Annex 19

**USA EDITS IN BLUE FONT**

CHAPTER 5.6.

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

Article 5.6.1.

**Purpose and scope**

This chapter provides general principles for measures and procedures that are applicable to ~~in~~ the importation of *commodities* to prevent the spread of pathogenic agents through *international trade* of *commodities*, without creating unjustified restrictions, covering from ~~the time of~~ arrival at the *point of entry* ~~border of~~in the *importing country* until clearance of *commodities*.

This chapter provides *importing countries* with recommendations on measures and procedures, and the roles and responsibilities of the *Veterinary Authority* and other relevant *Competent Authorities*~~,~~ and of any natural or legal entity or person responsible for import of *commodities* subject to the provisions of this chapter ~~business operators~~(hereafter ‘operator’), in addition to responsibilities that are described in Article 5.1.2. This chapter provides guidance to ensure the quality and implementation~~performance~~ of official controls for importation. This chapter not only covers legal importation, but also provides general recommendations for illegal or informal entry of commodities.

~~The~~ *~~animal health status~~* ~~of the~~ *~~importing country~~* ~~or~~ *~~zone~~* ~~is not affected by the presence of disease or infection in imported animals in a~~ *~~quarantine centre~~* ~~or at a~~ *~~border inspection post~~*~~.~~

Article 5.6.2.

**General considerations**

The *Veterinary Authority* or other relevant *Competent Authorities* of the *importing country* should ensure that the *importing country* requirements, which may be included in ~~ing~~ *international veterinary certificates*, ~~and~~ as well as up-to-date information relevant to the import procedures, including a list of the *border inspection posts* designated for the import and transit of those *commodities,* are made available to operators and to the *exporting countries*.

The *Veterinary Authority* or other relevant *Competent Authorities* ~~of the~~ *~~importing country~~*should be responsible for the ~~performance~~ implementation of official controls in accordance with *veterinary legislation* to ensure that ~~imported~~ *commodities* can be safely imported. ~~Its~~ Their legal mandate and responsibilities~~,~~ ~~as described in Articles 3.4.5. and 3.4.13.,~~ should include the ~~import~~ official controls ~~activities~~ at any step and the possibility to request from the operator~~importer~~ any necessary information. Where appropriate, the *Veterinary Authority* or 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 *importing country* for the *Veterinary Services* to effectively implement~~perform~~ official controls ~~inspection~~ in accordance with the quality principles ~~described~~ in ~~Article~~ Chapter 3.2~~.2~~.

An *importing country* may require adequate advance notice or approval regarding the date of entry of *commodities* into its territory ~~of~~ *~~commodities~~*, stating the type of *commodity*, species, quantity, means of transport and the *border inspection post* to be used.

~~The~~ *~~Veterinary Authority~~* ~~or other~~ *~~Competent Authorities~~* ~~when relevant, should perform o~~Official inspections should be implemented ~~in accordance with Article 3.2.12.~~ regularly, on a risk basis and with appropriate frequency to ensure compliance with the *importing country* requirements. By way of derogation, the *Veterinary Authority* or other relevant *Competent Authorities* may exempt from the inspection~~,~~ *safe commodities* or *commodities* posing a negligible risk and for which inspection is not considered necessary.

*Biosecurity* should be applied to prevent transmission of pathogenic agents from *commodities* throughout the import process.

An *importing country* may prohibit the ~~introduction~~ entry into its territory of a consignment of *commodities* not complying with the *importing country* requirements.

Operators~~Importers~~ should be aware of the *importing country* requirements and import procedure before the importation and inform~~announce~~, in advance, to the relevant *Competent Authorities* the arrival of consignments at the *border inspection post*, in accordance with *importing country* requirements. Operators~~Importers~~ should ensure that *commodities* are presented for official controls ~~inspection~~ at the *border inspection post*, together with the original ~~official~~ *international veterinary certificates* or documents, or digital equivalents, which are required to accompany the consignments.

