



Module 3: Market Access Process

Administrative Procedure Act (APA) – The U.S. law governing the rulemaking process.

Affected With – A country is affected with a disease when animals infected with that disease are present in the country and the disease is established there.

Agreement on Agriculture (AoA) – Negotiated in the 1986–94 Uruguay Round, it is a significant first step towards fairer competition and a less distorted sector. WTO member governments agreed to improve market access and reduce trade-distorting subsidies in agriculture. In general, these commitments were phased in over a six-year period, starting in 1995 (10 years for developing countries). (Source: WTO)

Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) – Sets out the basic rules for food safety and animal and plant health standards. Entered into force on January 1, 1995.

Allowable Pesticide Residues – The limits to how much of a pesticide can remain on food and feed products. In the United States, these limits are established by the Environmental Protection Agency and referred to as "tolerances".

Animal and Plant Health Inspection Service (APHIS) – Makes a significant contribution to the value of the Nation's food supply by protecting U.S. agricultural resources from pests and diseases, managing wildlife damage, regulating genetically engineered organisms, and administering the Animal Welfare Act. APHIS programs integrate plant and animal disease surveillance, epidemiology, emergency response, and information delivery to ensure the marketability of U.S. agricultural products. APHIS also works to resolve and manage trade issues related to animal or plant health. (Source: USDA)

Animal Health Protection Act – Grants authority to APHIS to prohibit or restrict import of any animal, article, or means of conveyance, to prevent the spread of pests or diseases of livestock.

Appellate Body – An independent seven-person body that considers appeals in WTO disputes. When one or more parties to the dispute appeal, the Appellate Body reviews the findings in panel reports. (Source: WTO)

Appropriate Level of Protection (ALOP) – The SPS Agreement defines the appropriate level of sanitary or phytosanitary protection as the level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal, or plant life or health within its territory. This concept is also referred to as the acceptable level of risk. (Source: SPS Agreement)

Areas of Low Pest Prevalence – An **area**, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific **pest** occurs at low levels and which is subject to effective **surveillance, control, or eradication** measures. (Source: IPPC, 1997)

Avoidance of Undue Delay – Contracting parties should ensure that inspection or other phytosanitary procedures required at import take place as promptly as possible with due regard to perishability of the regulated article.

Bilateral Agreement – A binding contract between the two parties that have agreed to mutually acceptable terms.

Biotype - There is no accepted regulatory definition of biotype. In general we think of a biotype as a population distinguished from other populations of its species by specific traits such as pest-host adaptations, presence or absence of a particular gene.

Bound Quotas – A limited quantity of a particular product, which, under official controls, can be produced, exported, or imported.

Bound Tariffs – Commitment not to increase a rate of duty beyond an agreed level. Once a rate of duty is bound, it may not be raised without compensating the affected parties. (Source: WTO)

Capacity Building – A conceptual approach to development that focuses on understanding the obstacles that inhibit people, governments, international organizations, and non-governmental organizations from realizing their developmental goals, while enhancing the abilities that will allow them to achieve measurable and sustainable results.

Certification – An official document which attests to the phytosanitary status of any consignment affected by phytosanitary regulations. (Source: ISPM 5)

Clearance Process – Verification of compliance with phytosanitary regulations. (Source: FAO, 1995)

Code Commission – Responsible for ensuring that the Terrestrial Animal Health Code (the Terrestrial Code) reflects current scientific information. The Terrestrial Code contains trade standards for terrestrial animals and their products.

Code of Federal Regulations (CFR) – The codification of the rules published in the Federal Register by the departments and agencies of the Federal Government.

Codex Alimentarius (Codex) – International food standards, guidelines, and codes of practice that contribute to the safety, quality, and fairness of this international food trade.

Codex Alimentarius Commission – FAO/WHO commission that deals with international standards on food safety. (Source: WHO)

Codify – To collect together and organize into a code.

Commercial 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 of one or more commodities or lots). (Source: FAO, 1990; revised ICPM, 2001)

Commission on Phytosanitary Measures (CPM) – The members of the Commission are the contracting parties to the IPPC and are responsible for implementing the work program of standards development, information exchange, and capacity building.

Competent Veterinary Authority – The veterinary authority or other governmental authority of a Member. This authority has the responsibility and competence for ensuring or supervising the implementation of animal health and welfare measures, of international veterinary certifications, and of other standards and recommendations in the Terrestrial Code and in the OIE Aquatic Animal Health Code in the country.

