

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1952 No. 100

Overgelegd aan de Staten-Generaal door de Minister
van Buitenlandse Zaken

A. TITEL

*Internationaal Verdrag voor de bescherming van planten,
met Bijlage; Rome, 6 December 1951*

B. TEKST

International Plant Protection Convention

PREAMBLE

The contracting Governments, recognizing the usefulness of international co-operation in controlling pests and diseases of plants and plant products and in preventing their introduction and spread across national boundaries, and desiring to ensure close co-ordination of measures directed to these ends, have agreed as follows:

Article I

Purpose and Responsibility

1. With the purpose of securing common and effective action to prevent the introduction and spread of pests and diseases of plants and plant products and to promote measures for their control, the contracting Governments undertake to adopt the legislative, technical and administrative measures specified in this Convention and in supplementary agreements pursuant to Article III.

2. Each contracting Government shall assume responsibility for the fulfillment within its territories of all requirements under this Convention.

Article II

Scope

1. For the purposes of this Convention the term "plants" shall comprise living plants and parts thereof, including seeds in so far as

the supervision of their importation under Article VI of the Convention or the issue of phytosanitary certificates in respect of them under Articles IV (1), (a), (iv) and V of this Convention may be deemed necessary by contracting Governments; and the term "plant products" shall comprise unmanufactured and milled material of plant origin, including seeds in so far as they are not included in the term "plants."

2. The provisions of this Convention may be deemed by contracting Governments to extend to storage places, containers, conveyances, packing material and accompanying media of all sorts including soil involved in the international transportation of plants and plant products.

3. This Convention shall have particular reference to pests and diseases of importance to international trade.

Article III

Supplementary Agreements

1. Supplementary agreements applicable to specific regions, to specific pests or diseases, to specific plants and plant products, to specific methods of international transportation of plants and plant products, or otherwise supplementing the provisions of this Convention, may be proposed by the Food and Agriculture Organization of the United Nations (hereinafter referred to as "FAO") on the recommendation of a contracting Government or on its own initiative, to meet special problems of plant protection which need particular attention or action.

2. Any such supplementary agreements shall come into force for each contracting Government after acceptance in accordance with the provisions of the FAO Constitution and Rules of Procedure.

Article IV

National Organization for Plant Protection

1. Each contracting Government shall make provision, as soon as possible and to the best of its ability, for

(a) an official plant protection organization, with the following main functions:

(i) the inspection of growing plants, of areas under cultivation (including fields, plantations, nurseries, gardens and greenhouses), and of plants and plant products in storage and in transportation, particularly with the object of reporting the existence, outbreak and spread of plant diseases and pests and of controlling those pests and diseases;

(ii) the inspection of consignments of plants and plant products moving in international traffic, and, as far as practicable, the inspection of consignments of other articles or commodities moving in inter-

national traffic under conditions where they may act incidentally as carriers of pests and diseases of plants and plant products, and the inspection and supervision of storage and transportation facilities of all kinds involved in international traffic whether of plants and plant products or of other commodities, particularly with the object of preventing the dissemination across national boundaries of pests and diseases of plants and plant products;

(iii) the disinfection or disinfection of consignments of plants and plant products moving in international traffic, and their containers, storage places, or transportation facilities of all kinds employed;

(iv) the issue of certificates relating to phytosanitary condition and origin of consignments of plants and plant products (hereinafter referred to as "phytosanitary certificates");

(b) the distribution of information within the country regarding the pests and diseases of plants and plant products and the means of their prevention and control;

(c) research and investigation in the field of plant protection.

2. Each contracting Government shall submit a description of the scope of its national organization for plant protection and of changes in such organization to the Director-General of FAO, who shall circulate such information to all contracting Governments.

Article V

Phytosanitary Certificates

1. Each contracting Government shall make arrangements for the issue of phytosanitary certificates to accord with the plant protection regulations of other contracting Governments, and in conformity with the following provisions:

(a) Inspection shall be carried out and certificates issued only by or under the authority of technically qualified and duly authorized officers and in such circumstances and with such knowledge and information available to those officers that the authorities of importing countries may accept such certificates with confidence as dependable documents.

