

ISPM 13

GUIDELINES FOR THE NOTIFICATION OF NON-COMPLIANCE AND EMERGENCY ACTION



Scope

This standard describes the actions to be taken by countries regarding the notification of:

- a significant instance of failure of an imported consignment to comply with specified phytosanitary requirements;**
- a significant instance of failure of an imported consignment to comply with documentary requirements for phytosanitary certification**



Scope cont'd

- an emergency action taken on the detection in an imported consignment of a regulated pest not listed as being associated with the commodity from the exporting country;
- an emergency action taken on the detection in an imported consignment of organisms posing a potential phytosanitary threat.



REQUIREMENTS

1. Purpose of Notifications

- to identify significant failures of imported consignments to comply with specified phytosanitary requirements, or
- to report emergency action that is taken on the detection of a pest posing a potential threat.



1. Purpose of Notifications cont'd

- should only be undertaken with the aim of international cooperation to prevent the introduction and/or spread of regulated pests (IPPC Articles I and VIII).
- to help in investigating the cause of the non compliance, and to facilitate steps to avoid recurrence



2. The Use of Notification Information

- Notification is normally bilateral
- Notifications and information about notifications should be distributed in the first instance only to the exporting country
- The importing country may consult with the exporting country and provide the opportunity for the exporting country to investigate instances of apparent non-compliance, and correct as necessary



3. Significant instances of non-compliance

- failure to comply with phytosanitary requirements
- detection of regulated pests
- failure to comply with documentary requirements, including:
 - absence of phytosanitary certificates
 - uncertified alterations or erasures to phytosanitary certificates
 - serious deficiencies in information on phytosanitary certificates
 - fraudulent phytosanitary certificates



3. Significant instances of non-compliance cont'd

- prohibited consignments
- prohibited articles in consignments (e.g. soil)
- evidence of failure of specified treatments
- repeated instances of prohibited articles in small, non-commercial



4. Timing of Notification

- Notifications should be provided promptly once non compliance or the need for emergency action has been confirmed and phytosanitary actions taken.
- Where there is a significant delay in confirming the reason for the notification (e.g. identification of an organism), a preliminary notification may be provided.



5. Required information

- *Reference number* - the reporting country should have a means of tracing the communication sent to an exporting country
- *Date* - the date on which notification is sent should be noted
- *Identity of the NPPO* of the importing country
- *Identity of the NPPO* of the exporting country
- *Identity of consignment* - identified by the phytosanitary certificate number or by references to other documentation and including commodity class and scientific name (at least plant genus) for plants or plant products



Required information cont'd

- *Identity of consignee and consignor*
- *Date of first action* on the consignment
- *Specific information regarding the nature of the non-compliance and emergency action* including:
 - identity of pest
 - where appropriate, whether part or all of the consignment is affected
 - problems with documentation
 - phytosanitary requirements to which the non-compliance applies



Required information cont'd

- *Phytosanitary actions taken* - the phytosanitary actions should be specifically described and the parts of the consignment affected by the actions identified
- *Authentication marks* - the notifying authority should have a means for authenticating valid notifications (e.g. stamp, seal, letterhead, authorized signature).



6. Supporting information

- Upon request, supporting information should be made available to the exporting country
- The language(s) used should be the language(s) preferred by the notifying country except where bilaterally agreed otherwise.



7. Documentation and Means of Communication

Notification documents, supporting information and associated records should be kept for at least one year after the date of notification.

Electronic notifications should be used for efficiency and expediency whenever possible.

Notification should be sent to the IPPC contact point or, where a contact point has not been identified, to the NPPO of the exporting country

Communication from official contact points is considered to be authentic unless the NPPO of the importing country indicates other official sources



8. Pest Identification

When identifying pests, importing countries should:

- be able to describe, on request, the procedures used for diagnosis and sampling,
- give the identity of the diagnostician and laboratory,
- should retain, for an appropriate period evidence such as specimens or material to allow validation of potentially controversial determinations
- indicate the life-stage of the pest and its viability where appropriate
- provide identification to species level where possible or to a taxonomic level that justifies the official actions taken



9. Investigation of Non-compliance and Emergency Action

- The exporting country should investigate significant instances of non compliance to determine the possible cause with a view to avoid recurrence
- The importing country should investigate the new or unexpected phytosanitary situation to justify the emergency actions taken. Any such action should be evaluated as soon as possible to ensure that its continuance is technically justified



10. Transit

For a consignment in transit any instance of non-compliance with the requirements of the transit country or any emergency action taken should be notified to the exporting country.

Where the transit country has reason to believe that the non-compliance or new or unexpected phytosanitary situation may be a problem for the country of final destination, the transit country may provide a notification to the country of final destination.

The country of final destination may copy its notifications to any transit country involved.



11. Re-export

In cases associated with a phytosanitary certificate for re-export, the obligation and other provisions pertaining to the exporting country apply to the re-exporting country.

