Annex 17

**USA EDITS IN BLUE FONT**

CHAPTER 5.4.

**measures and procedures applicable ~~in~~ to the exportation of commodities**

**Category:** [addition, deletion, change, editorial, general]

General

**Proposed amended texts (or precise suggested deletion):**

Throughout this Article, the USA is unclear why the term operator was added without a definition provided. We believe that the word “operator” is incorrectly used throughout the chapter, except in two paragraphs.

**Rationale:**

The operator is usually the person moving a shipment. The Exporter is usually the one preparing the shipment for export.

**Supporting evidence:**

Article 5.4.1.

**Purpose and scope**

This chapter provides general principles for measures and procedures that are applicable ~~in~~ to the exportation of *commodities* to prevent the spread of pathogenic agents through *international trade* of *commodities*, without creating unjustified restrictions, covering from facilities of origin (such as *establishment*, *slaughterhouse*/*abattoir*, *semen collection centre*) to the *point of exit*.

This chapter provides *exporting countries* with recommendations on measures and procedures, and the roles and responsibilities of the *Veterinary Authority* or other relevant *Competent Authorities*~~,~~ and of ~~business operators~~ any natural or legal entity or person responsible for export of *commodities* subject to the provisions of this chapter (hereafter ‘operator’), in addition to responsibilities that are described in Article 5.1.3. This chapter provides guidance to ensure the quality and ~~performance~~ implementation of official controls for exportation.

This chapter applies to all *commodities*; some recommendations are specifically addressed to certain ~~of those~~ *commodities*.

Article 5.4.2.

**General considerations**

The *Veterinary Authority* of the *exporting country* should ~~ensure that~~ make operators aware of the *importing country* requirements, if they are available to the *Veterinary Authority* in accordance with Chapters 5.1. and 5.2. In addition, the *Veterinary Authority* should make operators aware of the process required to meet the conditions of the *international veterinary certificate* including *importing country* requirements. ~~including all information required for the agreed~~ *~~international veterinary certificate~~*~~, in accordance with Article 5.1.1. and Chapter 5.3., are available to exporters.~~

The *Veterinary Authority* ~~of the~~ *~~exporting country~~*should be responsible for the implementation ~~performance~~ of official controls in coordination with other relevant *Competent Authorities,* in accordance with *veterinary legislation,* to ensure that exported *commodities* ~~can be traded safely and~~ meet the ~~requirements of the~~ *importing country* requirements. ~~Its Their~~ Veterinary Authority’s legal mandate and responsibilities~~, as described in Article 3.4.5. and 3.4.13.,~~ should include the ~~export~~ official controls ~~activities~~ at any step in the export process and the opportunity to request from the operator ~~exporter~~ any necessary information. Where appropriate, the *Veterinary Authority* and other relevant *Competent Authorities* may delegate certain tasks ~~in accordance with point 2 of Article 3.4.5~~. Adequate human, technical, physical and financial resources should be available in the *exporting country* for the *Veterinary Services* to ~~allow those~~effectively implement official controls ~~to be undertaken effectively~~ and to properly apply the certification obligations and procedures laid down in Chapters 5.1. and 5.2., in accordance with the quality principles ~~described~~ in ~~Article~~ Chapter 3.2.~~2.~~

**Category:** [addition, deletion, change, editorial, general]

Change.

**Proposed amended texts (or precise suggested deletion):**

Please see text in blue above.

**Rationale:**

Grammatical edits: use of commas to set off phrase clarifying who is responsible for the legal mandate. Clarification regarding which official controls

**Supporting evidence:**

The *Veterinary Authority* should cooperate closely with the customs authority and other authorities of the *exporting country* dealing with exports to ensure that official controls are implement~~perform~~ed effectively~~,~~ and ~~to protect~~ maintain ~~the status~~ compliance of the *commodities* with *importing country* requirements ~~without creating unjustified barriers to trade~~. This cooperation should also cover actions to prevent and combat fraud or illegal pathways.

The *Veterinary Authority* should have procedures, as applicable, for certification of the *animal health status* of the country, *zone*, *compartment*, or *herd/flock* as well as of the disease situation in *establishments* and other premises and communicate with the operator ~~exporter~~ regarding any additional documentary evidence that may be required to support such certification.

