

DRAFT ISPM: Requirements for NPPOs if authorizing entities to perform phytosanitary actions (2014-002) – following Second Round of Consultations in 2020 – GTA Summary only

1. Summary – recent IPPC report

A draft International Standard for Phytosanitary Measures (ISPM) on authorization of entities has been under development since 2014. The draft ISPM aims to provide guidance, for those NPPOs who choose to authorize entities, on how to set up an authorization programme that (i) results in effective phytosanitary actions that are delivered with integrity and transparency, and (ii) ensures that the authorized entities are accountable to the NPPO for these actions and that phytosanitary security is maintained, consistent with the provisions of the International Plant Protection Convention (IPPC) Convention and relevant ISPMs. Under such programmes, the authorized entities perform the phytosanitary actions within the NPPO's phytosanitary regulatory system, but the NPPO retains oversight and remains responsible for ensuring that the phytosanitary actions have been performed according to the NPPO's requirements. The draft standard – hereafter referred to as "the draft ISPM on authorization" – has been through two consultations, and has been revised by the IPPC Standards Committee in response to both these consultations."

2. Specific Requirements, Comments, Issues

a) Phytosanitary Standards reduced

ISPM does not compromise standards. NPPO responsible for management and all aspects of operation of entities. Only the NPPO can issue Phytosanitary Certificates, thus final "responsibility" retained by NPPO.

b) Mandatory use of 3rd Parties

NPPOs do not need to use 3rd parties. The option to use is voluntary and up to the NPPO to determine. Where 3rd parties are used, provides guidance on the standards of those 3rd parties expected such as operating procedures, legal frameworks to allow 3rd parties to perform specific roles including dealing with conflict of interest, auditing, changes in 3rd party circumstances and the specific areas for the 3rd party to operate etc. – i.e., as per if the NPPO was operating solely.

c) Legal Framework, Implementation Resources, Conflict of Interest

A number of concerns have been raised on these issues such as lack of legal frameworks and resources to implement use of 3rd parties and oversee their activities. NPPOs should have legal frameworks in place prior to allowing use of 3rd parties. Similarly adequate oversight resources should be in place otherwise the standard of activities would drop from that which currently occurs.

d) Commonality

Will align practices with IPPC principles and harmonise activities across countries.

3. Specific Australian Experiences (regulatory, not commercially orientated)

3rd party entities (called industry Authorised Officers AOs) have operated in Australia for several years to conduct end-point inspection of grain cargoes to be exported.

Industry AOs are not mandatory, with NPPO inspectors available to be used, however industry generally prefers to use industry AOs as they are more "flexible in work arrangements".

The grain industry were instrumental in the adoption of legislation to allow industry AOs to conduct this task. The NPPO retains full control via legislation, training, oversight, auditing and industry AOs are Deeded to the Commonwealth Government.

The company employing the industry AO has no say over the AO job function or activities, outcomes etc.

The NPPO charges industry for the AO activity.

The NPPO authorises the end of inspection documents to be released (i.e., Phytosanitary Certificate).

Training of the AO is key to ensuring the appropriate standard of activity is maintained. Ongoing auditing, annual registration/review by the NPPO ensures consistency of operation.