe trade and **harmonisation** of phytosanitary measures.

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- Import permits issued.
- Interceptions of phytosanitary non-compliance in respect of exports, as indicators of poor performance of the relevant stakeholders.
- Interceptions of plant health non-compliance in respect of imports.
- Outcomes of Early Warning programs.
- Documents on norms and standards.
- Bilateral agreements.
- Training actions, seminars and workshops that took place.
- Plant health promotion and curriculum development programs successfully completed and their positive effect in changing public attitude regarding plant health issues.
- Information packages and an effective and interactive website.
- Client inputs and surveys.

7. TIMETABLE AND IMPLEMENTATION

7.1 Outline of the timetable for implementing the policy and indication of the various milestones to be reached in implementing the policy:

This policy is in essence already incorporated in the core functions of the DoA because it embodies the obligations and responsibilities of members of the WTO-SPS Agreement and the IPPC. As a signatory member of both the WTO-SPS Agreement and the IPPC, the DoA through its National Plant Protection Organisation (NPPO) and national phytosanitary contact point, strives to apply the relevant international norms and standards within the framework of its available resources.

Milestones to be reached in implementing the policy include

- Revision of the relevant legislation and regulations within the next five years;
- Training, development and deployment of appropriate personnel components in various teams to ensure efficient and effective service delivery as well as compliance with international norms and standards.

7.2 Key role-players responsible for implementation, and their resource requirements:

DoA Directorate **PH** is responsible for setting policy, conducting pest **risk** analysis, issuing import permits with appropriate pest **management_options/** requirements, and maintaining the appropriate legislation, quarantine facilities and diagnostic laboratories. Directorate **APIS** is responsible for **carrying** out the required inspections, examinations and audits. Relevant **industry** organizations and **advisory** bodies from various sectors as well as **official** assignees **such** as **PPECB**, which is designated to contribute in respect of pest mitigation through cold treatments, also play a role. Further, the Agricultural Research Council (**ARC**) provides **information** and services without which an effective plant health policy cannot be implemented.

7.2.1 Resource requirements:

- (a) Effective and efficient teams of appropriately trained, experienced and equipped personnel to manage the execution of:
- Pest risk analysis
 - Policy, norms, standards and legislation
 - Early warning systems
 - Plant health promotion and curriculum development
 - Plant health national contact point responsibilities.
- (b) Effective and efficient teams of appropriately trained, experienced and equipped personnel to manage the execution of effective and efficient pest risk management with regard to imports, exports and national control.
- (c) Effective and efficient teams of appropriately trained, experienced and equipped personnel for relevant assignees (for example SANSOR, **SARS** and the relevant ARC institutes and other research organisations).

8. THE MAIN POLICY AREAS CONCERNING THE DEPARTMENT ARE CLUSTERED AROUND THE INHERENT NEEDS OF THOSE ENGAGED IN AGRICULTURAL ACTIVITIES

*Draft Plant Health Policy, February 2006***9. REFERENCE DOCUMENTS**

Documents that directly underpin this Policy are the following:

- 9.1 *Agreement on the Application of Sanitary and Phytosanitary Measures, 1994.* World Trade Organization, Geneva.
- 9.2 *The International Plant Protection Convention, 1997.* Secretariat of the International Plant Protection Convention, FAO, Rome, Italy.
- 9.3 *The Agricultural Pests Act, 1983, (Act No. 36 of 1983).*
- 9.4 All ISPMs of the IPPC.
- 9.5 *Agricultural policy in South Africa - a Discussion document. Ministry for Agriculture and Land Affairs, 1998.*
- 9.6 *Draft policy on Agriculture in Sustainable Development - A discussion document. Department of Agriculture, 2002.*

10. POLICY OWNER

Directorate Plant Health, Department of Agriculture

11. DOCUMENT INFORMATION

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ANNEXURE I**Definitions/Glossary of terms (including acronyms/abbreviations)**

Definitions for relevant phytosanitary terminology are from the IPPC International Standard for Phytosanitary Measures (ISPM) *Glossary of phytosanitary terms* (ISPM No. 5, 2004). Terms given in bold print in the definitions are included in the list, which will be brought into line with definitions in the revised Agricultural Pests Act, 1983 (Act No. 36 of 1983), once this is finalised.

