

[PleaseReview document review. Review title: 2016 Second consultation on Draft Annex Arrangements for verification of compliance of consignments...to ISPM 20. Document title: 2005-03_Draft AnnexToISPM20_En_2016-05-25.doc]

[1]Draft Annex to ISPM 20 – Arrangements for the verification of compliance of consignments by the importing country in the exporting country (2005-003)

| | |
|---|---|
| [2]Status box | |
| [3]This is not an official part of the standard and it will be modified by the IPPC Secretariat after adoption. | |
| [4]Date of this document | [5]2016-05-26 |
| [6]Document category | [7]Draft new Annex 1 to ISPM 20 (<i>Guidelines for a phytosanitary import regulatory system</i>) |
| [8]Current document stage | [9]To second consultation |
| [10]Major stages | [11]2005-04 CPM-7 added topic Pre-clearance for regulated pests (2005-003) [12]2006-01 Draft specification submitted to member consultation [13]2006-11 Standards Committee (SC) approved specification [14]2008-09 Expert working group (EWG) drafted text [15]2011-05 SC reviewed draft text and returned to Steward [16]2012-02 To SC April 2012 for approval for member consultation [17]2012-12 Steward revised standard [18]2013-05 SC postponed consideration of the draft until concepts related to pre-clearance have been clarified [19]2014-05 SC discussed the concepts related to pre-clearance [20]2014-11 SC discussed the concepts and definitions related to pre-clearance [21]2015-05 SC approved draft ISPM to member consultation [22]2015-07 Member consultation on draft ISPMs [23]2016-02 Steward reviewed member comments and revised draft ISPM [24]2016-05 SC-7 approved the draft as an annex to ISPM 20 to second consultation |
| [25]Steward history | [26]2005-04 SC Mr Mike Holtzhausen (ZA, Lead Steward) [27]2008-11 SC Mr Arundel SAKALA (ZM, Assistant Steward) [28]2012-04 SC Mr Mike Holtzhausen (ZA, Assistant Steward) [29]2012-04 SC Mr Bart ROSSEL (AU, Assistant Steward) [30]2012-04 SC Ms Soledad Castro-Dorochessi (CL, Assistant Steward) [31]2012-04 SC Ms Marie-Claude FOREST (CA, Lead Steward) [32]2012-11 SC Mr Stephen BUTCHER (NZ, Assistant Steward) [33]2012-11 SC Ms Ana Lilia MONTEALEGRE (MX, Assistant Steward) [34]2016-05 SC Mr Ezequiel FERRO (AR, Lead Steward) |
| [35]Notes | [36]2011-02 Edited (SC May 2011 drafts) [37]2011-03 Formatted for SC May 2011 [38]2011-05 SC reviewed draft, asking SC members to submit comments to Steward by 2011-05-31 [39]2012-04 SC discussed and reviewed draft, asking SC members to submit comments to Steward by 2012-12-15 [40]2012-12 Steward revised standard [41]2013-01 Posted for TPG 2013-02 [42]2013-02 Edited [43]2013-01 An SC forum was opened on the concepts linked to pre-clearance. SC comments were collected and sent to the Steward and assistant stewards for review. The issue was discussed at SC May 2014. [44]2014-10 SC small group revised the draft. The draft was briefly discussed at |

| | |
|--|--|
| | <p>SC November 2014.</p> <p>[45]2015-02 SC small group revised the draft following SC members' comments collected after SC November 2014. The draft was discussed at SC May 2015.</p> <p>[46]2016-05 Edited.</p> |
|--|--|

[47]This annex was adopted by the [XX]th Session of the Commission on Phytosanitary Measures in [month] [year].

