



NAPPO Regional Standards for Phytosanitary Measures (RSPM)

RSPM No. 2 Guidelines for Pre-clearance Programs

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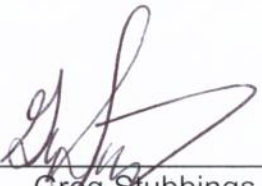
Review

NAPPO Standards for Phytosanitary Measures are subject to periodic review and amendment. The next review for this Standard is October 2013. This Standard was last reviewed in July 2008. A review of any NAPPO Standard may be initiated at any time upon the request of a NAPPO member country.


Approval

This Standard was approved by the North American Plant Protection Organization (NAPPO) Executive Committee on August 11, 2008 and is effective immediately.

Approved by:



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Amendment Record

Amendments to this Standard will be given a consecutive number, dated and filed with the NAPPO Secretariat. The most recent version will be posted on the NAPPO website at: www.nappo.org/stds_e.htm

Distribution

This Standard is distributed by the Secretariat of the NAPPO within NAPPO, including Sustaining Associate Members and Industry Advisory Groups, to the FAO International Plant Protection Convention (IPPC) Secretariat and to the Administrative Heads of other Regional Plant Protection Organizations (RPPOs).

Introduction

Scope

This standard contains a framework for establishing pre-clearance programs between NAPPO member countries. It describes the advantages and disadvantages of pre-clearance programs and the different types of programs. It lists criteria for consideration prior to establishing such programs; it describes the different levels of pre-clearance and criteria for reducing or terminating these programs.

References

Glossary of phytosanitary terms, 2008, ISPM No. 5, FAO, Rome.

Glossary of phytosanitary terms, 2008, NAPPO RSPM No. 5

Guidelines for bilateral workplans, 2003, NAPPO RSPM No. 19.

Definitions, Abbreviations and Acronyms

clearance (of a consignment)	Verification of compliance with phytosanitary regulations (FAO)
IPPC	International Plant Protection Convention, as deposited in 1951 with FAO in Rome and as subsequently amended (FAO)
NAPPO	North American Plant Protection Organization (NAPPO)
NPPO	National Plant Protection Organization (FAO)
Phytosanitary certificate	Certificate patterned after the model certificates of the IPPC (FAO)
point of entry	Airport, seaport, or land border point officially designated for the importation of consignments, and/or entrance of passengers (FAO)
pre-clearance	Phytosanitary certification and/or clearance in the country of origin, performed by or under the regular supervision of the National Plant Protection Organization of the country of destination (FAO, revised FAO)
quarantine pest	A pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled (FAO; revised FAO; IPPC)
treatment	Official procedure for the killing, inactivation or removal of pests, or for rendering pests infertile or for devitalisation. (FAO)

Outline of Requirements

Pre-clearance of agricultural commodities at origin has been accepted as a useful phytosanitary procedure to reduce the risk of spread of quarantine pests from one country to another. The application of phytosanitary procedures at origin, performed or monitored by representatives of the importing country, are aimed at ensuring that shipments of plants, plant products and other regulated articles meet the entry requirements of the importing country before they depart the exporting country. Importing countries retain the right to carry out import inspections at points of entry.

In practical terms, pre-clearance may include the review of any or all pest control actions associated with the production and preparation of a commodity for export, for example, inspection, testing, surveys, storage, record-keeping, post-harvest treatment, transportation, etc. Bilateral agreements should spell out the technical details of the pre-clearance program as well as conditions for reduction or termination of the program.

There are advantages and disadvantages associated with pre-clearance programs, both for the importing and exporting country involved. Regular review of a pre-clearance program will ensure that advantages continue to outweigh the disadvantages.

1. General Requirements

Both advantages and disadvantages of pre-clearance need to be taken into account, when considering a pre-clearance program. Among the advantages are the reduced risk of introducing quarantine pests into new areas and an opportunity to carry out a more thorough inspection at origin than at a busy point of entry. Pre-clearance provides for shipments to enter the importing country without extensive delays associated to inspection and testing and a greater assurance that the consignments will not be rejected at destination. In some instances and for some specific commodities it may represent the most practical method to accommodate exports.

On the other hand, travel and salary costs for officials from the importing country and exporting may be prohibitive in relation to the volume and value of the precleared material. Some pre-clearance program may undermine the established confidence in the NPPO of the exporting country and its phytosanitary certificates.

Pre-clearance programs are usually used for the importation of new commodities presenting significant phytosanitary risk, to establish new market access, or to re-establish confidence, usually after the identification of non-compliance, in the product being imported.

Requirements for pre-clearance programs are negotiated between the importing and exporting countries. The request is usually made by the exporting industry representatives through the NPPO at origin, but may also be pursuant to official import regulations of the importing country.

1.1 Criteria for establishment of pre-clearance programs

The following factors should be considered:

- the pest risk assessment indicates significant risk is associated with movement of the commodity
- the quarantine pest(s) is difficult to detect during inspection at the point of entry
- a significant volume of the commodity makes the program economically feasible
- inspection at destination would adversely affect commercial packaging and/or product quality (e.g. product is perishable; product is individually wrapped; destructive sampling is required)
- serious disadvantages arise from the need to unload at the point of entry and the need for storage and inspection facilities at the point of entry
- inspection and verification is significantly simplified at origin
- the exporting country requests a pre-clearance program due to a lack of resources and/or ability to conduct inspections
- there is agreement between the industry of the exporting country and the NPPO in both countries to conduct a pre-clearance program
- the importing country requests a pre-clearance program.
- returning, re-exporting, treatment or other method of disposal (destruction, processing), in case of rejection at point of entry is costly, difficult or impossible
- pre-clearance programs in other countries with similar risks have been proven effective
- country lacks alternative phytosanitary measures for risk management
- prevents having to detain products for extended periods at the points of entry or at final destination while awaiting laboratory results for various quarantine pests.
- provide stability and predictability on the supply of products from the importing country.
- unavailability of inspection staff at points of entry to perform specialized inspections

When an importing NPPO approves a process, facility, or program in the exporting country, and then carries out regular importing inspections at the point of entry, this would not be considered a pre-clearance program, unless additional measures are agreed upon in the workplan. However, some additional measures may be anticipated when mitigation measures do not give expected results.