In case of *animals*, operators~~importers~~ should ensure that *animal welfare* is maintained throughout the ~~whole~~ import process ~~of importation,~~ in accordance with ~~Chapters 7.1., 7.2., 7.3. and 7.4.~~Section 7 as relevant.

The *Veterinary Authority* ~~of the~~ *~~importing 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. international movement of *commodities* done in a way to expressly and intentionally avoid official controls.

Article 5.6.3.

**General principles applicable to procedures for ~~import~~ official controls for importation**

*Veterinary Authority* or other relevant *Competent Authorities* should ~~take~~ control ~~of~~ the imported *commodities* to ~~decide~~ determine whether ~~or not~~ the consignment complies with the *importing country* requirements.

~~Import~~ Official controls should be ~~performed~~ implemented at an appropriate place which might include a *border inspection post*, a point of entry, *quarantine centre*, the place of destination, or premises of the operator responsible for the consignment. The consignment should remain under the control of the *Veterinary Authority* or other relevant *Competent Authorities* untilformal clearance.

In case of emergency, ships and aircraft~~s~~ may be granted access to a port or airport ~~which~~ that are not their intended destination. In those cases, they should be subjected to the animal health and *animal welfare* measures which the *Veterinary Authority* or other relevant *Competent Authorities* may consider necessary based on the potential risk.

1. Official inspection

Where official inspections of *commodities* are ~~performed~~ implemented, they should always include a documentary check and, depending on the risk to human and animal health and *animal welfare,* should also include identity checks and physical inspection~~checks~~*.* When the *Veterinary ~~Authority~~* ~~or other~~ *~~Competent Authorities~~Services* need~~s~~ ~~to have~~ full access to the consignment for the purpose of identity checks or physical inspection, consignments should be partially or fully unloaded from the means of transport.

1. Documentary check

A documentary check should be implement~~perform~~ed on all consignments presented for official controls ~~inspection~~ to ensure that they meet the *importing country* requirements.

A ~~D~~documentary check should include examination of the *international veterinary certificate*, and possibly of laboratory reports or other documents, including those of a commercial nature, which are required to accompany the consignment.

When implementing~~performing~~ a documentary check, the *Veterinary ~~Authority~~* ~~or other~~ *~~Competent Authorities~~Services* should inspect the required documents, in original or their digital equivalents as agreed between the *importing* and *exporting country*, to ensure that:

1. the *international veterinary certificate* has been issued by the *Official Veterinarian* of the *exporting country*; complies with relevant principles set out in Article 5.2.3. and corresponds as relevant to the model ~~established~~ agreed between the *exporting* and ~~by~~ the *importing country* for that *commodity* and intended use~~, based on Chapters 5.10. to 5.13.~~; and
2. the information contained in the checked documents complies with the *importing* *country* requirements.
3. Identity check

An i~~I~~dentity check should be implement~~perform~~ed upon arrival of the consignment at the point of inspection, as a visual inspection to verify that the content and the labelling of a consignment, including the identification of *commodities*, seals and means of transport, correspond to the information declared in the *international veterinary certificate* and accompanying documents.

The frequency of identity checks, the quantity of *commodities* to be inspected as well as the criteria for ~~sampling~~ selection for checking should be determined by the *Veterinary Authority* or other relevant *Competent Authorities* ~~of the~~ *~~importing country~~*based on *risk assessment*.

1. Physical inspection

Physical inspection should include, as appropriate:

i) clinical examination of ~~an~~ *animals* for evidence of ~~transmissible~~ diseases and *animal welfare* issues

~~ii) and~~ physical checks of *animal products* and *germinal products*,

~~iii) and, as appropriate,~~ checks on packaging and labelling,

iv) checks on the means of transport~~, labelling~~ and temperature records,

~~v) the~~ sampling for analysis, testing or diagnosis, and

vi) any other checks required by the *Veterinary* *Authority* or other relevant *Competent* *Authorities* to verify compliance with the *importing country* requirements.

