

Australian Government
Department of Agriculture

ISPM 15 Compliance in Australia

Peter Creaser, Director, Grain and Seed Exports Program
Beijing, June 2014

Non-Compliance: Imports

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Overview

- Since January this year, the Australian IPPC contact point has received notification of 24 ISPM 15 related non-compliances for imports into Australia.
- Live insects in wood packaging and the incorrect use of the ISPM 15 mark are the most common types of non-compliance.
- The types of commodities that accompany the wood packaging material are mostly used for construction or electrical applications.

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Number of non-compliances reported to NPPO 2009-2014

Category	2009	2010	2011	2012	2013	2014
Extra mark	180	70	20	10	5	5
ISPM 15	70	80	60	40	30	20
Directional	80	50	40	30	20	10
Treatment	30	40	20	10	5	5
Documentation	80	70	50	40	30	20
Post-intervention	40	50	40	30	20	10

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Number of ISPM 15 non-compliance reported to NPPO 2009 to 2014

Year	Number of Non-compliances
2009	66
2010	78
2011*	18
2012	59
2013	42
2014**	24

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Compliance checks for ISPM 15

- ✓ Import broker accreditation schemes (trained to government requirements)
- ✓ Quarantine approved premises (trained staff at receiving depots)
- ✓ Documentary assessment
- ✓ General Inspection and specific commodity work instructions
- ✓ Direction for full inspection if documents not compliant
- ✓ Cargo compliance verification surveys (target 1-5% of goods)
- ✓ Routine commodity inspections also look at packaging
- ✓ General surveillance of landed goods and packaging on wharf

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What happens with non-compliant goods?

- ✓ Reports to the ACPPPO in cases of system failures
- ✓ Reported to exporting country NPPO
- ✓ Wood packaging destroyed, returned or treated if there are biosecurity concerns
- ✓ Supplier/importer profiles are developed
- ✓ Full unpack & inspections for next five consignments
- ✓ Targeted surveys and profiles as required for emerging issues and trends ie. imports considered high risk

What is happening now?

- ✓ Continued monitoring on:
 - High risk import pathways
 - High risk commodities
 - High
- ✓ Database, systems and legislation being upgraded to better capture and report biosecurity incidents.
- ✓ Better records and reports will capture more specific data on ISPM 15 non-compliance

Non-Compliance: Exports



Overview

- The Department of Agriculture receives only up to four non-compliance export notifications each year.
- Majority of these notifications are due to no ISPM 15 mark on the wood packaging material.

Responding to ISPM 15 Non-Compliances

1. Notification from country NPPO on non-compliance received by the Department of Agriculture IPPC Secretariat.
2. Details of non-compliance entered into the NPPO non-compliance database.
3. The NPPO non-compliance for ISPM 15 is allocated to the relevant program area to determine appropriate course of action.
4. Outcome entered into the non-compliance record to finalise the entry in the database.
5. The country NPPO is notified on the course of action undertaken and exporter explanation for non compliance.

Unapproved use of the ISPM 15 mark

- The IPPC certification symbol is a registered trade mark in Australia.
- The Department of Agriculture approves use of the ISPM 15 mark and does so through certification under the AWPCS.
- Failure to comply with the requirements of the AWPCS will result in immediate revocation of a facility's certification.
- Misuse of the ISPM 15 certification mark by those not certified under the AWPCS is:
 - An infringement under Australia's Trade Marks Act 1995; and
 - Misleading and deceptive conduct under the Trade Practices Act 1974
- Prosecution can take place under this legislation.

Case Study: Fraudulent use of ISPM 15

Issue: ISPM stamp acquired or copied from another packaging manufacturer that had deregistered

- Inside informant has passed information to the department

Procedure:

- Background information collated
- Investigations and Enforcement Officer to compile case and propose action:
 - Investigate premise
 - Recover evidence – remove stamp, stamped packaging
 - Interview facility owner
- Prepare case for prosecution in court of law under *Trade Marks Act 1995* or *Trade Practices Act 1974*

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What could be done to improve compliance?

- New round of communications to promote ISPM 15 to industry
- Communicate prosecution pending outcome
- Could there be better use of technology to reduce risk of fake stamps?
 - Unique identifier/scannable code embedded in mark
- Are there other means of registering and auditing establishments for ISPM 15 that will improve transparency and accountability?

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Thankyou



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