APIS	Agricultural Products Inspection Services, a directorate of the Department of Agriculture
ARC	Agricultural Research Council of South Africa
Area	An officially defined country, part of a country or all or parts of several countries (FAO, 1990; revised FAO, 1995; CEPM, 2000; based on the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures)
AU	African Union
Biological control agent	A natural enemy, antagonist or competitor, and other self-replicating biotic entity used for pest control (ISPM Pub. No. 3, 1996)
CEPM	Committee of Experts on Phytosanitary measures (now replaced by the Standards Committee)
Certificate	An official document which attests to the phytosanitary status of any consignment affected by phytosanitary regulations (FAO, 1990)
Clearance (of a consignment)	Verification of compliance with phytosanitary regulations (FAO, 1995)
Commodity	A type of plant, plant product, or other article being moved for trade or other purpose (FAO, 1990; revised ICPM, 2001)
Commodity class	A category of similar commodities that can be considered together in phytosanitary regulations (FAO, 1990)
Consignment	A quantity of plants, plant products and/or other articles being moved from one country to another and covered, when required, by a single phytosanitary certificate (a consignment may be composed by one or more commodities or lots) (FAO, 1990; revised ICPM, 2001)

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Containment	Application of phytosanitary measures in and around an infested area to prevent spread of a pest (FAO, 1995)
Control (of a pest)	Suppression, containment or eradication of a pest population (FAO, 1995)
DEAT	Department of Environmental Affairs and Tourism
LUSM	Land Use & Soil Management, a directorate of the Department of Agriculture
DoA	Department of Agriculture
DPH	Directorate Plant Health, Department of Agriculture
Entry (of a consignment)	Movement through a point of entry into an area (FAO, 1995)
Entry (of a pest)	Movement of a pest into an area when? it is not yet present, or present but not widely distributed and being officially controlled (FAO, 1995)
Eradication	Application of phytosanitary measures to eliminate a pest from an area (FAO, 1990; revised FAO, 1995; formerly eradicate)
Establishment	Perpetuation, for the foreseeable future, of a pest within an area after entry (FAO, 1990; revised FAO, 1995; IPPC, 1997; formerly established)
FAO	Food and Agriculture Organisation of the United Nations
Germplasm	Plants intended for use in breeding or conservation programs (FAO, 1990)
GIS	Geographical Information System
GMO	Genetically Modified Organism (also see LMO)
Grain	A commodity class for seeds intended for processing or consumption and not for planting (<i>see seeds</i>) (FAO, 1990; revised ICPM, 2001)
Growing medium	Any material in which plant roots are growing or intended for that purpose (FAO, 1990)
Harmonisation	The establishment, recognition and application by different countries of phytosanitary measures based on common standards (FAO, 1995; revised CEPF, 1999; based on the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures)
IAPSC	Inter-African Phytosanitary Council
Import	Introduction of regulated articles into South Africa, or to bring about the introduction of such articles into South Africa (based on the Agricultural Pests Act, 1983 - Act No. 36 of 1983 - currently being amended)