Convention on Biological Diversity (CBD) – Has three main objectives: the conservation of biological diversity, the sustainable use of the components of biological diversity, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

Conveyance – A means of transport.

Customs Unions – Members apply a common external tariff (e.g., the European Union). (Source: WTO)

Developing Countries – (Also known as Least-Developed Countries) The WTO recognizes as least-developed countries (LDCs) those countries that have been designated as such by the United Nations.

Dispute - Arises when a Member government believes another Member government is violating an agreement or a commitment that it has made in the WTO. The authors of these agreements are the Member governments themselves; the agreements are the outcome of negotiations among members. (Source: WTO)

Dispute Settlement – A system in which Member countries have agreed that, if they believe fellow Members are in violation of WTO agreements, they will use the multilateral system of settling disputes instead of taking action unilaterally. This entails abiding by agreed WTO procedures and respecting judgments, primarily of the Dispute Settlement Body. (Source: DSB)

Dispute Settlement Body (DSB) – Made up of all member governments, usually represented by ambassadors or equivalent, who meet to settle trade disputes. (Source: WHO)

Docket – A docket is a collection of documents related to a rulemaking or other action. For a market access action, the docket will typically contain a proposed rule or notice, a risk analysis, and a final rule or notice. The docket will also contain any other documents that were required to be prepared.

Dunnage – Wood packaging material used to secure or support a commodity but which does not remain associated with the commodity. (Source: ISPM 5)

Efficacy – A defined, measurable, and reproducible effect by a prescribed treatment. (Source: ISPM 5)

Emergency Measures – A phytosanitary measure established as a matter of urgency in a new or unexpected phytosanitary situation. An emergency measure may or may not be a provisional measure. (Source: ISPM 5)

Endangered Area – An area where ecological factors favor the establishment of a pest whose presence in the area will result in economically important loss. (Source: ISPM 5)

Enquiry Point – An official or office in a Member government designated to deal with enquiries from other WTO members and the public on a subject such as technical barriers to trade or sanitary/phytosanitary measures. (Source: WTO)

Equivalence – In sanitary/phytosanitary measures (SPS): governments recognizing other countries' measures as acceptable, even if they are different from their own, so long as an equivalent level of protection is provided. (Source: WTO)

Equivalence of Measures – See Equivalence

Executive Order – An official document through which the President directs the executive agencies.

Exotic – Introduced, alien, non-indigenous, or non-native, as in exotic pest.

Expert Working Group (EWG) – A group of typically five to seven experts assembled by the IPPC secretariat whose role is to participate in the process of drafting standards.

Federal Register – The *Federal Register* is the official gazette of the United States government. It provides legal notice of administrative rules and notices and Presidential documents in a comprehensive, uniform manner.

Food and Agriculture Organization (FAO) – Achieving food security for all is at the heart of FAO's efforts: to make sure people have regular access to enough high-quality food to lead active, healthy lives. (Source: FAO)

Foreign Agriculture Service (FAS) – Works to improve foreign market access for U.S. products and administers market development and export-financing programs. FAS helps U.S. exporters develop and maintain markets overseas for U.S. food and agricultural products. FAS helps developing countries improve their agricultural systems and build their trade capacity. (Source: USDA)

Free Trade Agreements (FTAs) – Treaty between two or more countries to establish a free trade area where commerce in goods and services can be conducted across their common borders without tariffs or hindrances.

Free Trade Areas – Trade within the group is duty free, but members set their own tariffs on imports from non-members (e.g., NAFTA). (Source: WTO)

General Agreement on Tariffs and Trade (GATT) – A treaty implemented, following the conclusion of World War II, to further regulate world trade and aid in economic recovery. The GATT's main objective was to reduce the barriers of international trade through the reduction of tariffs, quotas, and subsidies. The WTO SPS Agreement replaced it in 1995.

General Session – The supreme authority of the OIE, composed of Delegates of Member Countries. The Assembly meets once a year in the month of May during the General Session. (Source: OIE)

Germplasm – Plants intended for use in breeding or conservation programs.

Harmonization (Harmonize) – The establishment, recognition, and application by different countries of phytosanitary measures based on common standards. (Source: ISPM 5)

Host Pest List – A list of pests that infest a plant species, either globally or in an area. (Source: ISPM 5)

Import Quotas (Tariff Quotas) – When quantities inside a quota are charged lower import duty rates, than those outside (which can be high). (Source: WTO)

Inspection – Official visual examination of plants, plant products, or other regulated articles to determine if pests are present or to determine compliance with phytosanitary regulations. (Source: ISPM 5)

Inter Alia – Latin for "among other things". This phrase is often found in legal pleadings and writings to specify one example out of many possibilities.

