

ISPM 13



**INTERNATIONAL STANDARDS FOR
PHYTOSANITARY MEASURES**

ISPM 13

**GUIDELINES FOR THE NOTIFICATION OF
NON-COMPLIANCE AND EMERGENCY ACTION**

(2001)

Produced by the Secretariat of the International Plant Protection Convention



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Adoption

This standard was adopted by the Third Session of the Interim Commission on Phytosanitary Measures in April 2001.

INTRODUCTION

Scope

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

- a significant instance of failure of a consignment to comply with specified phytosanitary import requirements, including the detection of specified regulated pests
- a significant instance of failure of an imported consignment to comply with documentary requirements for phytosanitary certification
- 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.

References

IPPC. 1997. *International Plant Protection Convention*. Rome, IPPC, FAO.

ISPM 5. *Glossary of phytosanitary terms*. Rome, IPPC, FAO.

ISPM 7. 1997. *Export certification system*. Rome, IPPC, FAO.

ISPM 8. 1998. *Determination of pest status in an area*. Rome, IPPC, FAO.

ISPM 12. 2001. *Guidelines for phytosanitary certificates*. Rome, IPPC, FAO.

Definitions

Definitions of phytosanitary terms used in the present standard can be found in ISPM 5 (*Glossary of phytosanitary terms*).

Outline of Requirements

The International Plant Protection Convention (IPPC) makes provision for contracting parties to report significant instances of non-compliance of consignments with phytosanitary import requirements, including those related to documentation or to report appropriate emergency action, which is taken on the detection in the imported consignment of an organism posing a potential phytosanitary threat. The importing contracting party is required to notify the exporting contracting party as soon as possible regarding significant instances of non-compliance and emergency actions applied to imported consignments. The notification should identify the nature of non-compliance in such a way that the exporting contracting party may investigate and make the necessary corrections. Importing contracting parties may request a report of the results of such investigations.

Required information for notification includes the reference number, the date of notification, the identity of the national plant protection organizations (NPPOs) of the importing and exporting countries, the identity of the consignment and date of first action, the reasons for the action taken, information regarding the nature of non-compliance or emergency action, and the phytosanitary measures applied. Notification should be timely and follow a consistent format.

An importing country should investigate any new or unexpected phytosanitary situation where emergency action is taken in order to determine if actions are justified and if changes in phytosanitary requirements are needed. Exporting countries should investigate significant instances of non-compliance to determine the possible cause. Notifications for significant instances of non-compliance or emergency action associated with re-export are directed to the re-exporting country. Those associated with transit consignments are directed to the exporting country.

REQUIREMENTS

1. Purpose of Notifications

Notifications are provided by the importing country to the exporting country to identify significant failures of consignments to comply with specified phytosanitary import requirements or to report emergency action that is taken on the detection of a pest posing a potential threat. The use of notification for other purposes is voluntary, but in all instances 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). In the case of non-compliance the notification is intended 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 used for notification are valuable for official purposes but may also be easily misunderstood or misused if taken out of context or used imprudently. To minimize the potential for misunderstandings or abuse, countries should be careful to ensure that notifications and information about notifications are distributed in the first instance only to the exporting country. In particular, 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. This should be done before changes in the phytosanitary status of a commodity or area, or other failures of phytosanitary systems in the exporting country are confirmed or reported more widely (see also good reporting practices for interceptions in ISPM 8:1998).

3. Provisions of the IPPC Related to Notification

The establishment of systems for the routine practice of notification is based on several provisions of the IPPC, summarized as follows:

- Article VII.2(f) states, “Importing contracting parties shall, as soon as possible, inform the exporting contracting party concerned or, where appropriate, the re-exporting contracting party concerned, of significant instances of non-compliance with phytosanitary certification. The exporting contracting party or, where appropriate, the re-exporting contracting party concerned, should investigate and, on request, report the result of its investigation to the importing contracting party concerned.”
- Article VII.6 states that contracting parties may take “appropriate emergency action on the detection of a pest posing a potential threat to its territories or the report of such a detection. Any such action shall be evaluated as soon as possible to ensure that its continuance is justified. The action taken shall be immediately reported to contracting parties concerned, the Secretary, and any regional plant protection organization of which the contracting party is a member.”
- Article VIII.1 states, “The contracting parties shall cooperate with one another to the fullest practicable extent in achieving the aims of this Convention”.
- Article VIII.2 states, “Each contracting party shall designate a contact point for the exchange of information connected with the implementation of this Convention.”