The *Veterinary Authority* ~~in the~~ *~~exporting country~~*should ensure that the applicable certified *animal health status* of the country, *zone*, *compartment*, or *herd~~s~~/flock* ~~or~~ *~~animals~~*, is based on appropriate *surveillance* and reporting in accordance with Chapter 1.4.

The *Veterinary Authority* ~~in the~~ *~~exporting country~~*should have procedures for registration and approval of *establishments* of origin, where applicable, and other facilities used for production and handling of consignments, to comply with the ~~agreed~~ *international veterinary certificate*. Operators should not hinder access by the *Veterinary Authority* to the *commodities*, the premises where they are located and the *means* ~~by which they are transported~~ *of transport*. During official controls, operators should assist and cooperate with the *Veterinary ~~Authority~~**Services* and make available all information concerning the consignment.

The *Veterinary Authority* ~~of the~~ *~~exporting country~~*should ensure that appropriate identification of *commodities* is in place to support traceability for the consignment to comply with the ~~agreed~~ *international veterinary certificate*. *Animal identification* should be in accordance with Chapter 4.2. and Chapter 4.3.

Upon request from the *Veterinary Authority* of the *importing country* or from the *Veterinary Authority* of the *transit country*, the *Veterinary Authority* of the *exporting country* should provide additional information on the process to ensure compliance with the conditions included in the ~~agreed~~ *international veterinary certificate*, and undertake investigation and reporting, or~~and~~ give reasonable access for audit in case of repeated non-compliant consignments ~~jeopardising the safety of trade~~. The *Veterinary Authority* of the *exporting country* should ~~take~~ ensure that the ~~appropriate and necessary preventive measures to ensure that the status of the~~ *commodities* remain compliant~~is~~ ~~not jeopardised~~ before and during transport to the *point of exit*. The *exporting country* should suspend the export of a *commodity* when there is reason to believe that it may present a risk for animal and public health or ~~that~~ if it does not comply with the ~~agreed~~ *international veterinary certificate*.

The *Veterinary Authority* of the *exporting country* should promptly communicate to the *Veterinary Authority* of the *importing country*, any change or situation, such as a change of the *animal health status*, that may affect its capacity to ~~fulfil~~ certify the conditions of the ~~agreed~~ *international veterinary certificate*.

The *Veterinary Authority* of the *exporting country* should also inform without delay the *Veterinary Authority* of the *importing country*~~,~~ and, where necessary, the *transit country*~~,~~ in the event that a particular issue such as the occurrence of a *listed disease* or a disease referred to in the *importing country* requirements which may affect~~s~~ ~~the~~ compliance ~~status~~ of a *commodity* which has already left the *exporting country*. This information should be part of the relevant emergency response plan developed in accordance with Chapter 4.19.

In case of *animals*, operators should ensure that *animal welfare* is maintained throughout the export process in accordance with Section 7 as relevant.

The *Veterinary Authority* ~~of the~~ *~~exporting country~~* should carry out collaborative activities with other relevant *Competent* *Authorities*, customs, other authorities and operators, and with *Veterinary Authorities* in other countries, to control the risk posed by the illegal cross-border movement of *commodities*, i.e. the international movement of *commodities* done in a way to expressly and intentionally avoid official controls.

Article 5.4.3.

**General principles applicable to procedures for official controls for exportation**

1. Preparation for exportation

Operators~~Exporters~~ should ~~announce~~ inform the *Veterinary Authority* of their intention to ~~the~~ export ~~to the~~ *~~Veterinary Authority~~*sufficiently in advance ~~as~~ to meet the~~to~~ conditions of the ~~agreed~~ *international veterinary certificate* and the administrative requirements of the *exporting*, *transit* and *importing countries*.

Operators~~Exporters~~ should provide to the *Veterinary Authority* the~~as~~ required details of the consignment. The *Veterinary Authority* should outline to the operator~~exporter~~ the procedures, standards and timeframe for preparation of the consignment, and the documentary evidence required to demonstrate compliance with these requirements. Where relevant, the *Veterinary Authority* should identify eligible bodies or officers for the implementation~~performance~~ and certification of procedures specified in the ~~agreed~~ *international veterinary certificate*.