International Plant Protection Convention (IPPC) – An international agreement on plant health that aims to protect cultivated and wild plants by preventing the introduction and spread of pests.

International Services (IS) – Supports APHIS's international mission by protecting and promoting U.S. agricultural health through internationally based animal and plant health expertise.

International Standards – International standards established in accordance with Article X paragraphs 1 and 2 of the IPPC. (Source: ISPM 5)

International Standards for Phytosanitary Measures (ISPM) – 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). (Source: IPPC)

Invasive Alien Species – Species whose introduction and/or spread outside their natural past or present distribution threatens biological diversity.

IPPC Secretariat – Has the responsibility for the coordination of the IPPC work program involving standard setting, information exchange, and technical assistance.

Laboratories Commission – Concerned with the development of internationally agreed standards for laboratory diagnostic tests and vaccines for OIE-listed animal diseases of mammals, birds, and bees. (Source: OIE)

Living Modified Organism (LMO) - Any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology. (Source: ISPM 5)

Measure – See Phytosanitary Measure

Minimal Impact – Phytosanitary measures should represent the least restrictive measures available, and result in the minimum impediment to the international movement of people, commodities and conveyances.

Mitigate – To moderate (a quality or condition) in force or intensity; to alleviate.

Most-Favored Nation Rule (MFN) – Most-favored-nation treatment (GATT Article I, GATS Article II and TRIPS Article 4); the principle of not discriminating between one's trading partners. (Source: WTO)

Multilateral Trade Agreement – Agreements between many nations at one time. For this reason, they are very complicated to negotiate, but they are very powerful once all parties sign the agreement. The primary benefit of multilateral agreements is that all nations get treated equally, which can especially benefit poorer nations that are less competitive by nature.

NAPPO – The North American Plant Protection Association.

National Measures – A country's sanitary or phytosanitary standard.

National Notification Authority – A single central government authority responsible for implementing, on a national level, the notification requirements of the SPS Agreement.

National Plant Protection Organization (NPPO) – Official service established by a government to discharge the functions specified by the IPPC. (Source: ISPM 5)

National Schedules – See National Tariffs

National Tariffs (National Schedules) – In services, the equivalent of tariff schedules in GATT, laying down the commitments accepted, either voluntarily or through negotiation, by WTO members. (Source: WTO)

National Treatment – The principle of giving others the same treatment as one's own nationals. GATT Article 3 requires that imported goods be treated no less favorably than the same or similar domestically produced goods once they have passed customs. GATS Article 17 and TRIPS Article 3 also deal with national treatment for services and intellectual property protection. (Source: WHO)

Non-compliance – Failure of a consignment to comply with specified phytosanitary import requirements, including the detection of specified regulated pests.

Non-discrimination – The principle of non-discrimination states that measures must not discriminate between different trading partners or between domestic producers and trading partners where identical or similar conditions prevail, unless there is technical justification.

Notice – A document published in the Federal Register that gives notice regarding something other than a change to the regulations. Notices may solicit comment, but do not always do so.

Notice-Based Processes – A process to take action on market access requests, through the publication of notices, that make agency risk analyses available for comment rather than publishing proposed rules.

Notice of Proposed Rulemaking – A document published in the Federal Register that gives notice of a proposed change to an agency's regulations in the Code of Federal Regulations and solicits comment on those changes.

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. (Source: ISPM 5)

Official Control for Regulated Pests – See Official Control

Official Proclamation – A government announcement of a policy or measure.

Online Comment System (OCS) – A web-based system used for submitting comments on draft specifications and draft ISPMs for member consultation and for the substantial concerns commenting period. The IPPC OCS is located at: ocs.ippc.int/index.html.

Organization for Animal Health (OIE) – The intergovernmental organization that is recognized by the WTO and is responsible for improving animal health worldwide.

Pathway – Any means that allow the entry or spread of a pest. (Source: ISPM5)

Performance Standard – Description of a regulation that states the desired outcome and that gives the regulated party flexibility to choose a means to achieve that outcome.

