

Implementation Review and Support System (IRSS)

Questionnaire : ISPM 13 Guidelines for the notification of non-compliance and emergency action

The Subsidiary Body on Dispute Settlement (SBDS) requested IRSS support for an initiative it is conducting in reviewing its role and functions. The SBDS initiative is being conducted in response to issues raised at CPM6. In this regard, the SBDS needs more information to understand NPPO processes to address issues on implementation of ISPM13, dispute settlement and analysis of the implementation of non-compliance and emergency actions of NPPOs. These issues are seen as logical precursors to any dispute actions by contracting parties. The Bureau agreed that the IRSS would formally review and identify challenges related to ISPM13 implementation and provide an overall baseline analysis report to the IPPC SBDS by July 2012.

As a way to assist in conducting this review you are invited to complete this 6 part questionnaire.

IMPORTANT:

- This questionnaire is to be completed by the NPPO
- You may also complete the questionnaire online at:

<https://www.surveymonkey.com/s/ISPM13review>

- Edit this form using Microsoft Word 2003 or above.
- Return completed form to: Nadia.Villasenor@fao.org or jppc@fao.org and in the Subject Line of the email please enter: [your COUNTRY name] "IRSS ISPM13 response"

THANK YOU FOR PARTICIPATING IN THIS IRSS SURVEY

A. General Procedures

1	Does your NPPO have clear legal authority to notify or to take actions necessary to address cases of significant non-compliance?	YES <input type="checkbox"/> NO <input type="checkbox"/>
2	For instances of non-compliance, does the importing countries' notification received by your NPPO indicate the channel of communication/the authority to whom your response should be addressed?	YES <input type="checkbox"/> NO <input type="checkbox"/>
3	For instances of non-compliance, is the channel of communication/authority listed in the notification, received by your NPPO the same as the official IPPC contact point in the IPP?	YES <input type="checkbox"/> NO <input type="checkbox"/>
4	In general, if the communication/authority is not the official IPPC Contact Point, has your NPPO provided an alternative contact point or made an alternative arrangement?	YES <input type="checkbox"/> NO <input type="checkbox"/>
5	In general, are importing countries' phytosanitary import requirements easily accessible and clearly communicated to your NPPO when you request them?	YES <input type="checkbox"/> NO <input type="checkbox"/>
6	In general, are those phytosanitary import requirements clearly explained to your exporters prior to production or commercialization of the concerned commodities/regulated articles?	YES <input type="checkbox"/> NO <input type="checkbox"/>
7a	Do you have generic processes in place for reporting <u>or</u> responding to notifications of instances of non-compliance?	YES <input type="checkbox"/> NO <input type="checkbox"/>
7b	If YES, are these:	Check the MOST appropriate response e.g. <input checked="" type="checkbox"/> <input type="checkbox"/> Standardized <input type="checkbox"/> Ad Hoc <input type="checkbox"/> Other
8	On average, estimate how many cases of notifications of non-compliance your NPPO <u>receives</u> per year?	Check the MOST appropriate response e.g. <input checked="" type="checkbox"/> <input type="checkbox"/> 0 – 5 <input type="checkbox"/> 6 – 10 <input type="checkbox"/> 11 – 19 <input type="checkbox"/> 20 – 30 <input type="checkbox"/> 31 – 49 <input type="checkbox"/> 50+
9	On average, estimate how many cases of notifications of non-compliance your NPPO <u>investigates</u> per year?	Check the MOST appropriate response e.g. <input checked="" type="checkbox"/> <input type="checkbox"/> 0 – 5 <input type="checkbox"/> 6 – 10 <input type="checkbox"/> 11 – 19 <input type="checkbox"/> 20 – 30 <input type="checkbox"/> 31 – 49 <input type="checkbox"/> 50+
10a	On average, estimate how many notifications of non-compliance your NPPO <u>issues</u> per year?	Check the MOST appropriate response e.g. <input checked="" type="checkbox"/> <input type="checkbox"/> 0 – 49 <input type="checkbox"/> 50 – 199 <input type="checkbox"/> 200 – 499 <input type="checkbox"/> 500 – 999 <input type="checkbox"/> 1000 – 2999 <input type="checkbox"/> 3000 +
10b	What is the primary means to send them?	Check the MOST appropriate response e.g. <input checked="" type="checkbox"/> <input type="checkbox"/> Email <input type="checkbox"/> Letter