The operator~~exporter~~ and the *Veterinary Authority* should coordinate the implementation, and its documentation, of the conditions of the ~~agreed~~ *international veterinary certificate*. Implementation of these conditions and its documentation should be in accordance with the procedures and standards communicated by the *Veterinary Authority* of the *exporting country* and will form the basis upon which the *Official Veterinarian* will issue the *international veterinary certificate* for the consignment.

The *Veterinary Authority* should ensure that the facilities and operational procedures required for isolation of *animals* or processing of products comply with the conditions of the ~~agreed~~ *international veterinary certificate*, which may ~~including~~ include registration, approval, and inspection, in accordance with ~~Chapters 4.6., 4.7. and 5.7. or other~~ relevant chapters of the *Terrestrial Code*.

Testing of *commodities* required to fulfil the conditions of the ~~agreed~~ *international veterinary certificate* should be in accordance with Article 3.2.10. and with the *Terrestrial Manual*. The *Veterinary Authority* should define and communicate to the operator~~exporter~~ the procedures for sample collection, identification and submission, the list of *~~approved~~ laboratories* and the *approved* diagnostic tests.

The *Veterinary Authority* should define and communicate to the operator~~exporter~~ the procedures for *vaccination* and treatment if required to fulfil the conditions of the ~~agreed~~ *international veterinary certificate*. The operator~~exporter~~ should arrange for *vaccination* or treatment of *animals*, noting timeframes relevant to the scheduled date of exportation. *Vaccination* and treatment of *animals* should use *veterinary medicinal products* registered or allowed in the *exporting country*, in line with the conditions of the ~~agreed~~ *international veterinary certificate*.

The *Veterinary Authority* should define and communicate to the operator~~exporter~~ the standards and procedures for *disinfection* of and ~~disinsection~~ elimination of arthropod *vectors* from~~of~~ *~~vehicles~~*~~/vessels~~the *means of transport* and *containers* in accordance with Chapter 4.14., if required to fulfil the conditions of the ~~agreed~~ *international veterinary certificate*.

**Category:** [addition, deletion, change, editorial, general]

General

**Proposed amended texts (or precise suggested deletion):**

None. The use of the term “operator” is only correctly used in the paragraph above and below.

**Rationale:**

**Supporting evidence:**

In the case of *animals*, ~~T~~the operator~~exporter~~ should also be able to provide to the *Veterinary Authority* a *journey* travel ~~transport~~ plan ~~from the~~ *~~point of exit~~* ~~in the~~ *~~exporting country~~* ~~to the point of~~ *~~unloading~~* ~~in the~~ *~~importing country~~*~~. In the case of animals, it should be~~ in accordance with ~~Chapters 7.2., 7.3. or 7.4.~~Section 7, and in compliance with *importing country* requirements as relevant.

**Category:** [addition, deletion, change, editorial, general]

General

**Proposed amended texts (or precise suggested deletion):**

None. The use of the term “operator” is only correctly used in the two paragraphs above.

**Rationale:**

The Exporter is the one preparing the shipment for export.

**Supporting evidence:**

2. Procedures of exportation

a) Verification and certification

The ~~operatorexporter~~ exporter should cooperate with the *Veterinary Authority* to demonstrate that the conditions of the ~~agreed~~ *international veterinary certificate* have been met and that the consignment is eligible for certification and export. The operator~~exporter~~ should provide all documentary evidence of compliance with the *importing country* requirements ~~conditions of the agreed~~ and *international veterinary certificate* as required by the *Veterinary Authority*, including an import permit where appropriate. There should be clear traceability and linkage, at every stage of preparation of ~~animals and~~ *~~animal product~~commodities*, to the final consignment presented for export, as relevant to fulfil the conditions of the ~~agreed~~ *international veterinary certificate*.

**Category:** [addition, deletion, change, editorial, general]

Change.

**Proposed amended texts (or precise suggested deletion):**

Please see text in blue above.

**Rationale:**

The exporter is the person responsible for preparing the shipment and the operator is the person hauling the shipment.