Pest – Any species, strain, or biotype of plant, animal, or pathogenic agent injurious to plants or plant products. Note: in the IPPC, “plant pest” is sometimes used for the term “pest”. (Source: ISPM 5)

Pest Free Area – An area in which a specific pest does not occur, as demonstrated by scientific evidence, and in which, where appropriate, this condition is being officially maintained. (Source: ISPM 5)

Pest Free Place of Production – Place of production in which a specific pest does not occur, as demonstrated by scientific evidence, and in which, where appropriate, this condition is being officially maintained for a defined period. (Source: ISPM 5)

Pest Free Production Sites – A defined portion of a place of production in which a specific pest does not occur, as demonstrated by scientific evidence, and in which, where appropriate, this condition is being officially maintained for a defined period and is managed as a separate unit in the same way as a pest free place of production. (Source: ISPM 5)

Pest List – A country's list of regulated pests.

Pest Risk Analysis – The process of evaluating biological or other scientific and economic evidence to determine whether an organism is a pest and whether it should be regulated, and to determine the strength of any phytosanitary measures to be taken against it. (Source: ISPM 5)

Pest Risk Assessment – Evaluation of the probability of the introduction and spread of a pest and the magnitude of the associated potential economic consequences. (Source: ISPM 5)

Pest Risk Management – Evaluation and selection of options to reduce the risk of the introduction and spread of a pest.

Phytosanitary Capacity Evaluation (PCE) – A self-assessment tool that member countries use to generate a snapshot of their phytosanitary strengths and weaknesses at a particular time in order to plan for phytosanitary capacity building.

Phytosanitary Certification – Use of phytosanitary procedures leading to the issue of a phytosanitary certificate. (Source: ISPM 5)

Phytosanitary Measure (Measure) – 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. (Source: ISPM 5)

Plant Product – Unmanufactured material of plant origin (including grain) and those manufactured products that, by their nature or by that of their processing, might create a risk for the introduction and spread of pests. (Source: ISPM 5)

Plant Protection Act – Grants authority to APHIS to prohibit or restrict the import of any plant or plant product whose importation could affect plant health.

Plant Protection and Quarantine (PPQ) – Safeguards agriculture and natural resources from the entry, establishment, and spread of animal and plant pests and noxious weeds into the U.S., as well as supports trade and exports of U.S. agricultural products.

Preclearance Programs – Programs that allow commodities to be treated and/or inspected overseas and then granted clearance into the United States.

Prescriptive Requirement – Description of a regulation that spells out everything the regulated party has to do in order to comply with the regulations.

Principle of Reduction and Binding of National Tariffs – Members undertake commitments in which they state the maximum level of import duty or other charge or restriction that they will apply to imports of specified types of goods. (Source: WTO)

Promulgate – To put a law or decree into effect by official proclamation.

Protective Measures – The economic policy of restraining trade between nations to reduce competition for goods and services produced domestically.

Provisional Measure (Provisionally) – A phytosanitary regulation or procedure established without full technical justification owing to current lack of adequate information. A provisional measure is subjected to periodic review and full technical justification as soon as possible. (Source: ISPM 5)

Provisionally – See Provisional Measure

Quantitative Restriction - A trade restriction placed on the amount of an item or service that can be imported into a country. These are frequently enacted to protect the price of domestically produced goods or to decrease or eliminate a trade deficit. Also called trade quota.

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. (Source: ISPM 5)

Quota – A government-imposed limit on the quantity, or in exceptional cases the value, of the goods or services that may be exported or imported over a specified period of time.

Ratified – Formally approved and invested with legal authority.

Region – See Zone

Regional Plant Protection Organizations (RPPOs) – Provide coordination at a local level for the activities and objectives of the IPPC.

Regionalization – Recognition that an exporting region (part of a country or a border-straddling zone) is disease-free or pest-free, or has a lower incidence. (Source: WTO)

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. (Source: ISPM 5)

Rule of National Treatment – See National Treatment

Scientific Commission – Assists in identifying the most appropriate strategies and measures for disease prevention and control. (Source: OIE)

Shall – A legal term that is equivalent to “is required to”, and is used when there is an obligation to take action. It is commonly used in formal legal wording for mandatory requirements.

Should – Equivalent to “it is recommended” that something be done. The word “should” in English is interpreted to imply a type of moral or political commitment. It creates an expectation that something will be done, although it is non-binding.

Specialist Commissions – Uses current scientific information to study problems of epidemiology and the prevention and control of animal diseases, to develop and revise OIE's international standards, and to address scientific and technical issues raised by Members.

SPS Committee – Oversees the implementation of the SPS Agreement. (Source: WTO)

Standards Committee (SC) – Responsible for overseeing the IPPC Standard Setting Process, managing the development of International Standards for Phytosanitary Measures (ISPMs), and providing guidance and oversight to the work of Technical Panels (TPs) and Expert Working Groups (EWGs).