(b) Each certificate covering material intended for planting or propagation shall be as worded in the Annex to this Convention and shall include such additional declarations as may be required by the importing country. The model certificate may also be used for other plants or plant products where appropriate and not inconsistent with the requirements of the importing country.

(c) The certificates shall bear no alterations or erasures.

2. Each contracting Government undertakes not to require consignments of plants intended for planting or propagation imported

into its territories to be accompanied by phytosanitary certificates inconsistent with the model set out in the Annex to this Convention.

Article VI

Requirements in Relation to Imports

1. With the aim of preventing the introduction of diseases and pests of plants into their territories, contracting Governments shall have full authority to regulate the entry of plants and plant products, and to this end, may:

(a) prescribe restrictions or requirements concerning the importation of plants or plant products;

(b) prohibit the importation of particular plants or plant products, or of particular consignments of plants or plant products;

(c) inspect or detain particular consignments of plants or plant products;

(d) treat, destroy or refuse entry to particular consignments of plants or plant products, or require such consignments to be treated or destroyed.

2. In order to minimize interference with international trade, each contracting Government undertakes to carry out the provisions referred to in paragraph 1 of this Article in conformity with the following:

(a) Contracting Governments shall not, under their plant protection legislation, take any of the measures specified in paragraph 1 of this Article unless such measures are made necessary by phytosanitary considerations.

(b) If a contracting Government prescribes any restrictions or requirements concerning the importation of plants and plant products into its territories, it shall publish the restrictions or requirements and communicate them immediately to the plant protection services of other contracting Governments and to FAO.

(c) If a contracting Government prohibits, under the provisions of its plant protection legislation, the importation of any plants or plant products, it shall publish its decision with reasons and shall immediately inform the plant protection services of other contracting Governments and FAO.

(d) If a contracting Government requires consignments of particular plants or plant products to be imported only through specified points of entry, such points shall be so selected as not unnecessarily to impede international commerce. The contracting Government shall publish a list of such points of entry and communicate it to the plant protection services of other contracting Governments and to FAO. Such restrictions on points of entry shall not be made unless the plants or plant products concerned are required to be accompanied by phytosanitary certificates or to be submitted to inspection or treatment.

(e) Any inspection by the plant protection service of a contracting Government of consignments of plants offered for importation shall take place as promptly as possible with due regard to the perishability of the plants concerned. If any consignment is found not to conform to the requirements of the plant protection legislation of the importing country, the plant protection service of the exporting country shall be informed. If the consignment is destroyed, in whole or in part, an official report shall be forwarded immediately to the plant protection service of the exporting country.

(f) Contracting Governments shall make provisions which, without endangering their own plant production, will reduce to a minimum the number of cases in which a phytosanitary certificate is required on the entry of plants or plant products not intended for planting, such as cereals, fruits, vegetables and cut flowers.

(g) Contracting Governments may make provision for the importation for purposes of scientific research of plants and plant products and of specimens of plant pests and disease-causing organisms under conditions affording ample precaution against the risk of spreading plant diseases and pests.

3. The measures specified in this Article shall not be applied to goods in transit throughout the territories of contracting Governments unless such measures are necessary for the protection of their own plants.

Article VII

International Co-operation

The contracting Governments shall co-operate with one another to the fullest practicable extent in achieving the aims of this Convention, in particular as follows:

(a) Each contracting Government agrees to co-operate with FAO in the establishment of a world reporting service on plant diseases and pests, making full use of the facilities and services of existing organizations for this purpose, and, when this is established, to furnish to FAO periodically the following information:

(i) reports on the occurrence, outbreak and spread of economically important pests and diseases of plants and plant products which may be of immediate or potential danger;

(ii) information on means found to be effective in controlling the pests and diseases of plants and plant products.

(b) Each contracting Government shall, as far as is practicable, participate in any special campaigns for combating particular destructive pests or diseases which may seriously threaten crop production and need international action to meet the emergencies.

Article VIII

Regional Plant Protection Organization

1. The contracting Governments undertake to co-operate with one another in establishing regional plant protection organizations in appropriate areas.
2. The regional plant protection organizations shall function as the co-ordinating bodies in the areas covered and shall participate in various activities to achieve the objectives of this Convention.