**Supporting evidence:**

The *Official Veterinarian* should review the preparation of the export consignment to confirm that *commodities* ~~animals and~~ *~~animal products~~*have been clearly identified at every stage of their preparation, that the consignment complies with the conditions of the ~~agreed~~ *international veterinary certificate* and is in accordance with Chapters 5.1. and 5.2. of the *Terrestrial Code*. The *Official Veterinarian* should also review ~~all transport arrangements~~ the *journey* travel plan for ~~the~~ consignments of *animals* to ensure it ~~they~~ ~~support~~ maintains~~enance~~ compliance. ~~of the~~ *~~commodity~~*~~’s status and~~ *~~animal welfare~~*~~.~~

Once satisfied that preparations and *journey* travel plans ~~transport arrangements~~ are appropriate and that the consignment is eligible for certification and export, the *Official Veterinarian* should issue the *international veterinary certificate*.

**Category:** [addition, deletion, change, editorial, general]

Addition.

**Proposed amended texts (or precise suggested deletion):**

Please see text in blue above.

**Rationale:**

Editorial.

**Supporting evidence:**

b) Domestic transportation of commodities

The *Veterinary Authority* should collaborate with other relevant authorities and stakeholders to ensure that management of the consignment ~~pre-export~~ before and during transport is consistent with ~~agreed~~ established processes and standards.

The operator~~exporter~~ should ensure that the assembly, *loading* and crating of *animals* or other *commodities* is appropriate to maintain compliance with the *importing country* requirements~~preserving the status~~ and *animal welfare* of the consignment from the *place of shipment*, including adequate *disinfection* of and ~~disinsection~~ elimination of arthropod *vectors* from~~of~~ the *~~vehicle~~*~~/~~*~~vessel~~means of transport* and *container*.

~~The~~ *~~Veterinary Authority~~* ~~in the~~ *~~exporting country~~* ~~may require health and welfare inspection of consignments of~~ *~~animals~~* ~~at the~~ *~~point of exit~~*~~, which includes the possibility to deny permission to export if concerns are identified.~~

**Category:** [addition, deletion, change, editorial, general]

Deletion.

**Proposed amended texts (or precise suggested deletion):**

Please see text in blue above.

**Rationale:**

Duplicative of last sentence of Article 5.4.4 part 1.

**Supporting evidence:**

Article 5.4.4.

**Specific recommendations depending on commodities**

1. Animals

~~In the case of animals, the~~ *~~Veterinary Authority~~* ~~should ensure that~~ *~~animal welfare~~* ~~is maintained throughout the whole process of exportation, in accordance with Chapters 7.1., 7.2., 7.3. and 7.4. as relevant.~~

The ~~operatorexporter~~ exporter should ensure that *~~vehicles~~*~~/~~*~~vessels~~means of transport* used for transportation of *animals* throughout the ~~whole~~ export process ~~of exportation~~ undergo adequate *disinfection*, and that measures are implemented to prevent and control vermin such as rodents or arthropods. These measures should be applied before every *loading* of *animals*. *~~Vehicles~~*~~/~~*~~vessels~~Means of transport* should contain only *animals* of the same health status except where adequately separated.

*Containers* should be either new or cleaned and disinfected before every *loading* of *animals*, in accordance with Chapter 4.14.~~, or be for single use~~

The *~~Veterinary Authority~~ ~~operator~~* *Veterinary Authority* should ensure that, before leaving the *exporting country*, consignments of *animals* ~~should be~~are subjected to a visual examination, at an appropriate place and time according to the procedures of the *exporting country* and the ~~agreed~~ *international veterinary certificate* ~~and the requirements of the~~ *~~exporting country~~*. It should be ensured that, from the time of this visual inspection until the time of leaving the *exporting country*, the *animals* in the consignment are not in contact with other *animals* of a different health status.

**Category:** [addition, deletion, change, editorial, general]

Change.

**Proposed amended texts (or precise suggested deletion):**

Please see text in blue above.

**Rationale:**

The actions described in the paragraph above are the responsibility of the Veterinary Authorities, not an operator.

**Supporting evidence:**

The *Veterinary Authority* ~~in the~~ *~~exporting country~~*may require welfare inspection of consignments of *animals* at the *point of exit*. Such inspections should be supported by *veterinary legislation*, which should also ascribe authority to deny permission to export if *animal welfare* concerns are identified.