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Import permit	Official document authorizing importation of a commodity in accordance with specified phytosanitary requirements (FAO, 1990; revised FAO, 1995)
Import permit (of a biological control agent)	An official document authorizing importation (of a biological control agent) in accordance with specified requirements (SPM Publ. No. 3, 1996)
Infestation (of a commodity)	Presence in a commodity of a living pest of the plant or plant product concerned - infestation includes infection (CEPM, 1997; revised CEPM, 1999)
Inspection	Official visual examination of plants, plant products or other regulated articles to determine if pests are present and/or to determine compliance with phytosanitary regulations (FAO, 1990; revised FAO, 1995; formerly inspect)
Intended use	Declared purpose <i>for</i> which plants, plant products, or other regulated articles are imported, produced, or used (SPM Publ. No. 16, 2002)
Interception (of a consignment)	The refusal or controlled entry of an imported consignment due to failure to comply with phytosanitary regulations (FAO, 1990; revised FAO, 1995)
Interception (of a pest)	The detection of a pest during inspection and testing of an imported consignment (FAO, 1990; revised CEPM, 1996)
International Plant Protection Convention (IPPC)	International Plant Protection Convention, as deposited with FAO in Rome in 1951 and as subsequently amended (FAO, 1990)
International Standard for Phytosanitary Measures (ISPM)	An international standard adopted by the Conference for Phytosanitary Measures of the FAO, the Interim Commission on Phytosanitary Measures or the Commission on Phytosanitary Measures, established under the IPPC (CEPM, 1996; revised CEPM, 1999)
International standards	International standards established in accordance with Article X, paragraphs 1 & 2, of the IPPC (IPPC, 1997)
Introduction	The entry of a pest resulting in its establishment (FAO, 1990; revised FAO, 1995; IPPC, 1997)
Legislation	Any act, law, regulation, guideline or other administrative order promulgated by a government (SPM Publ. No. 3, 1996)
Living modified organism (LMO)	Any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology (<i>Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 2000</i>)

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Lot	A number of units of a single commodity, identifiable by its homogeneity of composition, origin, etc., forming part of a consignment (FAO, 1990)
Micro-organism	A protozoan, fungus, bacterium, virus or other microscopic self-replicating biotic entity (SPM Publ. No. 3, 1996)
Monitoring	An official <i>ongoing</i> process to verify phytosanitary situations (CEPM, 1996)
National Plant Protection Organisation	Official service established by a government to discharge the functions specified by the IPPC (FAO, 2390; formerly Plant Protection Organisation (National))
NEPAD	New Partnership for Africa's Development
NPPO	National Plant Protection Organisation
Occurrence	The presence in an area of a pest officially reported to be indigenous or introduced and/or not officially reported to have been eradicated (FAO, 1990; revised FAO, 1995; formerly occur)
Official	Established, authorized or performed by a National Plant Protection Organisation (FAO, 1990)
Official control	The active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests (see <i>Glossary</i> Supplement & 1)
Pest	Any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products (FAO, 1990; revised FAO, 1995; IPPC, 1997)
Pest Risk Analysis	The process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it (FAO, 1995; revised IPPC, 1997)
Phytosanitary certificate	Certificate patterned after the model certificate of the IPPC (FAO, 1990)
Phytosanitary measure (agreed interpretation)	Any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests (FAO, 1995; revised IPPC, 1997; ISC, 2001)

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Phytosanitary procedure	Any officially prescribed method for implementing phytosanitary regulations including the performance of inspections, tests, surveillance or treatments in connections with regulated pests (FAO, 1990; revised FAO, 1995; CEFM, 1999; ICPM, 2001)
Phytosanitary regulations	Official rule to prevent the introduction and/or spread of quarantine pests, or to Limit the economic impact of regulated non-quarantine pests, including establishment of procedures for phytosanitary certification (FAO, 1990; revised FAO, 1995; CEFM, 1999; ICPM, 2001)
Plant products	Non-manufactured material of plant origin (including grain) and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests (FAO, 1990; revised IPPC, 1997; formerly plant product)
Planting (including re-planting)	Any operation for the placing of plants in a growing medium, or by grafting or similar operations, to ensure their subsequent growth, reproduction or propagation (FAO, 1990; revised CEFM, 1999)
Plants	Living plants and parts thereof, including seeds and germplasm (FAO, 1990; revised IPPC, 1997)
Point of entry	Airport, seaport or Land border point officially designated for the importation of consignments, and/or entrance of passengers (FAO, 1995)
PPECB	Perishable Products Export Control Board, an official assignee of the Department of Agriculture
PRA	Pest risk analysis (FAO, 1995; revised ICPM, 2001)
Quarantine	Official confinement of regulated articles for observation and research or for further inspection, testing and/or treatment (FAO, 1990; revised FAO, 1995; CEFM, 1999)
Quarantine pest	A pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled (FAO, 1990; revised FAO, 1995; IPPC, 1997)
Refusal	Prohibiting entry of a consignment or other regulated article when it fails to comply with phytosanitary regulations (FAO, 1990; revised FAO, 1995)
Regional Plant Protection Organisation	In intergovernmental organisation with the functions laid down by Article IX of the IPPC (FAO, 1990; revised FAO, 1995; CEFM, 1999; formerly plant protection organisation - regional)