		<input type="checkbox"/> Telephone <input type="checkbox"/> Fax <input type="checkbox"/> Combination of several of the above
11	On average, in cases of significant non-compliance how long does it take to <u>send</u> a notification after detection?	Please specify:
12	In general, do the notifications received by your NPPO allow sufficient time for you to respond in order to avoid loss of product or markets?	YES <input type="checkbox"/> NO <input type="checkbox"/> Please Explain:

B. Use of Notification

1	Who does your NPPO notify in the exporting country in cases of non-compliance?	Check the MOST appropriate response e.g. [X] <input type="checkbox"/> Diplomats in the importing country <input type="checkbox"/> The IPPC Contact Points <input type="checkbox"/> Exporter <input type="checkbox"/> Importer <input type="checkbox"/> Certifying Authority <input type="checkbox"/> Other (please specify):
2	Who does your NPPO notify in the exporting country in the case of new phytosanitary measures resulting from recurrent instances of non-compliance?	Check the MOST appropriate response e.g. [X] <input type="checkbox"/> Diplomats in the importing country <input type="checkbox"/> The IPPC Contact Points <input type="checkbox"/> Exporter <input type="checkbox"/> Importer <input type="checkbox"/> Certifying Authority <input type="checkbox"/> Other (please specify):
3	In general, does your NPPO provide notification to the NPPO of the exporting country concerning:	Check all that apply: <input type="checkbox"/> Interception of pests <input type="checkbox"/> Cases of non-compliance <input type="checkbox"/> Interceptions of consignments
4	For detected cases of non-compliance, does your NPPO provide notifications:	Check the MOST appropriate response e.g. [X] <input type="checkbox"/> Infrequently or Never <input type="checkbox"/> As soon as the case presents itself at the point of entry <input type="checkbox"/> Only after the case has been fully investigated <input type="checkbox"/> In the case where there are pest interceptions only after they are diagnosed and determined to be regulated <input type="checkbox"/> For all pests detected in a consignment <input type="checkbox"/> None of the above
5	How often do notifications to the NPPOs of exporting countries, that are responsible for the alleged case of significant non-compliance, result in the provision of a response?	Check the MOST appropriate response e.g. [X] <input type="checkbox"/> Seldom <input type="checkbox"/> After several consultations <input type="checkbox"/> Most of the time
6	What does your NPPO do in cases where the NPPO of the exporting country has been notified of a case of significant non-compliance but there is no response or inadequate efforts to address the issue (e.g. recurrent non-compliance)?	Check the MOST appropriate response e.g. [X] <input type="checkbox"/> Impose a sanction on the importer <input type="checkbox"/> Refuse further exports from the exporting country concerned <input type="checkbox"/> Other Actions- please describe:
7	Do the responses provided by the NPPO of the exporting country to your notifications of cases of significant non-compliance include:	Check the MOST appropriate response e.g. [X] <input type="checkbox"/> a description of corrective measures/actions to be taken to avoid a repeat <input type="checkbox"/> scientific justification to refute the notification including official records concerning the consignment in question <input type="checkbox"/> Other information – Please describe:
8	In general, does your NPPO follow-up on any notifications with the notifying NPPO in cases where there are significant deviations on how the notification is prepared with respect to the provisions in ISPM 13?	YES <input type="checkbox"/> NO <input type="checkbox"/> Please Explain:
9	In general, are the notifications received by your NPPO detailed enough to enable you to investigate or take corrective actions/measures:	YES <input type="checkbox"/> NO <input type="checkbox"/> Please Explain:

