Explanatory Notes

Protocol of phytosanitary requirements for Australian wheat and barley imports into china

December 2014
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A protocol was agreed between the governments of China and Australia in December 2014 to ensure the trade of wheat and barley from Australia to China would continue for a further three years to December 2017.

The protocol was established between the General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China (AQSIQ) and the Australian Government Department of Agriculture (Department of Agriculture) and outlines the phytosanitary requirements for Australian origin wheat and barley to China.

These explanatory notes provide further detail to describe the requirements for industry and government in both Australia and China to address the requirements outlined in the twelve articles in the protocol.

1  **Scope of Protocol**

1. Under *Article 1* it identifies that the protocol only covers wheat and barley seed which is produced in Australia and exported to China for the purpose of processing, i.e. not for sowing.

The species that this applies to are:

**Wheat**
- *Triticum aestivum* L.
- *Triticum durum* L.
- *Triticum tauschii* L.

**Barley**
- *Hordeum vulgare* L.

2  **Phytosanitary requirements**

2. Under *Article 2* of the protocol it states that wheat and barley shall be free of quarantine pests of concern to China (as listed in the Annex). Both parties acknowledge that absolute freedom is not possible. This wording, however, is a requirement under China’s quarantine legislation but should be interpreted under this protocol in line with *Articles 3* and *Article 5* which seek commercial entities to:

- take measures to *minimise* the occurrence of pests of quarantine concern to China (Annex A) including through the development and implementation of an industry management plan; and

- implement best available practices during the process of production, storage and transport to prevent grains carrying pests of quarantine concern to China, which may include screening, to remove soil, plant debris and weed seeds
An Industry Management Plan has been developed by industry that identifies that weed seeds, snails and foreign matter can be reduced by careful management along the whole supply chain from paddock to port with an emphasis on careful selection of stock to address China’s import requirements. By accepting Australia’s management system, China has allowed the option of the management plan or screening to ensure grain meets China’s import requirements. In order to meet these import requirements industry needs to demonstrate its effective application of the management plan to minimise those pests identified by AQSIQ in the Annex and to minimise overall foreign matter. AQSIQ will be monitoring levels of pests and foreign material in consignments and under the protocol will notify the Department of Agriculture where levels are considered excessive.

Under Article 2 it also requires that consignments of wheat or barley should not be deliberately contaminated with other grain of a different species or extraneous material. Exporters should aim for a reduction in the weed seed content in foreign material in consignments to China.

The Annex under the protocol lists pest species of concern to China. This list is being treated as a watch list to gauge any trends in the presence of these pests.

3 Surveillance and reporting

3. Under Article 3 China is seeking information on pest surveillance reports that may be conducted during the growing season of wheat and barley using accepted methods on the presence of pests such as *Pseudocercosporella herpotrichoides* (Fron) Deighton.

Under the management plan farmers and their agronomists monitor for pests and assess risks of pest occurrence throughout the whole growing cycle.

Australia has an emergency response mechanism for addressing new pest species occurrences in Australia and measures for reporting new pest diseases in association with obligations under the International Plant Protection Convention (IPPC).

4. Under Article 10 the Department of Agriculture will inform AQSIQ in written form of any new occurrence of a significant pest of wheat and barley in Australia, or control measures taken by the Department of Agriculture, in a timely manner.

4 Documentation and certification

5. Under Article 4 the Department of Agriculture will maintain a list of registered establishments and exporters for the export of wheat and barley to China and ensure that they meet relevant quarantine requirements including registered establishment documentation, traceability and hygiene standards. The
Department of Agriculture will provide the list of registered establishments and exporters on request to AQSIQ.

6. Under Articles 6 and 7, an Import Permit will be required to export wheat and barley to China. Export will be done in accordance with the Australian Export Control Act 1982. As a requirement under this act the Authorised Officer approved by the Department of Agriculture to inspect the consignment will have to have such information in relation to the goods as necessary before issuing an Export Permit and a Phytosanitary Certificate.

The Phytosanitary Certificate must include details of the exporter, the registered establishment and an additional declaration as follows:

‘The consignment meets the requirements established in the Protocol of phytosanitary requirements for the export of wheat and barley from Australia to China’.

