

Arrangements for verification of compliance of consignments by the importing country in the exporting country **(2005-003)**

Draft appendix to ISPM 20: Guidelines for a Phytosanitary Import Regulatory System

IPPC Member Consultation

1 July to 30 November, 2015



Background



- 2005 April: *Pre-clearance for regulated pests (2005-003)* added as topic
- 2006 January: Member Consultation on draft specification
- 2006 November: Standards Committee (SC) approved Specification No 42: Pre-clearance for regulated articles
- 2008 September Expert Working Group met in Zambia and drafted ISPM

Background (Cont.)



- Discussed at several SC meetings between 2009 and 2015:
 - Several SC meetings
 - Small SC working groups and e-mail discussions
 - SC e-Decision forum (2013)
- It is a complex concept with many different world views

Background (Cont.)



- 2015 May: SC approved draft ISPM for member consultation

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Background (Cont.)



- Slowly divergent views have been coalescing and consensus in the SC has been developed to produce the current draft ISPM
- It is hoped that input from member consultation will help build a stronger ISPM and help identify any remaining issues that may need further consideration by the SC

General Considerations



- *Appendix* elaborates primarily on the Inspection section of ISPM 20 (5.1.5.2.1) which refers to pre-clearance
- Normally, the National Plant Protection Organization (NPPO) of the importing country verifies compliance of consignments on entry to the importing country
- In certain cases, on a voluntary basis, verification procedures may be performed by the NPPO of the importing country in the exporting country

Legal issues



- Core principles in articles of the Convention (IPPC) related to this topic are provided in the introduction (paragraph 10 of the draft ISPM).
- It is clear that the issuance of phytosanitary certificates remains the exclusive responsibility of the NPPO of the exporting country and is not covered by this standard.

Legal issues



- FAO legal service also stated, that while the IPPC convention text does not formally contemplate the concept of bilateral agreements for verification of compliance of consignments, no provision in the IPPC precludes parties from bilaterally making such arrangements.

Legal issues



- ISPM 20 (*Guidelines for a phytosanitary import regulatory system*) states that through bilateral agreement or arrangement, inspections may also be done in the country of origin as a part of a pre-clearance programme in cooperation with the NPPO of the exporting country.

Legal issues



- FAO legal service also stated that arrangements for the verification of compliance of consignments are not compulsory for the exporting country and they must be agreed under the contractual freedom of the parties.
- However, an importing country may use such arrangements as a phytosanitary measure, alone or in combination/as alternative to other measures, provided that it can technically justify it.

Overview of the draft



Main objectives laid out in the Specification:

- Explain concept in the context of the IPPC - introduction
- Clarify concept - clarified in introduction (Parag. 6-11)
- Criteria, procedures and guidance for such arrangements - main text
- Model framework - elements laid out in Section 4.4
- Roles and responsibilities - throughout draft

Drafting Issues



Terminology

- Term “Pre-clearance” as defined in the glossary and used in ISPM 20 is, as agreed by the SC, incorrect and needs to be modified as it wrongly refers to “phytosanitary certification” “performed by or under the supervision of the country of destination”.

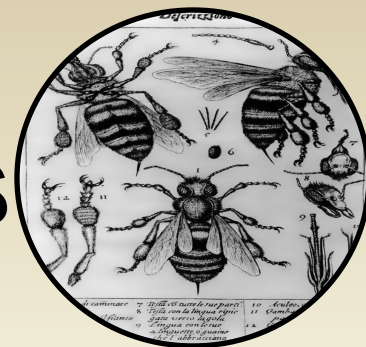
Drafting Issues



Terminology (Cont.)

- Many different terms (& phrases) were proposed and discussed: clearance prior to import, document clearance, foreign inspections, offshore programs, pre-export compliance check, pre-inspection, pre-shipment inspection, pre-import clearance, and finally the SC settled on **verification of compliance of consignments**.

Additional Considerations



- Inspection or clearance not used in title at all as these terms could be misinterpreted in this context.
- Long or short term? To be negotiated.
- Financial aspects? To be agreed on by the NPPOs of the importing country and the exporting country.
- No reference to oversight, audit or clearance- guidance given for these in other ISPMs.

Other information



- SC tasked the Technical Panel on the Glossary of Phytosanitary Terms to consider the term “pre-clearance” in the context of the term “clearance (of a consignment)”

Link to the Member Consultation Page

<https://www.ippc.int/en/core-activities/standards-setting/member-consultation-draft-ispms/>