C. Bilateral Exchanges

1a	Do you have any bilateral agreements in place for reporting <u>or</u> responding to instances of non-compliance?	YES[<input type="checkbox"/>] NO[<input type="checkbox"/>]
1b	If you answered YES to the question above, are those exchanges done by	Check all that apply e.g. [X] <input type="checkbox"/> Mostly by email communication <input type="checkbox"/> Mostly by phone <input type="checkbox"/> Face to face <input type="checkbox"/> Virtually using online video conferencing facilities <input type="checkbox"/> All or a combination of several of the above <input type="checkbox"/> Other – Please describe:
2	Has your NPPO received any notifications of non-compliance caused by the presence in your consignment of a pest that is not present in your territory?	YES [<input type="checkbox"/>] NO[<input type="checkbox"/>] Please Explain:
3	Has your NPPO sent any notifications of non-compliance caused by a pest that is present in your country and not subjected to official control?	YES [<input type="checkbox"/>] NO [<input type="checkbox"/>] Please Explain:
4	Has your NPPO received any notifications of non-compliance caused by a pest that you know is present in the importing country/territory and is not subjected to official control?	YES[<input type="checkbox"/>] NO[<input type="checkbox"/>] Please Explain:
5a	Has your NPPO received notifications in the past 3 years in languages other than in the FAO official languages?	YES[<input type="checkbox"/>] NO[<input type="checkbox"/>]
5b	How has your NPPO dealt with notifications written in languages not understood by your staff?	Please describe:
6	In order of frequency, please rank non-compliance issues that you detect from MOST frequently detected to LEAST frequently detected.	Please rank from 1-12, 1 being the MOST frequent, and 12 being the LEAST frequent: <input type="checkbox"/> Failure to comply with phytosanitary import requirements <input type="checkbox"/> Detection of regulated pests <input type="checkbox"/> Failure to comply with documentary requirements <input type="checkbox"/> Absence of phytosanitary certificates <input type="checkbox"/> Uncertified changes to phytosanitary certificates <input type="checkbox"/> Serious deficiencies in information on phytosanitary certificates <input type="checkbox"/> Fraudulent Phytosanitary certificates <input type="checkbox"/> Prohibited Consignments <input type="checkbox"/> Prohibited Articles in consignments e.g. soil <input type="checkbox"/> Evidence of failure of specified treatments <input type="checkbox"/> Repeated instances of prohibited articles carried by passengers or sent by mail <input type="checkbox"/> Other – please specify
7	For notifications of non-compliance received, do you normally ask the importing country to provide additional information including:	Check the MOST appropriate response e.g. [X] <input type="checkbox"/> Verification of any reports <input type="checkbox"/> Provision of further information <input type="checkbox"/> Revision of phytosanitary measures taken
8	In the case of significant non-compliance related to ISPM15 marked wood packaging materials, to whom do you notify these cases?	Check the MOST appropriate response e.g. [X] <input type="checkbox"/> NPPO/NPPOs where the wood packaging material is certified/marked <input type="checkbox"/> NPPO where wood packaging material exported/transited <input type="checkbox"/> Both <input type="checkbox"/> Other