Article IX

Settlement of Disputes

1. If there is any dispute regarding the interpretation or application of this Convention, or if a contracting Government considers that any action by another contracting Government is in conflict with the obligations of the latter under Articles V and VI of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants or plant products coming from its territories, the Government or Governments concerned may request the Director-General of FAO to appoint a committee to consider the question in dispute.
2. The Director-General of FAO shall thereupon, after consultation with the Governments concerned, appoint a committee of experts which shall include representatives of those Governments. This committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the Governments concerned. This committee shall submit a report to the Director-General of FAO who shall transmit it to the Governments concerned, and to other contracting Governments.
3. The contracting Governments agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the Governments concerned of the matter out of which the disagreement arose.
4. The Governments concerned shall share equally the expenses of the experts.

Article X

Substitution of Prior Agreements

This Convention shall terminate and replace, between contracting Governments, the International Convention respecting measures to be taken against the *Phylloxera vastatrix* of 3 November 1881, the additional Convention signed at Berne on 15 April 1889 and the International Convention for the Protection of Plants signed at Rome on 16 April 1929.

Article XI

Territorial Application

1. Any Government may at the time of ratification or adherence or at any time thereafter communicate to the Director-General of FAO a declaration that this Convention shall extend to all or any of the territories for the international relations of which it is responsible, and this Convention shall be applicable to all territories specified in the declaration as from the thirtieth day after the receipt of the declaration by the Director-General.

2. Any Government which has communicated to the Director-General of FAO a declaration in accordance with paragraph 1 of this Article may at any time communicate a further declaration modifying the scope of any former declaration or terminating the application of the provisions of the present Convention in respect of any territory. Such modification or termination shall take effect as from the thirtieth day after the receipt of the declaration by the Director-General.

3. The Director-General of FAO shall inform all signatory and adhering Governments of any declaration received under this Article.

Article XII

Ratification and Adherence

1. This Convention shall be open for signature by all Governments until 1 May 1952 and shall be ratified at the earliest possible date. The instruments of ratification shall be deposited with the Director-General of FAO, who shall give notice of the date of deposit to each of the signatory Governments.

2. As soon as this Convention has come into force in accordance with Article XIV, it shall be open for adherence by non-signatory Governments. Adherence shall be effected by the deposit of an instrument of adherence with the Director-General of FAO, who shall notify all signatory and adhering Governments.

Article XIII

Amendment

1. Any proposal by a contracting Government for the amendment of this Convention shall be communicated to the Director-General of FAO.

2. Any proposed amendment of this Convention received by the Director-General of FAO from a contracting Government shall be presented to a regular or special session of the Conference of FAO for approval and, if the amendment involves important technical changes or imposes additional obligations on the contracting Govern-

ments, it shall be considered by an advisory committee of specialists convened by FAO prior to the Conference.

3. Notice of any proposed amendment of this Convention shall be transmitted to the contracting Governments by the Director-General of FAO not later than the time when the agenda of the session of the Conference at which the matter is to be considered is dispatched.

4. Any such proposed amendment of this Convention shall require the approval of the Conference of FAO and shall come into force as from the thirtieth day after acceptance by two-thirds of the contracting Governments. Amendments involving new obligations for contracting Governments, however, shall come into force in respect of each contracting Government only on acceptance by it and as from the thirtieth day after such acceptance.

5. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of FAO, who shall inform all contracting Governments of the receipt of acceptances and the entry into force of amendments.

Article XIV

Entry into Force

As soon as this Convention has been ratified by three signatory Governments it shall come into force between them. It shall come into force for each Government ratifying or adhering thereafter from the date of deposit of its instrument of ratification or adherence.

Article XV

Denunciation

1. Any contracting Government may at any time give notice of denunciation of this Convention by notification addressed to the Director-General of FAO. The Director-General shall at once inform all signatory and adhering Governments.

2. Denunciation shall take effect one year from the date of receipt of the notification by the Director-General of FAO.

ANNEX

Model Phytosanitary Certificate

Plant protection service

of No.

