Import verification:
The framework to confirm that consignments meet import requirements
Outline of presentation

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3. References
Requirements in relation to imports

Art VII of the IPPC establishes rights and obligations of the contracting parties and the NPPOs.

Art VII c) *The inspection of consignments of plants and plant products ... regulated articles*, particularly with the object of preventing the introduction and/or spread of pests;

Art VII d) *The disinfestation or disinfection of consignments ...*;

Art VII f) *The conduct of pest risk analyses (as the basis for setting import requirements)*
Principles of the IPPC and Contracting Parties

Principles described in the SPS Agreement and the IPPC

Phytosanitary measures for regulated pests should be:

– be technically justifiable
– *not more stringent* than measures applied to the same pests, if present within the territory of the importing contracting party;
– *limited to what is necessary* to protect plant health and/or safeguard the intended use and can be technically justified by the contracting party concerned (Article VI)
– *no requirement for phytosanitary measures for non-regulated pests* (Article VI)
– *recognize effective alternative equivalent* phytosanitary measures proposed by exporting contracting parties (ISPM 1:Section 1.10; ISPM 24 (equivalence of phytosanitary measures)
– *Integrated measures* for pest risk management, applied in a defined manner, may provide an alternative to single measures (ISPM 1: Section 2.5 and ISPM 14 Systems approach)
Authority to regulate

The NPPO is the official service responsible for the operation or oversight (organization and management) of the phytosanitary import regulatory system (Article IV.2 and Article VII of the IPPC).

The NPPO should:

– ensure the effective and consistent application of phytosanitary legislation and regulations.
– compliance with international obligations.
– be coordinated at national level but may be organized on a functional, regional or other structural bases.
– ensure that the scope and integrity of their work are not compromised.
Organizational requirements

The NPPO should:

– ensure that all necessary legal and operational tools have been provided
– ensure that procedures should address the import requirements set for the specific commodity.

These may include:

– phytosanitary importation regulations and requirements as they are issued
– guidance documents, clearance procedures and work instructions as appropriate
– inspection, sampling, testing, surveillance and consignment verification procedures
– communication and access to information (by electronic means) as far as possible
Organizational requirements

For effective verification, the NPPO Inspectors may:

– enter premises, conveyances, and other places
– inspect or test
– take samples
– detain imported consignments or other regulated articles
– treat or require treatment of imported consignments, or other regulated articles
– refuse entry of consignments, order their reshipment or destruction.
Setting the stage for import verification

Import requirements:
- The NPPO should set technically justifiable requirements for all imported regulated articles (IPPC Article VII 2 (c) and 2(g)
- determined by the outcomes of a pest risk analysis (PRA) or an international standard for phytosanitary measures

Import requirements for the same commodity may vary:
- Specific commodities from different countries of origin may have different levels of risk based largely on phytosanitary status in these countries.

These phytosanitary measures may be:
- general, applying to all types of commodities,
- specific, applying to specified commodities from a particular origin.
- applicable in country of origin, in transit or on arrival

In all cases, the NPPO of the importing country determines the import requirements to be met.
Setting the stage for import verification

The NPPO at the level of management/policy should ensure that personnel or a unit exists to, for example:

– conduct pest risk analyses (ISPM 1,11,21)
– determine pests to be regulated from each country of origin
– establish regulated pest lists
– establish requirements for import of regulated articles based on the level of identified risk,
– specify the appropriate point of entry for consignments for the purpose of document verification
– determine the required degree/level of inspection that may be necessary (ISPM 20 Section 4.2.1 and 4.5)

The capabilities at the point of entry should be such that it facilitates inspection and verification based on the level of risk of the consignment.
Communication and transparency

To promote compliance with import requirements, trading partners must be aware of the requirements (IPPC Article VII.2 (b)). The NPPO is encouraged to:

- publish and transmit phytosanitary requirements, restrictions and prohibitions ... (Article VII.2(b))
- on request, make available reason for phytosanitary requirements, restrictions and prohibitions.” (Article VII.2(c))
- specify points of entry for consignments ... they should be published cooperate in the exchange of information on plant pests... (Article VIII.1 and 1(a)).
- establish and update lists of regulated pests ... and make such lists available ...” (Article VII.2(i)).
- develop and maintain adequate information on pest status .... this information shall be made available ...” (Article VII.2 (j)).
AUDIT AND COMPLIANCE PROCEDURES
Audit and verification procedures in the exporting country

The NPPO of the importing country, in collaboration with the NPPO, may need to conduct an audit of the exporting country’s production and certification capabilities. This may include:

– Production system
– Treatments
– Inspection procedures
– Phytosanitary management
– Authorization procedures
– Testing procedures
– Surveillance
– offshore inspection and clearance
Verification procedures during transport

Transport conditions for regulated articles should aim to:

– prevent the survival, escape and infestation from outside of regulated pests

– ensure that such conditions are maintained throughout the journey.

