

**PROTOCOL FOR THE EXCHANGE OF INFORMATION:
PROCEDURES ESTABLISHED BY NEW ZEALAND
FOR THE DEVELOPMENT AND IMPLEMENTATION
OF A PLANT IMPORT HEALTH STANDARD¹**

**Submission by New Zealand to the
meeting of 15-16 November 1995**

Introduction

1. This paper describes the procedures that New Zealand has established for the negotiation of bilateral quarantine protocols with reference to plant products. The underlying criteria are as follows:

- to facilitate market access while protecting New Zealand's important agricultural sector from unwanted pests and diseases;
- to clarify the various procedures in bilateral market access negotiations so that both parties clearly understand each others obligations and responsibilities at various stages of the negotiations;
- to ensure that hazards associated with the importation of various plants are identified and the associated risks are assessed and managed to the extent possible in the exporting country;
- to reduce costs of compliance with regard to quarantine procedures; and
- to ensure consistency in the process of developing any new quarantine standards and to ensure that newly developed plant import health standards are consistent with New Zealand's international obligations.

General procedures for the development and implementation of a New Zealand Plant Import Health Standard

2. Annex 1 describes the different stages of bilateral negotiations from the time an application for market access is received to the stage of clearance of a product for entry into New Zealand. The sequence of exchange of information is as follows:

- (a) The first step in the bilateral negotiations on market access usually commences with a request from an exporting country for market access for a particular plant product;

¹Prepared by the New Zealand Ministry of Agriculture as an information paper to the Third Meeting of the WTO Committee on Sanitary and Phytosanitary Measures.

- (b) Upon receipt of such a request, the New Zealand National Plant Protection Organization (NZ Ministry of Agriculture) prepares a "Comprehensive List" of pests relevant to that plant product and forwards it to the exporting country's National Plant Protection Organization (NPPO) for its response;
- (c) The NPPO of the exporting country reviews the pest list provided by New Zealand to produce its country list of pests including any additional pests present in the country but not on the list prepared by New Zealand. The country pest list is submitted to the New Zealand NPPO for its consideration;
- (d) The New Zealand NPPO reviews the country list and categorizes them into *quarantine and non quarantine* pests. This information is used to determine the phytosanitary measures required to be met before the product is allowed to enter New Zealand. This is referred to as the Plant Import Health Standard. Typically a Plant Import Health Standard would list the general conditions for entry of plant products, pre-export inspection requirements, offshore quarantine requirements, country pest list, shipping/transit requirements, actions taken in the event of pest interception and post entry quarantine conditions;
- (e) The Draft Plant Import Health Standard is forwarded to the exporting country for consideration. If the exporting country accepts the standard it then has the responsibility to establish export certification systems and procedures to conform to the plant import health standards. The process of development of a plant import health standard may frequently involve multiple rounds of consultations and exchange of information before an import health standard is established. Once the standard is established it provides the basis for exports to commence;
- (f) Once trade has commenced New Zealand has a procedure for audit of the exporting countries' systems for compliance with the Import Health Standard and inspection of a sample of produce entering the country. If consignments comply with the Import Health Standard the product is released. If the audits/inspection indicate non conformance, offending consignments are treated, reshipped or destroyed depending on the consequences of the non conformance and this information is communicated to the relevant authorities in exporting country so that necessary corrective action can be taken. Once conformance has been confirmed, imports are re-established.

Summary

3. New Zealand has found it useful to systematize and make transparent the various processes involved in the development of plant import health conditions. It has enabled us to identify the responsibilities of the importing and exporting countries in the various stages of bilateral negotiations. At the same time the New Zealand authorities have been prepared to be flexible in their approach depending on the circumstances surrounding the application. The Bilateral Quarantine Agreements have been specifically developed to manage the risks associated with Fruit Fly offshore while facilitating trade from some of the South Pacific island nations. The essential criteria that we have tried to follow in the development of Plant Import Health Standards are:

- to ensure that the procedures established for bilateral exchanges are transparent;
- to manage the risk to the maximum extent possible offshore;
- to facilitate trade while protecting New Zealand from unwanted pests and diseases.

4. As indicated in the introduction, the purpose of this paper is to outline the procedures that New Zealand has followed in the development of bilateral quarantine protocols for the importation of plant products into New Zealand. We have found the procedures helpful in negotiating bilateral agreements for the import of plant products from a wide range of countries (see Annex 2).

Conclusions

5. It is not possible to generalize or mandate whether the burden of proof falls on one or other party to a bilateral negotiation. Each party is obligated to facilitate the exchange of information. The obligation on the exporting country to meet the standards of the importing country must be matched by the obligation on the importing country to specify the standards.