Countries that are not contracting parties to the IPPC are encouraged to use notification systems described in this standard (IPPC Article XVIII).

4. Basis for Notification

In most instances, notification is provided as the result of the detection of regulated pests in imported consignments. There are also other significant instances of non-compliance that require phytosanitary

action and notification. In new or unexpected phytosanitary situations, emergency actions may be taken which should also be notified to the exporting country.

4.1 Significant instances of non-compliance

Countries may agree bilaterally on what instances of non-compliance are considered significant for notification purposes. In the absence of such agreements, the importing country may consider the following to be significant:

- failure to comply with phytosanitary import 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
- prohibited consignments
- prohibited articles in consignments (e.g. soil)
- evidence of failure of specified treatments
- repeated instances of prohibited articles in small, non-commercial quantities carried by passengers or sent by mail.

Significant instances of non-compliance of a consignment with phytosanitary import requirements should be notified to the exporting country whether or not the consignment requires a phytosanitary certificate.

4.2 Emergency action

Emergency actions are taken on the detection in an imported consignment of:

- regulated pests not listed as being associated with the commodity from the exporting country
- organisms posing a potential phytosanitary threat.

5. 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.

6. Information Included in a Notification

Notifications should use a consistent format and include certain minimum information. NPPOs are encouraged to provide additional information where such information is considered relevant and important or has been specifically requested by the exporting country.

6.1 Required information

Notifications should include the following information:

- *Reference number.* The reporting country should have a means of tracing the communication sent to an exporting country. This could be a unique reference number or the number of the phytosanitary certificate associated with the consignment.
- *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.* Consignments should be identified by the phytosanitary certificate number if appropriate or by references to other documentation and including commodity class and scientific name (at least plant genus) for plants or plant products.
- *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 (see also section 8 below)
 - . where appropriate, whether part or all of the consignment is affected
 - . problems with documentation
 - . phytosanitary import requirements to which the non-compliance applies
- *Phytosanitary actions taken.* The phytosanitary actions should be specifically described and the parts of the consignment affected by the actions identified.
- *Authentication marks.* The importing country should have a means for authenticating valid notifications (e.g. stamp, seal, letterhead, authorized signature).

6.2 Supporting information

Upon request, supporting information should be made available to the exporting country and may include as appropriate:

- copy of the phytosanitary certificate or other relevant documents
- diagnostic results
- pest association, i.e. in which part of the consignment the pest was found or how it affects the consignment
- other information deemed to be useful for the exporting country to be able to identify and correct non-compliance.

6.3 Forms, codes, abbreviations or acronyms

Where forms, codes, abbreviations or acronyms are used in notification or supporting information, countries should make appropriate explanatory material available on request.

6.4 Language

The language(s) used for notification and supporting information will be the language(s) preferred by the notifying country except where bilaterally agreed otherwise. Where information is requested through contact points, information should be supplied in one of the FAO languages (IPPC Article XIX.3(e)).

7. Documentation and Means of Communication

The importing country should keep notification documents, supporting information and associated records 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 unless bilateral arrangements exist which specify to whom the notification should be sent. Communication from official contact points is considered to be authentic unless the NPPO of the importing country indicates other official sources.

8. Pest Identification

The identification of organisms detected in imported consignments is required to determine if they are, or should be, regulated pests and to thereby justify phytosanitary or emergency action. Appropriate identification may not be possible where:

- the specimen(s) are of a life stage or condition that makes them difficult to identify
- appropriate taxonomic expertise is not available.

Where identifications are not possible the reason should be stated on the notification.

When identifying pests, importing countries should:

- be able to describe, on request, the procedures used for diagnosis and sampling, including the identity of the diagnostician and/or laboratory, and should retain, for an appropriate period (one year following the notification or until necessary investigation has been carried out), evidence such as appropriate 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

9.1 Non-compliance

The exporting country should investigate significant instances of non-compliance to determine the possible cause with a view to avoid recurrence. Upon request, the results of the investigation should be reported to the importing country. Where the results of the investigation indicate a change of pest status, this information should be communicated according to the good practices noted in ISPM 8:1998.

9.2 Emergency action

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. If continuance of actions is justified, phytosanitary measures of the importing country should be adjusted, published and transmitted to the exporting country.

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.