[48] *This annex is a prescriptive part of the standard.*

[49]ANNEX 1: Arrangements for the verification of compliance of consignments by the importing country in the exporting country

[50]The national plant protection organization (NPPO) of the importing country usually verifies compliance of consignments with phytosanitary import requirements on entry into the importing country. However, to facilitate trade logistics, contracting parties may in some cases bilaterally or multilaterally negotiate an arrangement that allows verification procedures to be performed by the NPPO of the importing country in the exporting country. Such arrangements are distinct from audits of procedures in exporting countries referred to in this standard under in 5.1.5.1. Arrangements described in this annex should not be established as part of pest risk management.

[51]NPPOs of the importing country and the exporting country should only establish and use a bilateral or multilateral arrangement (hereinafter referred to as an “arrangement”) for verification procedures to be performed on consignments of specified commodities in the exporting country on a voluntary and case-by-case basis and for a time period agreed on by both parties.

[52]The establishment of an arrangement may be an option to facilitate trade logistics in the following situations:

- [53]to expedite consignment release at the destination
- [54]when measures associated with the refusal of a consignment at the point of entry are too costly or difficult to apply
- [55]when inspection at the point of entry adversely affects commercial packaging (e.g. the commodity is individually wrapped and destructive sampling is required) or commodity quality (e.g. the commodity is highly perishable)
- [56]when the importing country does not have the infrastructure to address non-compliance regarding regulated articles.

[57]The arrangement should only include procedures to verify compliance of consignments with established and published phytosanitary import requirements for the relevant commodities in line with this standard and where appropriate with ISPM 23 (*Guidelines for inspection*). Consignments verified under the arrangement should not be subject to the same verification procedures again at the point of entry. The NPPO of the importing country may, however, perform other verification procedures, such as document and identity checks, at the point of entry.

[58]The terms of the arrangement for a particular regulated article should be developed once the import requirements have been set based on a pest risk analysis.

[59]Irrespective of any arrangement between the NPPOs of the importing country and the exporting country, issuance of phytosanitary certificates remains the exclusive responsibility of the NPPO of the exporting country. The core principles stated in Articles I.2, IV.2(a), IV.2(b), IV.2(c), IV.2(d), IV.2(e), IV.2(g) and V.1 of the IPPC assign this responsibility to the NPPO of the exporting country. Any actions undertaken by the NPPO of the importing country in the exporting country under an arrangement are subject to and must comply with the legislation of the exporting country.

[60]The following guidance provides options to be considered by NPPOs in relation to arrangements for the verification of compliance of consignments by the NPPO of the importing country in the exporting country.

[61]1. General Requirements for an Arrangement

[62]Arrangements should be developed jointly by the NPPOs of the importing country and the exporting country, in consultation with relevant stakeholders.

[131]

[63]When an arrangement is in place, with verification of compliance being undertaken in the exporting country, repeat verification upon import should not be necessary. However, reasons for additional checks or procedures undertaken in the importing country may be:

- [64]checks of consignment documentation and identity
- [65]inspection of consignments where packaging has been compromised and the consignments' phytosanitary integrity may have been compromised
- [66]inspection of consignments for regulated pests that are not subject to the verification procedure in the arrangement
- [67]inspection of consignments for contaminating pests (i.e. hitch-hikers) in containers
- [68]inspection of consignments in response to an emerging pest risk that was not known at the time of inspection in the exporting country
- [69]inspection of consignments where the arrangement allows for a phytosanitary measure after inspection in the exporting country (e.g. cold treatment for fruit flies during transport).
- [70]Consignments may be checked for other purposes, such as food safety.

[71]The financial aspects of the arrangement should be agreed on by the NPPOs of the importing country and the exporting country, in consultation with relevant stakeholders.

[72]The arrangement may have a limited time frame, in which case this should be specified.

[73]The arrangement may be subject to regular review and a mechanism may be put in place to handle any changes that may arise. The conditions for reducing compliance verification activities and suspending or terminating the arrangement should be specified.

[74]2. Process for Establishing an Arrangement

[75]The steps that may be followed to establish an arrangement are outlined below.