These conditions may be agreed to by the NPPOs of both the importing and exporting countries.
Verification procedures in importing country

Verification may be required to:
- determine compliance with phytosanitary regulations
- check that phytosanitary measures are effective
- detect potential quarantine pests

The basic elements for verification of compliance are:
- Document checks
- Verification of consignment identity and integrity
- Phytosanitary inspection
- Sampling
- Testing
- Non-compliance and
- Emergency Action

Detailed information about non-compliance and emergency action is contained in ISPM 13:2001
**Reporting of non-compliance**

The NPPO may notify of significant cases of non-compliance which put the importing country at risk.

The reporting of non-compliance is very important for the exporting country to enable its NPPO to:

- *take necessary corrective action in their export systems*
- *minimize the risk posed by non-compliant commodities entering the importing country.*

The NPPO of the importing country should:

- *report* interceptions, instances of non-compliance and emergency actions to the NPPO of the exporting/re-exporting countries
- *put in place a system for collection and transmission of such information.*
Actions in cases of non-compliance

Instances where phytosanitary action may be justified include:

– the detection of a listed quarantine pest
– the detection of a listed RNQP present in an imported consignment of plants for planting at a level which exceeds the required tolerance level
– evidence of failure to meet prescribed requirements such as field inspection, laboratory tests, etc.
– the interception of a consignment which does not otherwise comply with the import regulations, such as compromised integrity
– the detected presence of undeclared commodities
– prohibited consignments or articles
– evidence of failure of specified treatments
– phytosanitary certificate or other required documentation invalid or missing

Administrative errors such as incomplete phytosanitary certificates may be resolved through liaison with the NPPO of the exporting country.
Phytosanitary action

The type of phytosanitary action will vary with the circumstances and should be the minimum necessary to counter the pest risk identified. Infringements may require action at the point of entry such as:

– Detention. This may be used if further information is required, taking into account the need to avoid consignment damage as far as possible.

– Sorting and reconfiguring. The affected products may be removed by sorting and reconfiguring the consignment including repackaging if appropriate.

– Treatment. Used by the NPPO when an efficacious treatment is available.

– Destruction. The consignment may be destroyed in cases where the NPPO considers the consignment cannot be otherwise handled.

– Reshipment. The non-complying consignment may be removed from the country by reshipping.
Emergency action

Emergency action in a new or unexpected phytosanitary situation

Such actions may lead to:

– modification of existing phytosanitary measures
– adoption of provisional measures pending review and full technical justification

Commonly encountered situations requiring emergency action include:

– Detection of quarantine pests or potential quarantine pests
– Non-listed organisms
– pests not previously assessed
– Pests not regulated for a particular pathway.
– Lack of adequate identification
Action against non-regulated pests at point of entry

The consignment in which a non-regulated pest is found should not be held or treated by the NPPO.

The presence of non-regulated pests in a commodity does not constitute a case of non-compliance since these pests were not declared as regulated pests in the importing country.

The NPPO may choose to let the importer know of the presence of such pests so that he may take timely action to prevent pest damage.

The importer nor the exporting country should not be penalized. No phytosanitary action should be taken by the NPPO.

Note:
- Only live regulated pests require phytosanitary measures.
- Dead regulated pests by themselves carry no phytosanitary risk.
- A dead regulated pests associated with a commodity may help to confirm an effective treatment had been carried out.
IPPC. International Plant Protection Convention. Rome, IPPC, FAO.
IRSS, IPPC 2012. The Internet Trade (E-commerce) in Plants. IPPC, FAO, Rome
ISPM 3: Guidelines for the export, shipment, import and release of biological control agents and other beneficial organisms
ISPM 4:
ISPM 5. Glossary of phytosanitary terms. Rome, IPPC, FAO.
ISPM 10. 2006. Requirements for the establishment of pest free places of production sites. Rome, IPPC, FAO.
ISPM 29. 2007. Recognition of pest free areas and areas of lox pest prevalence. Rome, IPPC, FAO.
ISPM 30. 2008. Establishment of areas of low pest prevalence for fruit flies (Tephritide). Rome, IPPC, FAO.
International Plant Protection Convention (IPPC)

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