1.2 Bilateral workplan

The technical requirements for pre-clearance programs need to be developed on a case-by-case basis taking into account the risk assessment and risk management options available for the commodity and quarantine pest(s) in question. The technical requirements should be elaborated in a bilateral workplan and the administrative requirements in a financial arrangement. The bilateral workplan should include, for example:

- description of responsibilities and activities of all participants including NPPOs and industry
- duration of activities
- frequency of program reviews
- notification of non-compliance
- reasons for modifying, suspending or terminating the program
- corrective actions
- process for dispute settlement
- provision of facilities and supplies for inspection purposes
- hours of work
- duration of the shipping season

The bilateral workplan should be developed between the NPPOs of the importing and exporting countries. The financial arrangements should be developed and subscribed between the exporting industry and the importing NPPO.

1.3 Levels of pre-clearance programs

Pre-clearance, as defined in the FAO Glossary of Phytosanitary Terms, is linked to consignments. Pre-clearance may be applied to all consignments, or to only a percentage of total consignments. Pre-clearance may in some cases be limited to a certain time period during the shipping season.

Many factors come into play in the determination of the intensity of pre-clearance programs. The pest risk assessment, feasibility of risk management options and the ability of the exporting country to fulfill the requirements of the importing country (including production practices and competency of the NPPO) are examples of the factors which will need to be considered on a case-by-case basis.

The importing country may establish an ongoing inspection presence in the exporting country when there is a high risk of infestation associated with the commodity. Officials from the importing country would monitor and/or perform production and certification activities and inspect, treat, and/or test all consignments. This is a very intensive form of pre-clearance program and should only be used when there is justification to do so, or if requested by the importing country. Inspection at the point of entry may be minimal or non-existent. This kind of inspections are essentially to monitor the pre-clearance program and should be reduced as confidence in the program is built. The importing country may decide to allow entry without requiring a phytosanitary certificate.

Less intensive pre-clearance programs are more common. Only the key production, certification, inspection, treatment and/or testing activities are monitored or carried out in the exporting country by representatives of the importing country. This does not normally require an ongoing inspection presence by the importing country in the country of export. A phytosanitary certificate is issued by the exporting country and limited import inspections could be carried out in the importing country at points of entry to verify compliance with the import requirements.

In most cases, the level of pre-clearance can be reduced gradually until eventually the pre-clearance program is terminated and the exporting country takes full responsibility for certification.

1.4 Review of pre-clearance programs

The effectiveness of any pre-clearance program, whether intended to be permanent or temporary, should be reviewed regularly to identify, discuss and resolve problems and refine the program. Timing and frequency of review of the program should be described in the bilateral agreement. Depending on the program, some elements may need to be reviewed more often than others.

1.5 Duration of pre-clearance programs

Pre-clearance should be used discriminately and selectively, according to circumstances. NAPPO member countries should strive to rely on and recognize each other's systems of phytosanitary certification.

There may be situations when both countries agree that an ongoing pre-clearance program is the most effective and efficient way to facilitate the movement of plants, plant products and other regulated articles from the exporting country while providing adequate protection to the importing country. If specific reasons exist a pre-clearance program may be established on a longer term basis.

Typically, reduction of the level of pre-clearance or termination of the pre-clearance program should be considered when the exporting country has demonstrated that it consistently meets the importing country requirements. Especially if the program was set up to facilitate the movement of a new commodity, or a commodity with which problems occurred in the past resulting in changes to the phytosanitary certification procedures, reduction or termination of the pre-clearance program may be based on the successful completion of a predetermined number of shipments or shipping seasons. Once the oversight of the importing country on the territory of the exporting country is terminated, the program is not considered to be a pre-clearance program any more.

Should pest problems arise, the pre-clearance program could be re-instated. When pre-clearance programs are terminated, port of entry inspections should be reestablished.

The pre-clearance program is also subjected to other requirements including: non-compliance, notification of non-compliance, suspension, reinstatement and emergency action. These requirements are presented in RSPM 19, *Guidelines for Bilateral Workplans*.

1.6 Costs

Costs for travel, accommodation, transportation, meals and incidentals should be reasonable and justifiable. The importing country may have an established fee structure as part of its regular policy framework for work carried out in other countries. These fees should then be presented to the exporting country or the parties responsible to pay for the cost of the program. The costs and mode of payments should be agreed between the importing party responsible for assigning the inspectors for the pre-clearance program and the exporting industry. In certain circumstances, the cost of the pre-clearance program could be borne by the importing country.

Any activities are subject to and must comply with the laws and regulations of the country in which the pre-clearance is carried out. The costs should normally be borne by the industry group (s) benefiting from the pre-clearance program, although this could be negotiated between industry groups and the importing NPPO. The high cost of pre-clearance programs should be an incentive to look for alternative phytosanitary measures.