[76]2.1 Proposal

[77]The NPPOs of the importing country or the NPPO of the exporting country may initiate the request for an arrangement. In either case, the proposal should specify the scope of and reasons for the arrangement and be agreed on by both NPPOs. The proposal may be a response to a need identified by the initiating NPPO or by relevant stakeholders.

[78]Factors that may be considered in the proposal include:

- [79]timing and duration of the arrangement
- [80]proposed verification levels and, when appropriate, sampling schemes for specified commodities and regulated pests
- [81]criteria that could initiate review and evaluation of the arrangement
- [82]criteria that could initiate suspension or termination of the arrangement.

[83]2.2 Evaluation

[84]The NPPO receiving the proposal for an arrangement should undertake a timely review of the proposal and prepare a response. Evaluation of the proposal should encompass any effects of the arrangement on pest risk concerns, operational and economic feasibility, and regulatory aspects.

[85]2.3 Elements of an arrangement

[86]The NPPO proposing an arrangement has the primary responsibility for its development. However, on request of the proposing NPPO the other NPPO may assist in its development.

[87]Elements of the arrangement that may need to be agreed between the NPPOs of the importing country and the exporting country before an agreement is formalized and implemented may include:

- [88]sampling and inspection of consignments

[134]

[128]

- [89]adequacy of inspection facilities
- [90]testing procedures
- [91]verification of treatments
- [92]verification of consignment integrity
- [93]the time of and location for the different steps of the verification of compliance of consignments
- [94]notification to the point of entry of the arrival of consignments
- [95]availability of qualified staff to implement provisions under the arrangement
- [96]timing of the activities for the verification of compliance; for example, before or after issuance of the phytosanitary certificate by the NPPO of the exporting country
- [97]approval procedures for growers and exporters participating in the arrangement.

[98]2.4 Technical requirements of an arrangement

[99]The technical requirements for an arrangement should be determined and developed on a case-by-case basis and should be described in the arrangement.

[100]The details of the arrangement may include specific information on:

- [101]legal and regulatory authorities
- [102]phytosanitary and other relevant legislation or regulations
- [103]roles and responsibilities (including those of NPPOs, exporters and growers)
- [104]timing and duration of the activities
- [105]regulated articles
- [106]regulated pests and the relevant phytosanitary measures for these pests required by the NPPO of the importing country
- [107]phytosanitary actions such as sampling, inspection, testing, verification of treatment and verification of consignment integrity
- [108]infrastructure and equipment used for the verification of compliance of consignments
- [109]documentation to be maintained and provided by the NPPO of the exporting country to the NPPO of the importing country
- [110]financial aspects
- [111]notification of non-compliance
- [112]corrective actions on a consignment following non-compliance
- [113]frequency and timing of reviews of the arrangement
- [114]criteria that could result in review, evaluation, suspension or termination of the arrangement.

[115]3. Implementation of an Arrangement

[116]The verification of compliance described in an arrangement may be subject to implementation conditions; for example, the arrangement may be for all exported consignments of a particular commodity, categories of regulated commodities, or a defined time period during the shipping season.

[117]The activities to be implemented should be limited to those under the arrangement.

[118]4. Review of an Arrangement

[119]The effectiveness of an arrangement should be reviewed regularly to identify problems and allow their discussion and resolution in order to improve the arrangement or to determine if it could be terminated. The frequency and timing of reviews should be described in the arrangement. Some elements of the arrangement may need to be reviewed more frequently than others.

[120]Changes to the existing arrangement may be proposed by either NPPO and require the agreement of both NPPOs before implementation.

[131]

[121]**5. Termination of an Arrangement**

[122]If the reasons for establishing an arrangement are no longer valid (e.g. because of changes in trade logistics between the two countries) or if the arrangement is no longer needed, the arrangement should be terminated.

[123]Once an arrangement has been terminated, verification procedures will be conducted in the importing country.

[124]**Potential implementation issues**

[125]This section is not part of the standard. The Standards Committee in May 2016 requested the secretariat to gather information on any potential implementation issues related to this draft, please provide details and proposals on how to address these potential implementation issues.