Standards Committee Working Group (SC-7) – Supports the work of the SC in the detailed consideration of draft ISPMs and specifications.

Sterilants – A sterilizing agent.

Strategic Planning and Technical Assistance Group (SPTA) – The Strategic Planning and Technical Assistance (SPTA) group is an informal working group that prepares specific activities for the CPM relating to planning and prioritization of the work programme, including technical assistance, information exchange, prioritizing topics for standards, funding issues, and decisions regarding liaison with other international and regional organizations. The SPTA meets during the first week of October each year at FAO headquarters in Rome, Italy.

Subsidy - There are two general types of subsidies: export and domestic. An export subsidy is a benefit conferred on a firm by the government that is contingent on exports. A domestic subsidy is a benefit not directly linked to exports. (Source: WTO)

Substantial Concerns Commenting Period (SCCP) – Once the SC-7 or TP recommends the draft ISPM to the SC, the Secretariat posts the draft ISPM in the IPPC Online Comment System and opens the draft for the substantial-concerns commenting period.

Surveillance – An official process that collects and records data on pest occurrence or absence by survey, monitoring, or other procedures. (Source: ISPM 5)

Systems Approach – The integration of different risk-management measures, at least two of which act independently and which together achieve the appropriate level of protection against regulated pests. (Source: ISPM 5)

Tariffs – Customs duties on merchandise imports, which are levied either on an ad valorem basis (percentage of value) or on a specific basis (e.g., \$7 per 100 kg.). Tariffs give a price advantage to similar locally produced goods and raise revenues for the government. (Source: WTO)

Technical Assistance – WTO's trade-related technical assistance (TRTA) activities and programs are geared toward sustainable-trade capacity building in beneficiary countries. (Source: WTO)

Technical Barriers to Trade Agreement (TBT) – Regulations, standards, testing, and certification procedures that could obstruct trade. The WTO's TBT Agreement aims to ensure that these do not create unnecessary obstacles. (Source: WTO)

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. (Source: ISPM 5)

The World Assembly of Delegates – OIE's supreme body, comprising the national Delegates to the OIE of all Member Countries, appointed as official representatives by their governments. (Source: OIE)

Trade Barriers – Any of a number of government-placed restrictions on trade between nations. The most common sorts of trade barriers are things like subsidies, tariffs, quotas, duties, and embargoes.

Trade Liberalization – The removal or reduction of restrictions or barriers on the free exchange of goods between nations. This includes the removal or reduction of both tariff and non-tariff obstacles, like quotas.

Transparency – The principle of making available, at the international level, phytosanitary measures and their rationale. (Source: ISPM 5)

Treatment – Official procedure for the killing, inactivation, devitalization, or removal of pests, or for rendering pests infertile. (Source: ISPM 5)

United States Department of Agriculture (USDA) – Supports the American agricultural economy, strengthens rural communities, protects and conserves natural resources, and provides a safe, sufficient, and nutritious food supply for the American people. (Source: USDA)

United States Small Business Administration – The U.S. Small Business Administration (SBA) was created in 1953 as an independent agency of the federal government to aid, counsel, assist, and protect the interests of small business concerns, to preserve free competitive enterprise, and to maintain and strengthen the overall economy of our nation.

United States Trade Representative (USTR) – Negotiates directly with foreign governments to create trade agreements, to resolve disputes, and to participate in global trade policy organizations. Also meets with governments, business groups, legislators, and public interest groups to gather input on trade issues and to discuss the President's trade policy positions.

Uruguay Round – Multilateral trade negotiations launched at Punta del Este, Uruguay, in September 1986 and concluded in Geneva in December 1993. Signed by Ministers in Marrakesh, Morocco, in April 1994. (Source: WTO)

World Health Organization (WHO) – The directing and coordinating authority for health within the United Nations system. It is responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries, and monitoring and assessing health trends.

World Organization for Animal Health (OIE) – Intergovernmental organization responsible for improving animal health worldwide. (Source: OIE)

World Trade Organization (WTO) – The World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, which are negotiated and signed by the bulk of the world's trading nations and are ratified in their parliaments. The goal is to help producers of goods and services, exporters, and importers conduct their business. (Source: WTO)

WTO Secretariat – A multicultural team of highly qualified individuals who provide independent support to WTO member governments on all of the activities that are carried out by the Organization. (Source: WTO)

Zone – A clearly defined part of a country containing an animal subpopulation with a distinct health status with respect to a specific disease for which required surveillance, control, and biosecurity measures have been applied for the purpose of international trade.