The frequency of physical inspection, the quantity of *commodities* to be inspected as well as the criteria for ~~sampling~~ selection for physical inspection should be determined by the *Veterinary Authority* or other relevant *Competent Authorities* ~~of the~~ *~~importing country~~*based on *risk assessment*, and considering the following:~~.~~

i) For a~~A~~nimals

The *~~Veterinary Authority~~* ~~or other~~ *~~Competent Authorities~~* ~~of the~~ *~~importing country~~* ~~should determine the~~ number of *animals* to be clinically examined should be determined in accordance with the overall number of *animals* in the consignment and the declared purpose of the *animals*;~~, which~~ it may be increased if the physical checks carried out have not been satisfactory.

In some cases, such as ~~F~~for *animals* ~~that are not required to be identified individually and animals~~ considered to be dangerous, clinical examination ~~should~~ could consist of observation of the state of health and behaviour of the entire group or of a representative number of *animals*.

If the clinical examination reveals an anomaly, a more thorough clinical examination may be carried out, including sampling and testing, where appropriate.

ii) ~~Germinal~~ For germinal products

~~The~~ *~~Veterinary Authority~~* ~~or other~~ *~~Competent Authorities~~* ~~should carry out~~ Physical checks of the consignment should be carried out to verify the compliance of labelling and the transport conditions with *importing country* requirements~~,~~ including, when relevant, temperature records ~~when relevant~~ and the integrity of the seals, packaging material and cryogenic tanks.

~~The~~ *~~Veterinary Authority~~* ~~or other~~ *~~Competent Authorities~~* ~~of the~~ *~~importing country~~* ~~should determine the number of items to be checked, which may be increased if the checks carried out have not been satisfactory.~~

~~The~~ *~~Veterinary Authority~~* ~~or other~~ *~~Competent Authorities~~* ~~may carry out physical checks to verify that the labelling complies with~~ *~~importing country~~* ~~requirements.~~

Physical inspection may include laboratory testing of the *germinal products*.

If the physical checks reveal an anomaly, a more thorough inspection may be carried out.

iii) For ~~A~~animal products

~~The~~ *~~Veterinary Authority~~* ~~or other~~ *~~Competent Authorities~~* ~~should carry out p~~Physical checks of the consignment should be carried out to verify the compliance of labelling and the transport conditions with *importing country* requirements, including temperature records when relevant and the integrity of the packaging material and seals.

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

Editorial.

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

Please see text in blue above.

**Rationale:**

Capitalize the first letter of a sentence.

**Supporting evidence:**

~~The~~ *~~Veterinary Authority~~* ~~or other~~ *~~Competent Authorities~~* ~~may carry out physical checks to verify that the labelling complies with~~ *~~importing country~~* ~~requirements.~~

Physical inspection may include sensory examination and laboratory testing of the *animal products*.

If the physical checks reveal an anomaly, a more thorough inspection may be carried out.

1. Sampling and testing

Sampling and testing of imported *commodities* ~~with a view~~ to check~~ing~~ compliance with the ~~health~~ *importing country* requirements ~~laid down in the~~ *~~international veterinary certificate~~*~~,~~ may be implement~~perform~~ed following a risk-based sampling plan or upon suspicion of non-compliance resulting from the documentary, identity or physical checks of *commodities,* without creating unjustified barriers to trade. Testing should be implement~~perform~~ed in a~~n~~ *~~approved~~* *laboratory*.

The *Veterinary Authority* or other relevant *Competent Authorities* may develop a risk-based sampling plan for imported consignments, that should specify the percentage of consignments to be sampled, taking into account the *animal health status* of the *importing* and *exporting country*, the species concerned, the nature and declared purpose of the *commodities*, the number of incoming consignments and the results of previous sampling.

Where no immediate danger to animal health or public health is suspected from *commodities* sampled in accordance with a sampling plan, a consignment may be released before the results of laboratory tests are available. A traceability system should be in place to recall commodities if needed.

1. Sanitary measures at import

To meet the *importing country* requirements, in addition to the *sanitary measures* implemented in the *exporting countries*, the *Veterinary Authority* or other relevant *Competent Authorities* ~~of~~ *~~importing country~~*may require *sanitary measures* to be implemented at importation before release of the *commodities* from official controls. Measures may include *disinfection* of and ~~disinsection~~ elimination of arthropod *vectors* from~~of~~ *~~vehicles~~*~~/~~*~~vessels~~means of tranport* and *containers* used in the transportation and *unloading* of *commodities*, in accordance with Chapter 4.14.