This is to certify

that the plants, parts of plants or plant products described below or representative samples of them were thoroughly examined on (date) by (name) an authorized officer of the (service) and were found to the best of his knowledge to be substantially free from injurious diseases and pests; and that the consignment is believed to conform with the current phytosanitary regulations of the importing country both as stated in the additional declaration hereon and otherwise.

Fumigation or disinfection treatment (if required by importing country):

Date

Duration of exposure

Treatment

Chemical and concentration

Additional declaration

..... 19.....

.....

(Signature)

.....

(Rank)

(Stamp of the Service)

Description of the consignment

Name and address of exporter:

Name and address of consignee:

Number and description of packages:

Distinguishing marks:

Origin (if required by importing country):

Means of conveyance:

Point of entry:

Quantity and name of produce:

Botanical name (if required by importing country):

DONE at Rome, Italy, on the sixth day of December, one thousand nine hundred and fifty-one, in a single copy in the English, French and Spanish languages, each of which shall be of equal authenticity. This document shall be deposited in the archives of the Food and Agriculture Organization of the United Nations. Certified copies shall be transmitted by the Director-General of the Food and Agriculture Organization to each signatory and adhering Government.

IN WITNESS WHEREOF the undersigned, duly authorized to that effect, have signed this Convention on behalf of their respective Governments on the dates appearing opposite their signatures.

Het Verdrag is ondertekend voor de volgende Staten:

| | |
|--|-------------------------------|
| Oostenrijk | 6 December 1951 |
| België | 6 December 1951 |
| Brazilië | 6 December 1951 |
| Canada | 6 December 1951 |
| Cuba | 6 December 1951 |
| Denemarken | 6 December 1951 |
| Egypte | 6 December 1951 ¹⁾ |
| Salvador | 6 December 1951 |
| Frankrijk | 6 December 1951 |
| Indonesië | 6 December 1951 |
| Ierland | 6 December 1951 |
| Israël | 6 December 1951 ²⁾ |
| Japan | 6 December 1951 |
| Nederland | 6 December 1951 |
| Nieuw-Zeeland | 6 December 1951 |
| Philippijnen | 6 December 1951 |
| Portugal | 6 December 1951 |
| Zwitserland | 6 December 1951 |
| Thailand | 6 December 1951 |
| Groot-Britannië en Noord-Ierland | 6 December 1951 |
| Verenigde Staten van Amerika | 6 December 1951 |
| Unie van Zuid-Afrika | 6 December 1951 |
| Zuidslavië | 6 December 1951 |
| Ceylon | 7 December 1951 |
| Spanje | 10 December 1951 |
| Zweden | 11 December 1951 |
| Luxemburg | 16 Januari 1952 |
| Italië | 2 Februari 1952 |
| Ecuador | 12 Maart 1952 |
| Chili | 3 April 1952 |
| Guatemala | 23 April 1952 |

| | |
|--------------------------------|---------------|
| Costa Rica | 28 April 1952 |
| Columbia | 29 April 1952 |
| Bondsrepubliek Duitsland | 30 April 1952 |
| Uruguay | 30 April 1952 |
| Australië | 30 April 1952 |
| India | 30 April 1952 |

¹⁾ De ondertekening is geschied onder het volgende voorbehoud:
 „On account of the fact that the Royal Egyptian Government does not acknowledge and has not up till now acknowledged the existence of Israel, my signature to this Convention does not bind my Government by any means to Israel and has been allowed with all rights reserved in this connection.”

²⁾ Israël heeft bij nota van 3 April 1952 de volgende bemerking gemaakt:
 „The Government of Israel has noted the political character of the statement by the Egyptian Government on the occasion of the signing of the International Plant Protection Convention. In the view of the Government of Israel this Convention, which is of a purely technical character, is not the proper place for the making of such political pronouncements. The Government of Israel will, in so far as concerns the operation of the Convention, adopt towards the Government of Egypt an attitude of complete reciprocity.”

D. GOEDKEURING

Het Verdrag behoeft de goedkeuring van de Staten-Generaal, ingevolge artikel 60, lid 2, van de Grondwet, alvorens te kunnen worden bekrachtigd.