6. The clear specification of requirements by an importing country enables exporting countries to establish systems which minimize the risks to the importing country and has the opportunity to minimize the cost of managing those risks;

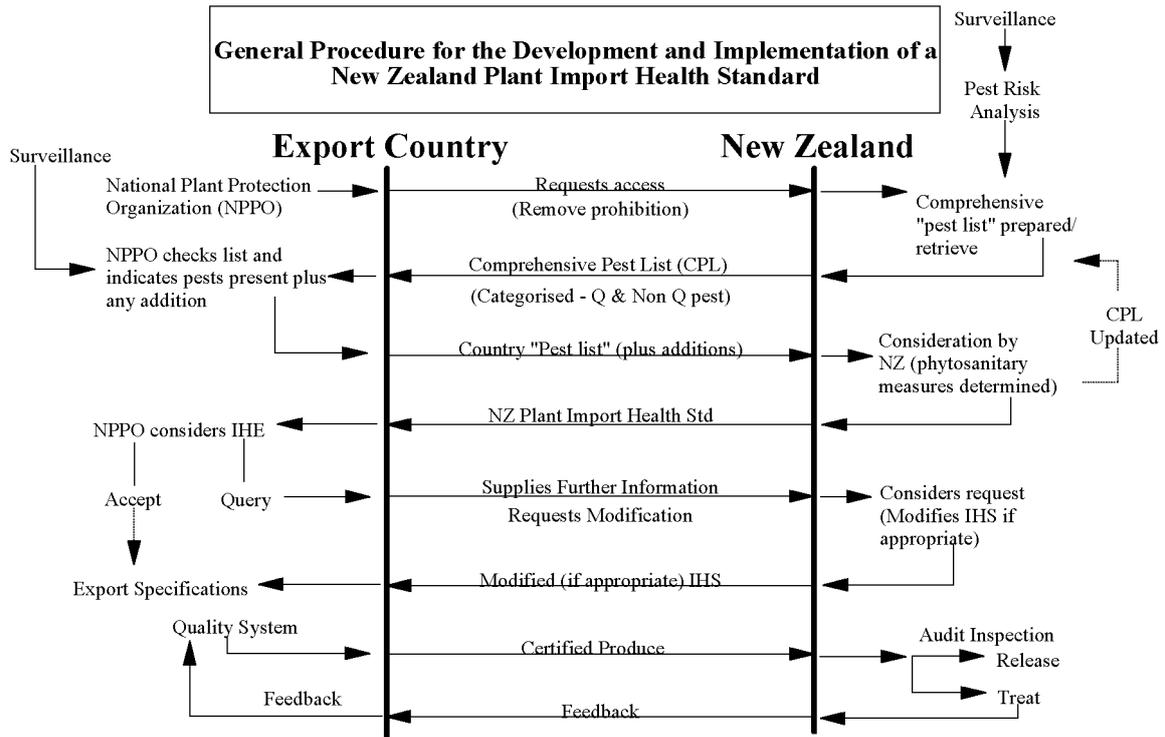
7. New Zealand has found that by providing technical assistance where necessary, a better level of risk management has been achieved than would have been possible with post entry inspection and treatments alone.

Recommendations

8. It is recommended that the Committee:

- (a) invite member countries to describe how they facilitate the exchange of information in their bilateral negotiations; and
- (b) consider whether a model framework can be developed from the reports of member countries.

Annex 1



2 November 1995

Annex 2

BILATERAL QUARANTINE AGREEMENTS

IN OPERATION

Australia	Apple, Avocado, Banana, Capsicum, Citrus, Cucumber, Eggplant, Grape, Honeydew melon, Pear, Rockmelon, Scallopini, Strawberry, Tomato, Watermelon, Zucchini
Chile	Grape, Stonefruit
Cook Islands	Banana, Eggplant, Plantain
Ecuador	Banana
Fiji	Banana, Chillie, Plantain
Japan	Apple
Mexico	Banana, Mango
New Caledonia	Eggplant, Lime, Pineapple, Strawberry, Tomato
Niue	Banana, Plantain
Panama	Banana, Plantain
Papua New Guinea	Pineapple
Peoples Republic of China	Ya pears
Philippines	Banana, Pineapples
Tonga	Banana, Eggplant, Plantain, Watermelon
Western Samoa	Banana, Plantain

UNDER DISCUSSION

Australia	Mango, Stonefruit
Fiji	Breadfruit, Capsicum, Jackfruit, Mango, Pawpaw, Tomatoes
French Polynesia	Citrus
Mexico	Apple, Avocado, Citrus, Grape, Melon, Peach, Pineapple, Plum

Norfolk Island	Area Freedom
The Netherlands	Capsicum
United States of America	Nectarine, Peach

SUSPENDED

Cook Islands	Pawpaw
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