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Regulated article	Any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved (FAO, 1990; revised FAO, 1995; IPPC, 1997)
Regulated non-quarantine pest	A non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing contracting party (IPPC, 1997)
Regulated pest	A quarantine pest or a regulated non-quarantine pest (IPPC, 1997)
Release (of a consignment)	Authorisation of entry after clearance (FAO, 1995)
Re-planting	(See planting)
RPPO	Regional Plant Protection Organisation (FAO, 1990; revised ICPM, 2001)
(R)SA	(Republic) of South Africa
SABS	South African Bureau of Standards
SACU	South African Customs Union
SADC	Southern African Development Community
SANSOR	South African National Seed Organisation
SARS	South African Revenue Services
Seeds	4 commodity class for seeds for planting or intended for planting and not for consumption or processing (see grain) (FAO, 1990; revised ICPM, 2001)
SOP	Standard Operating Procedure
Spread	Expansion of the geographical distribution of a pest within an area (FAO, 1995)
Standard	Document established by consensus and approved by a recognised body that provides - for common and repeated use - rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context (FAO, 1995; ISO/IEC Guide 2: 1991 definition)
Suppression	The application of phytosanitary measures in an infested area to reduce pest populations (FAO, 1995; revised ICPM, 1999)
Surveillance	An official process which collects and records data on pest occurrence or absence by survey, monitoring or other procedures (CEPM, 1996)

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Survey	An official procedure conducted over a defined period of time to determine the characteristics of a pest population or to determine which species occur in an area (FAO, 1990; revised CEPM, 1996)
Technically justified	Justified on the basis of conclusions reached by using an appropriate pest risk analysis or, where applicable, another comparable examination and evaluation of available scientific information (IPPC, 19979)
Test	Official examination, other than visual, to determine if pests are present or to identify pests (FAO, 1990)
Transparency	The principle of making available, at the international level, phytosanitary measures and their rationale (FAO, 1995; revised CEPM, 1999; based on the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures)
Treatment	Officially authorized procedure for the killing or removal of pests or rendering pests infertile (FAO, 1990; revised FAO, 1995; ISPM Publ. No. 15,2002)
WTO-SPS	World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures

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ANNEXURE II

Legislation relevant to the Plant Health Policy

The Plant Health Policy is implemented in terms of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), as described in section 5.12 of the Plant Health Policy, and in harmony with the following legislation:

1. Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997)

The key aim of the GMO Act is to provide measures to ensure that all activities involving GMOs are conducted in a manner that will limit the potential risks in respect of the environment, human, animal or plant health that are associated with such activities. In terms of this Act, risk assessment data are subject to a multidisciplinary evaluation process.

The scope of the plant health policy includes Genetically Modified Organisms (GMOs) only as Living Modified Organisms (LMOs), specifically where they pose a phytosanitary risk as pests that may potentially endanger agriculture, horticulture, forestry or the environment.

2. Plant Breeders Rights Act, 1976 (Act No. 15 of 1976)

The Plant Breeders Rights Act, 1976, provides for a system in terms of which breeders' rights relating to the varieties of certain kinds of plants may be granted and registered, and for the protection of such rights. It therefore protects the intellectual property rights of persons who have bred or developed new varieties of plants. The holder of a plant breeders' right is entitled to royalties for the use of the relevant variety by other persons. Anyone who wants to use a protected variety may do so only when issued with the relevant license to do so. Although there is no direct link between the Agricultural Pests Act, 1983 (see above) and this Act, plants and seeds in international trade are subject to its terms.

