

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

<b>Status box</b>	
This is not an official part of the standard and it will be modified by the IPPC Secretariat after adoption.	
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<b>Steward history</b>	<p>2005-04 SC Mr Mike HOLTZHAUSEN (ZA, Lead Steward)  2008-11 SC Mr Arundel SAKALA (ZM, Assistant Steward)  2012-04 SC Mr Mike HOLTZHAUSEN (ZA, Assistant Steward)  2012-04 SC Mr Bart ROSSEL (AU, Assistant Steward)  2012-04 SC Ms Soledad CASTRO-DOROCHESSI (CL, Assistant Steward)  2012-04 SC Ms Marie-Claude FOREST (CA, Lead Steward)  2012-11 SC Mr Stephen BUTCHER (NZ, Assistant Steward)  2012-11 SC Ms Ana Lilia MONTEALEGRE (MX, Assistant Steward)  2016-05 SC Mr Ezequiel FERRO (AR, Lead Steward)</p>
<b>Notes</b>	<p>2011-02 Edited (SC May 2011 drafts)  2011-03 Formatted for SC May 2011  2011-05 SC reviewed draft, asking SC members to submit comments to Steward by 2011-05-31  2012-04 SC discussed and reviewed draft, asking SC members to submit comments to Steward by 2012-12-15  2012-12 Steward revised draft  2013-01 Posted for TPG 2013-02  2013-02 Edited  2013-01 An SC forum was opened on 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.  2014-10 SC small group revised draft. The draft was briefly discussed at SC November 2014.  2015-02 SC small group revised draft following SC members' comments</p>

	<p>collected after SC November 2014. The draft was discussed at SC May 2015.</p> <p>2016-05 Edited</p> <p>2016-11 Edited</p> <p>2016-11 when the Annex in paragraph 1 refers to “section 5.1.5.1”, the reference is to ISPM 20, as the Annex will be incorporated herein following adoption.</p>
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This annex was adopted by the [XX]th Session of the Commission on Phytosanitary Measures in [month] [year].

*This annex is a prescriptive part of the standard.*

## **ANNEX 1: Arrangements for the verification of compliance of consignments by the importing country in the exporting country**

- [1] The 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 (section 5.1.5.1).
- [2] 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 by both parties.
- [3] Arrangements described in this annex should not be established as a phytosanitary measure or as a condition to allow trade.
- [4] The establishment of an arrangement may be an option to facilitate trade logistics in the following situations:
- to expedite consignment release at the destination
  - when measures associated with the refusal of a consignment at the point of entry are too costly or difficult to apply
  - 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)
  - when additional infrastructure is necessary to address instances of non-compliance.
- [5] The terms of the arrangement for a particular regulated article should be developed once the phytosanitary import requirements have been set based on a pest risk analysis.
- [6] The arrangement should only include procedures to verify compliance of consignments with established and published phytosanitary import requirements for the relevant commodities in accordance 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.
- [7] 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 as 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. 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.

[8] The following sections provide 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.

## **1. General Requirements for an Arrangement**

[9] An arrangement should be developed jointly by the NPPOs of the importing country and the exporting country, in consultation with relevant stakeholders, when appropriate.

[10] 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.

[11] The arrangement should be subject to regular review and a mechanism may be put in place to deal with any changes that may arise. The conditions for reducing compliance verification activities and suspending or terminating the arrangement should be specified on a case-by-case basis.

## **2. Process for Establishing an Arrangement**

[12] The steps to establish an arrangement are outlined below.

### **2.1 Proposal**

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

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

- timing and duration of the arrangement
- proposed verification levels and, when appropriate, sampling schemes for specified commodities and regulated pests
- criteria that could initiate review and evaluation of the arrangement
- criteria that could initiate suspension or termination of the arrangement
- availability of resources
- feasibility of programme implementation.

### **2.2 Evaluation**

[15] 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.

### **2.3 Elements**

[16] The NPPO proposing an arrangement has the primary responsibility for its development. However, on request of the proposing NPPO, the other NPPO is encouraged to assist in its development.

[17] Elements of the arrangement that may need to be agreed between the NPPO of the importing country and the NPPO of the exporting country include:

- sampling and inspection of consignments
- adequacy of inspection facilities
- testing procedures
- verification of treatments
- verification of consignment integrity
- the time of and location for the different steps of the verification of compliance of consignments, when appropriate

- notification to the point of entry of the arrival of consignments
- whether a certificate is to accompany the phytosanitary certificate
- availability of qualified staff to implement provisions under the arrangement
- timing of the activities for the verification of compliance
- approval procedures and expense or estimated expense for growers and exporters participating in the arrangement
- accommodation, transport, work health and safety, security and other logistical aspects for the deployed officers.

[18] The steps of the verification of compliance will be identified by the NPPOs entering into the arrangement.

## 2.4 Technical requirements

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

[20] The arrangement may include specific information on:

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

## 3. Implementation of an Arrangement

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

[22] The activities for the verification of compliance to be implemented should be limited to those under the arrangement.

[23] When an arrangement is in place, with verification of compliance being undertaken in the exporting country, the same verification upon import should not be required. However, other procedures undertaken in the importing country may be:

- checks of consignment documentation and identity

- inspection of consignments where packaging has been compromised and the consignments' phytosanitary integrity may have been compromised
- inspection of consignments for contaminating pests in containers
- inspection of consignments in response to an emerging pest risk that was not known at the time of inspection in the exporting country
- 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).

#### **4. Review of an Arrangement**

- [24] 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 downscaled or 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.
- [25] Changes to the existing arrangement may be proposed by the NPPO of the importing country or the NPPO of the exporting country and require the agreement of both NPPOs before implementation.

#### **5. Termination of an Arrangement**

- [26] 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.
- [27] Once an arrangement has been terminated, verification procedures will be conducted in the importing country.