In the case of *animals*, measures may include *vaccination*, treatment or isolation. In the case of other *commodities*, measures may include a holding period or the application of physical or chemical treatment.

1. Release of consignments

Based on the implement~~perform~~ed ~~import~~ official controls, the *Veterinary Authority* or other relevant *Competent Authorities* ~~of~~ *~~importing countries~~*should decide whether the consignment complies with the *importing country* requirements.

When the decision is made that the consignment complies with the *importing country* requirements and has been cleared for release, the *Veterinary Authority* or other relevant *Competent Authorities* should notify the operator~~importer~~ and the information should be made available to the customs authorities.

Article 5.6.4.

**Further action for non-compliant commodities**

*Commodities* identified as non-compliant based on the implement~~perform~~ed ~~import~~ official controls should not be released by the *Veterinary Authority* or other relevant *Competent Authorities* and should be ~~isolated~~ detained under appropriate conditions including isolation for *animals*, pending further decision ~~by the~~ *~~Competent Authority~~*.

Depending on the type of *commodity* and the *risk* the *commodity* represents to human and animal health, and environment, or for~~due to~~ *animal welfare* reasons, the *Veterinary Authority* or other relevant *Competent Authorities*~~,~~ should identify the options for the disposition of the *commodities* and notify the operator~~importer~~. Disposition of *commodities* may include:

a) re-dispatching the *commodity* back to the *exporting country* or another country, with the agreement of the receiving *Competent Authority*;

b) subjecting the *commodity* to treatment or to other risk mitigation measures necessary to allow importation;

c) *killing* and disposal of *animals*, or destruction of other *commodities*.

Any action applied to consignments of *animals* should comply with ~~Chapters 7.1. and 7.6.~~the relevant provisions of Section 7.

The *Veterinary Authority* or other relevant *Competent Authorities* of the *importing country* should notify any decision and reasons to refuse entry of a *commodity* to the customs authorities and are encouraged to communicate it to the *Veterinary Authority* of the *exporting country*. Where appropriate, the *Veterinary Authority* of the *exporting country* should be given the opportunity to explain the situation in an attempt to have the consignment released.

Following decisions taken in relation to non-compliant *commodities*, the *Veterinary Authority* or other relevant *Competent Authorities* should supervise the effective disposition of the *commodities* and apply measures to prevent the introduction into the country of *commodities* which have been refused import, and the reuse of the *international veterinary certificate* that accompanied the consignment.

The *Veterinary Authority* or other relevant *Competent Authority* of the *importing country* should inform the *exporting country* of any case of a *listed disease* or disease referred to in the *importing country requirements* in a consignment of *animals*.

Article 5.6.5.

**~~Emergencyp~~Planning for unexpected events**

~~The~~ *~~Veterinary Authority~~* ~~or other~~ *~~Competent Authorities~~* ~~of the~~ *~~importing country~~* ~~should develop a plan to address the occurrence, within the~~ *~~exporting country~~* ~~after the~~ *~~commodities~~* ~~have been exported or within the~~ *~~transit country~~* ~~after the~~ *~~commodities~~* ~~have transited, 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~~* ~~or other~~ *~~Competent Authorities~~* ~~may also develop a plan to address the occurrence of a~~ *~~listed disease,~~* ~~or a disease referred to in the~~ *~~importing country~~* ~~requirements, within the~~ *~~importing country~~* ~~before the animals have been released.~~

The *Veterinary Authority* or other relevant *Competent Authorities* should ensure that the operator~~importer~~ develops a plan to address unexpected events ~~emergencies~~ which may impact the compliance~~status of the~~ *~~commodities~~* with *importing country* requirements~~being imported, and non-compliant~~ *~~commodities~~* ~~described in Article 5.6.4~~. The ~~emergency~~ plan may be generic, or specific to each consignment, and should focus on preventing the introduction to the *importing country* of a *listed disease* or a disease referred to in the *importing country* requirements*,* and on *animal welfare* recommendations in ~~accordance with~~ Section 7~~Chapters 7.2., 7.3. and 7.4~~. The ~~emergency~~ plan should identify responsibility and include procedures for actions taken for non-compliant *commodities* described in Article 5.6.4.