D. Phytosanitary Measures

1	Does the legislation require that the NPPO provide certification of plant, plant products and other regulated articles only after verification of compliance with the phytosanitary import requirements of the importing country?	YES[] NO[]
2	On average, where cases of significant non-compliance result in the revision of phytosanitary measures, how soon are they revised:	Check the MOST appropriate response e.g. [X] <input type="checkbox"/> Within a few days <input type="checkbox"/> Within weeks <input type="checkbox"/> Within months <input type="checkbox"/> Within a year <input type="checkbox"/> Over 1 year
3a	In general, are changes to your phytosanitary import requirements notified formally to the NPPO Contact Point of the exporting country?	YES[] NO[]
3b	If your answer to question 3A above is YES, are these changes notified to any other organization other than the NPPO?	YES[] NO[]
3c	If YES, to whom are changes usually notified?	Please list:
4	For the following examples of non-compliance, indicate the phytosanitary measures you would normally take:	For each event described below, please select either: 1 - Reject Consignment 2 - Treat 3 - Destroy 4 - Other Actions 5 - A combination of the above 6 - All <input type="checkbox"/> Failure to comply with phytosanitary import requirements <input type="checkbox"/> Detection of regulated pests <input type="checkbox"/> Prohibited Consignments <input type="checkbox"/> Prohibited Articles in consignments e.g. soil <input type="checkbox"/> Evidence of failure of specified treatments <input type="checkbox"/> Repeated instances of prohibited articles carried by passengers or sent by mail
5	Please describe actions you would take in the case of failure to comply with documentary requirements where the issue is:	
	the " <i>absence of phytosanitary certificates</i> "	Please Explain:
	the " <i>uncertified alterations or erasures to phytosanitary certificates</i> "	Please Explain:
	" <i>serious deficiencies in information to phytosanitary certificates</i> "	Please Explain:
	" <i>phytosanitary certificates that are fraudulent</i> "	Please Explain:

E. Documented procedures

1	Does your NPPO have a comprehensive record keeping and information retrieval system concerning exports which enable it to provide appropriate information to relevant parties in cases of non-compliance?	YES [] NO []
2	Do you have procedures in place for the following:	Check the MOST appropriate e.g. [X] <input type="checkbox"/> Reporting non-compliance <input type="checkbox"/> Receiving reports <input type="checkbox"/> Responding to non-compliance reports <input type="checkbox"/> Reviewing reports to initiate phytosanitary measures <input type="checkbox"/> Applying phytosanitary measures <input type="checkbox"/> Reporting phytosanitary measures <input type="checkbox"/> Changes to the phytosanitary import requirements <input type="checkbox"/> None of the above
3	Does your NPPO have documented procedures and work instructions to cover the following aspects of compliance checks for imports?	Check the appropriate response(s) e.g. [X] <input type="checkbox"/> Documentary checks <input type="checkbox"/> Consignment identity checks <input type="checkbox"/> Phytosanitary inspection <input type="checkbox"/> Sampling <input type="checkbox"/> Testing <input type="checkbox"/> Procedures to identify instances of non-compliance <input type="checkbox"/> Emergency actions <input type="checkbox"/> None of the above
4	Does your NPPO have written procedures for internally reporting interceptions, instances of non-compliance and emergency actions?	YES [] NO []
5	Does your NPPO have written procedures to periodically review the cases of non-compliance and emergency actions taken?	YES [] NO []
6	Does your NPPO have written procedures to ensure that the notification and information of notifications are distributed in the first instance only to the NPPO of the exporting country?	YES [] NO []
7	Does your NPPO have procedures in place to ensure the confidentiality of the information between the parties involved?	YES [] NO []

F. Open-Ended Feedback

1	What criteria does your NPPO use to determine cases of significant non-compliance for notification?	Please describe:
2	After a case of significant non-compliance is determined to have occurred and affected trade, please list a few actions your NPPO has taken to resume normal trade between your country and the other trading partner country.	Please list:
3	What are the three most important factors that constrain the ability of your NPPO to notify cases of significant non-compliance?	1. 2. 3.
4	List the three most important factors that affect the ability of your NPPO to <i>react</i> to notifications?	1. 2. 3.
5	What are the three most important factors that hinder your NPPOs ability to <i>investigate</i> notifications of instances of non-compliance?	1. 2. 3.
6	What are the three most important factors that hinder your NPPOs ability to <i>take corrective actions</i> on non-compliance if needed?	1. 2. 3.
7	After a case of significant non-compliance is determined to have occurred and affected trade, please list a few actions your NPPO has taken to resume normal trade between your country and the other trading partner country.	Please describe:
8	If after applying all the provisions established in ISPM13 you still have contentious issues that have not been solved bilaterally, what formal mechanisms have you employed to address them?	Please describe:

Thank you for taking the time to complete this survey