E. BEKRACHTIGING

In overeenstemming met artikel XII, eerste lid, van het Verdrag is bij de Directeur-Generaal van de Voedsel- en Landbouworganisatie der Verenigde Naties de akte van bekrachtiging nedergelegd van

| | |
|--------------|--------------|
| Zweden | 30 Mei 1952 |
| België | 22 Juli 1952 |

De Regeringen van enige Staten hebben, in afwijking van het in artikel XII, eerste lid, van het Verdrag bepaalde, officieel ter kennis van de Directeur-Generaal gebracht, dat harentwege het Verdrag geen bekrachtiging behoeft. De volgende ondertekeningen worden, in dit licht, door de Directeur-Generaal tevens opgevat als bekrachtigingen in de zin van artikel XII, eerste lid:

| | |
|--------------|------------------|
| Ceylon | 7 December 1951 |
| Spanje | 10 December 1951 |
| Chili | 3 April 1952 |
| India | 30 April 1952 |

F. TOETREDING

Op grond van artikel XII, lid 2, van het Verdrag is bij de Directeur-Generaal van de Voedsel- en Landbouworganisatie der Verenigde Naties de akte van toetreding nedergelegd van

| | |
|----------------|--------------|
| Kambodja | 10 Juni 1952 |
|----------------|--------------|

G. INWERKINGTREDING

De Directeur-Generaal van de Voedsel- en Landbouworganisatie der Verenigde Naties heeft medegedeeld, dat het Verdrag, in overeenstemming met de bepalingen van artikel XIV, voor Ceylon, Spanje en Chili in werking is getreden op 3 April 1952, de datum van de Chileense ondertekening. Voor India, Zweden, Kambodja en België is het Verdrag in werking getreden op de data aangegeven onder E en F.

J. GEGEVENS

De Voedsel- en Landbouworganisatie der Verenigde Naties, waarnaar in artikel III en verder in het Verdrag wordt verwezen, is opgericht te Quebec op 16 October 1945. Tekst en vertaling van het Statuut dezer Organisatie zijn bij Koninklijk besluit van 1 Maart 1948 bekendgemaakt in *Staatsblad* No. I 77.

Op 18 April 1951 is te Parijs een Overeenkomst tot Oprichting van de Europese Organisatie voor de Bescherming van Planten gesloten, waarvan de Franse en de Engelse tekst en de vertaling in het Nederlands zijn geplaatst in *Tractatenblad* 1952 No. 62. In artikel VII van die Overeenkomst wordt bepaald, dat de Organisatie „zal verzoeken erkend te worden als een Regionale Organisatie voor de bescherming van planten, zoals bedoeld in iedere algemene Internationale Overeenkomst voor de Bescherming van Planten die zou worden aangenomen”. Vgl. artikel VIII van het Verdrag.

Tot de op 3 November 1881 te Bern gesloten Internationale Overeenkomst tot wering van de druifluus (phylloxera), waarnaar in artikel X van het Verdrag wordt verwezen, en waarvan de tekst is afgedrukt in *Staatsblad* 1883 No. 178, is Nederland toegetreden op 5 October 1883. De Overeenkomst is aangevuld bij de Verklaring van 15 April 1889, waarnaar eveneens in artikel X van het Verdrag wordt verwezen, en waarvan de tekst is afgedrukt in *Staatsblad* 1889 No. 134. Voor Nederland is de Overeenkomst opgezegd op 30 Augustus 1951, krachtens de Wet van 23 Mei 1951 (*Staatsblad* 1951 No. 170). Zie *Tractatenblad* 1952 No. 99.

Van het op 16 April 1929 te Rome gesloten Verdrag tot bescherming van planten, waarnaar in artikel X van het onderhavige Verdrag wordt verwezen, zijn tekst en vertaling bij Koninklijk besluit van 12 October 1932 bekendgemaakt in *Staatsblad* 1932 No. 494.

Uitgegeven de twintigste Augustus 1952.

De Minister van Buitenlandse Zaken,
STIKKER.