Article 5.6.6.

**General recommendations applicable to ~~vehicles/vessels~~means of transport and containers that transported infected animals**

*~~Vehicles~~*~~/~~*~~vessels~~Means of transport* and *containers* that transported *animals* found to be infected with a pathogenic agent of a *listed disease* or a disease referred to in the *importing country* requirements should be considered ~~as~~ contaminated, and the *Veterinary Authority* or other relevant *Competent Authorities* should apply the following measures as appropriate to the risk:

a) treatment or safe disposal of the litter, forage and any other potentially contaminated material,byits removal from the *~~vehicles~~*~~/~~*~~vessels~~means of transport* and *containers* for immediate transportation to an establishment assigned in advance, where the animal health measures required by the *importing country* should be strictly applied;

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

Editorial.

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

Please see text in blue above.

**Rationale:**

Correction of a spelling error.

**Supporting evidence:**

b) *disinfection* of all parts of the *~~vehicles/vessels~~means of transport* and *containers* which were used in the transport, feeding, watering, moving and *unloading* of the *animals,* as well as all baggage of travelling attendants, in accordance with Chapter 4.14.;

c) ~~disinsection~~ elimination of arthropod *vectors* from *~~of~~ ~~vehicles/vessels~~means of transport* and *containers* in case of *vector* disease.

Article 5.6.7.

**General principles applicable to disposal of international catering waste**

International catering waste is a high-risk category of product and should therefore be subject to strict controls to minimise the risk of introduction of pathogenic agents.

The *Veterinary Authority* or other relevant *Competent Authorities* should ensure that all international catering waste entering the country from the international means of transport is handled, collected and disposed of in a way to minimise the risk of introduction of pathogenic agents.

Article 5.6.8.

**General recommendations on measures to address identified illegal movement of commodities at border inspection posts**

To control the *risks* posed by illegal cross-border movement at *border inspection posts*, the *Veterinary Authority* or other relevant *Competent Authorities* should coordinate and cooperate closely with the customs authority to ensure that the official controls ~~inspection of~~ for *commodities* entering the country are~~is~~ implement~~perform~~ed in accordance with the rules of this chapter and national legislation, including when fraud is suspected.

For that purpose, the *Veterinary Authority* or other relevant *Competent Authorities* should ensure the timely exchange with the customs authority, including via electronic means, of information and decisions made relevant to the organisation and conduct of their respective activities for *commodities* entering the country. The *Veterinary Authority* or other relevant *Competent Authorities* should collaborate with the customs authority to ensure immediate notification to the *Veterinary Authority* or other relevant *Competent Authorities* if~~of circumstances where a declaration is submitted to the customs authority for~~ a consignment of those categories of *commodities* that should be subject to official ~~inspection~~ control but with no evidence of an official ~~inspection~~ control having been conducted.

The *Veterinary Authority* or other relevant *Competent Authorities*, in collaboration with the customs authorities, should have practical arrangements in place to ensure ~~the~~ implementation of the measures described in Article 5.6.4. in case of detection of illegal cross-border movement of *commodities* at a *border inspection post*.

Article 5.6.9.

**General recommendations on measures to address identified informal or illegal movement of commodities outside border inspection posts**

To control the *risks* posed by the illegal cross-border movement of *commodities* outside of *border inspection posts*, the *Veterinary Authority* or other relevant *Competent Authorities* should:

1) coordinate with border authorities (police, customs, transport, immigration) to provide technical support for identification of illegal cross border movement of *commodities*;

2) develop and implement practical mechanisms to address informal or illegal cross border movement of *commodities* ~~and implementation thereof~~ in close collaboration with border authorities.

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