The declaration will appear in the additional declaration section of the certificate.

The registered establishment name and number will be entered in the Lot Number field of the Request for Permit (RFP) as follows:

‘Processed and packed at (name of establishment) / (establishment number)’

This detail will be automatically transferred to the phytosanitary certificate.

These requirements will be outlined in the China wheat and barley cases on the MICO database.

Chinese importers are required to obtain an Import Permit issued by AQSIQ before signing commercial contracts. The wheat and barley must only be imported at ports designated by AQSIQ and be processed at plants designated by AQSIQ.

5 China domestic arrangements

7. Under Article 8 when Australian wheat and barley arrives in Chinese entry ports, the Chinese Inspection and Quarantine organization (the regional branches of AQSIQ) will carry out inspection to ensure plant quarantine requirements are addressed.

If China is concerned about levels of quarantine pests covered by this protocol the consignment will still be allowed entry after effective treatment. In case of no effective treatment, the consignment shall be returned or destroyed.
If other quarantine pests not categorized in the Annex are identified, the consignment shall be treated in accordance with the relevant provisions of the Law of the People’s Republic of China on the Entry and Exit Animal and Plant Quarantine and its regulations for implementation.

If the problem is serious enough, wheat and barley from the relevant exporter and registered establishment, relevant production areas or even all production areas in Australia, may be suspended from export to China until AQSIQ confirms that Australia and its industry has taken effective measures to solve the problem. This may require a review of the Industry Management Plan.

8. Under Article 9 domestic requirements for China are outlined for the loading, unloading, transportation, storage and processing of imported wheat and barley which should be in compliance with the Chinese plant quarantine and preventative measures and must be distributed directly to processing facilities before any further distribution and must not be used for sowing.

6 Notifications of non-compliance

9. Under Article 10 AQSIQ should inform the Department of Agriculture, in written form, of detections of concern to China in exports of Australia wheat and barley to China. On receiving notification from AQSIQ, an immediate investigation will be undertaken by the Department of Agriculture including contact with the exporter to seek details on the concerns raised and, as appropriate, measures to prevent the issue from reoccurring. The Department of Agriculture will report back to AQSIQ as soon as the investigation is completed.

7 Technical collaboration

10. Under Articles 10 and 11 both parties will exchange information and undertake discussions and negotiations to resolve technical issues on wheat and barley exports to China. Both parties agree to undertake research studies on treatment options for meeting AQSIQ requirements, in particular for snails, weed seeds and foreign matter.

The Industry Management Plan identifies options for research studies and further discussion will be held as part of the China technical visit to identify co-research opportunities with a focus on reducing weed seed problems.

After the initiation of the wheat and barley protocol, in cooperation with the Department of Agriculture, AQSIQ will send quarantine officials to Australia every three years for technical discussions regarding Australian wheat and barley imports to China. The expense related to the visit, including transportation, accommodation, meal and incidental expenses will be covered by Australia.
8 Term of agreement

11. Under Article 12 once the Protocol comes into force on the date of signature, it will remain valid for a period of three years. If neither Party gives a written notice to the other Party through diplomatic channels to amend or terminate this Protocol at least six months prior to the expiry date, the Protocol will be extended automatically for a successive period of three years.

It is intended to discuss and agree any changes to a revised protocol well in advance of the 2017-2018 harvest season.
ANNEX: Pests of concern to China

Pathogens
1. Barley stripe mosaic virus (BSMV)
2. *Pseudocercosporella herpotrichoides* (Fron) Deighton

Weed
3. *Ambrosia artemisiifolia* L.
4. *Avena ludoviciana* Durien
5. *Avena sterilis* L.
7. *Centaurea repens* (L.) DC
8. *Emex australis* Steinh
9. *Lactuca serriola* L.
10. *Lolium temulentum* L.
11. *Sorghum halepense* (L.)Pers
12. *Xanthium spinosum* L.

Snails
13. *Cernuella virgata* Da Costa

Insect and Ant
15. *Solenopsis invicta* Buren

Notes: The list may be adjusted upon mutual agreement depending on the result of risk assessment and intercepted pest from wheat and barley imported from Australia.