3. **Plant Improvement Act, 1976 (Act No. 53 of 1976)**

This Act provides for the registration of premises from which the sale of certain plants, or the cleansing, packing and sale of certain propagating material may be undertaken. It prescribes the **conditions** subject to which such plants or propagating material may be sold for the purposes of cultivation, and provides for the **recognition** of certain varieties of plants, for a system of certification of plants and propagating material to maintain **the** quality of certain plants and **propagating** material, and for controlling the import and export of certain plants and propagating material. It enhances and promotes the quality of **plant propagation** material available in the trade. This is achieved through **various programs** which include provisions for the establishment and maintenance **official certification** schemes for those **plant types** declared in terms of this Act.

The aim of these certification schemes is to set quality standards for **plant material**. The standards include norms for physical quality as well as the **health status** of the respective propagation material. **In terms of this Act, establishment** and maintenance of varieties takes place to ensure that plant material **complies** with the characteristics of a specific variety. It also **covers certification** of seed for planting in accordance with the International Orange Certificate, which provides minimum quality standards for the specific plant **species**.

This Act is important in terms of the import of listed varieties to ensure **optimum** yield in order to support national food security. Certified plant **material** ensures the availability of healthy plant material that complies with **minimum** quality standards, thus promoting and supporting high **yields**, and **supporting** the national food security program.

4. **National Environmental Management Act, 1998 (Act No. 107 of 1998)**

This Act, commonly known as NEMA Act, provides for co-operative **environmental governance** by establishing principles for decision making on matters **affecting** the environment, institutions that **will** promote co-operative

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governance, and procedures for coordinating environmental functions exercised by organs of state. It is administered by DEAT.

For the import of biological control organisms, DPH makes use of risk evaluation inputs from a panel of technical experts, and co-operates closely with DEAT regarding approval for the release of such organisms.

5. National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004)

Enacted within the framework of NEMA (see above) and administered by DEAT, the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) institutes special requirements for the introduction of three categories of living organisms, namely: alien species, listed invasive species, and threatened or protected species.

This Act should synchronise closely with the import of plants, plant products and related regulated articles. Its provisions include the protection of species and ecosystems that warrant national protection, and the sustainable use of indigenous biological resources. Currently, however, there is ~~at~~ in-depth debate as to whether this it is practically implementable, or whether it should be revised. The DoA and DPH need to ensure participation in the relevant discussions.

6. Fertilizers, Farm Feed, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947)

This Act provides for the registration of fertilizers, farm feeds, agricultural remedies, stock remedies, sterilizing plants and pest control operators. It also regulates or prohibits the importation, sale, acquisition, disposal or use of fertilizers, farm feeds, agricultural remedies and stock remedies.

Its links to the Agricultural Pests Act, 1983 (see above) include

- Registration of imported biological control agents imported in terms of Agricultural Pests Act, 1983, for use as biopesticides;

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- o Provision of information on registered pesticides for the control of outbreaks of regulated pests, and for use in mandatory phytosanitary treatments, particularly for imports intercepted because they do not comply with the relevant import conditions; as well as
- Registration of pesticide operators for the fumigation of wood packaging material used in international trade in accordance with the relevant international phytosanitary standard of the IPPC.

7. Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

The key aim of this Act is to give effect to the constitutional right of access to information held by the State, and any information held by another person and that is required for the exercise or protection of any rights.

In accordance with the WTO-SPS Agreement and IPPC principle of transparency, as well as the above Act, the DoA must facilitate access to relevant information while protecting individual role-players' rights to confidentiality.

8. Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)

The Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) aims to give effect to the right to administrative action that is lawful, reasonable and procedurally fair, as well as to the right to written reasons for administrative action as reflected in Section 33 of the Constitution of the Republic of South Africa, 1996.

In accordance with the provisions of the Promotion of Administrative Justice Act, 2000, the DoA must ensure effective consultation with role-players and stakeholders, and facilitate effective management of information pertaining to its activities in terms of the relevant Acts.

9. International agreements and treaties:

As outlined in the relevant sections of the Plant Health Policy document, the key international agreements relating to plant health are

- a) The WTO-SPS Agreement and
- b) The IPPC.

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The DoA needs to ensure participation in the activities of these bodies, particularly regarding the setting and harmonisation of phytosanitary measures to the benefit of trade for South Africa and the African region.