2. Germinal products

Consignments of *germinal products* should be packed, dispatched, and transported in a way that preserves the viability and integrity of the products.

Consignments of *hatching eggs* should be dispatched from parental *flocks* that meet the conditions of the ~~agreed~~ *international veterinary certificate*. *Containers* should be either new or cleaned and disinfected before everyuse, in accordance with Chapter 4.14.

Cryogenic tanks for semen, oocytes or~~,~~ embryos should be dispatched from *semen collection centres* or *collection centres* that meet the conditions of the ~~agreed~~ *international veterinary certificate*. They should be single-use cryogenic tanks or be cleaned and disinfected before use in accordance with Chapter 4.14. and use new liquid nitrogen.

Consignments of semen, oocytes or~~,~~ embryos~~,~~ should be identified in accordance with the relevant recommendations of Chapters 4.6. to 4.11.

The *Veterinary Authority* should ensure that, before leaving the *exporting country*, consignments of *germinal products* ~~be~~are subjected to a visual examination and documentary check and cryogenic tanks for semen, oocytes or~~,~~ embryos ~~be~~are sealed and marked, according to the procedures of the *exporting country* and the ~~agreed~~ *international veterinary certificate* ~~and the requirements of the~~ *~~exporting country~~*.

3. Animal products

*Containers* used for transporting *animal products* should be suitable for the type of product, protect the *animal products* from damage or contamination, and fulfil the conditions of the procedures of the *exporting country* and the ~~agreed~~ *international veterinary certificate* ~~and the requirements of the~~ *~~exporting country~~*.

The *Veterinary Authority* should ensure that adequate measures are taken to clean and, where necessary after cleaning, to disinfect before use, *containers* and *means of transport*~~ation~~ in accordance with Chapter 4.14., particularly when conveying or transporting unpacked materials.

The *Veterinary Authority* should ensure that, before leaving the *exporting country*, consignments of *animal products* ~~should be~~are subjected to a visual examination and documentary check, according to the procedures of the *exporting country* and the ~~agreed~~ *international veterinary certificate* ~~and the requirements of the~~ *~~exporting country~~*.

Article 5.4.5.

**~~Emergency p~~Planning for unexpected events**

~~The~~ *~~Veterinary Authority~~* ~~should develop a plan to address the occurrence within the~~ *~~exporting country~~* ~~after the~~ *~~commodities~~* ~~have been exported, of a~~ *~~listed disease~~* ~~or a disease referred to in the~~ *~~importing country~~* ~~requirements, which may have impacted the status of the exported~~ *~~commodities~~*~~. The~~ *~~Veterinary Authority~~* ~~should be guided by~~ *~~importing country~~* ~~requirements in implementing the plan.~~

The *Veterinary Authority* should ensure that the operator~~exporter~~ develops a plan to address ~~emergencies~~ unexpected events which may impact the compliance~~status of the~~ *~~commodities~~* with *importing country* requirements and *animal welfare* recommendations in Section 7.  ~~being exported~~, ~~failure of transport arrangements,~~ The plan should address concerns such as deviation from the *journey* plan, failure to reach the *transit* or *importing country,* or rejection of the consignment by them*~~transit~~* ~~or~~ *~~importing country~~*. The ~~emergency~~ plan may be generic or specific to each consignment. ~~and should focus on preserving the status of the consignment~~ ~~and~~ *~~animal welfare~~* ~~in accordance with Chapters 7.2., 7.3. and 7.4.~~

The ~~emergency~~ plan should identify responsibility for development and communication of alternative transport arrangements when necessary. The relevant *Competent Authority* in the *exporting*, *transit* and *importing countries* should be consulted as appropriate by the operator regarding revised transport arrangements to assess the implications for the compliance~~status of the~~ *~~commodities~~* with *importing country* requirements and *animal welfare* recommendations. ~~The~~ *~~Veterinary Authority~~* ~~in the~~ *~~exporting country~~* ~~should be consulted on alternative transport arrangements for consignments of~~ *~~animals~~* ~~to ensure that~~ *~~animal welfare~~* ~~is preserved.~~

~~The emergency plan should include procedures for managing exported consignments that fail to reach the designated~~ *~~transit~~* ~~or~~ *~~importing countries~~* ~~or are rejected by them.~~

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_