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**Session 5 – Cross Cutting and Emerging Issues
INTEGRATING RISK ASSESSMENT INTO ICT-ENABLED BORDER
MANAGEMENT**

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Outline

- Risk assessment at the heart of SPS measures
- Risk analysis, risk assessment and risk categorization explained
- Risk assessment in SPS Agreement applied to plant health, animal health and food safety
- Risk categorization exemplified for plant health (ISPM 32)
- Customs risk management and SPS risk-based import requirements
- Clarifying 'mutual recognition' and application to electronic border data management

Risk assessment at the heart of sanitary and phytosanitary (SPS) measures

■ *WTO Agreement on the Application of Sanitary and Phytosanitary Measures* ('SPS Agreement')

Article 2.2 Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health, is based on scientific principles and is not maintained without sufficient scientific evidence, [except as provided for in paragraph 7 of Article 5]

Article 5

5.1 Members shall ensure that their sanitary or phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations.

5.2. In the assessment of risks, Members shall take into account available scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods; prevalence of specific diseases or pests; existence of pest — or disease — free areas; relevant ecological and environmental conditions; and quarantine or other treatment.

Risk analysis, risk assessment and risk categorization explained

- **Risk analysis** includes risk assessment, risk management and risk communication
- **Risk assessment** is a *scientific* process at the heart of risk analysis in which the potential for identified *hazards* actually doing harm AND the degree of potential harm are assessed.
 - *Thorough consideration of all the different aspects of the hazards, and the ways that the target is exposed to them, is necessary before an overall risk assessment can be achieved*
 - However, SPS risk assessment must be accompanied by evaluation of *uncertainty*
- **Risk categorization** of imported commodities (usually ‘high’, ‘medium’ or ‘low’ risk) is applied pre-importation to guide the inspectors as to which commodities from which countries of origin require physical inspection and/or sampling for laboratory testing.
 - However, inspectors do not necessarily have to follow the risk categorization if there are subsequent alerts (warnings) about pest or disease status or food safety, or if the condition of the consignment indicates a need for regulatory action (e.g. damaged packaging, food unfit for consumption, expiry)

Risk assessment in SPS Agreement applied to plant health, animal health and food safety

- Modalities of risk assessment for plant health, animal animal and food safety are provided respectively in the standards or Codes of the three International Standard Setting Bodies, Secretariat of the International Plant Protection Convention (IPPC), World Organisation for Animal Health (OIE) and Codex Alimentarius Commission (WHO/FAO)
 - Pest Risk Analysis (International Standards for Phytosanitary Measures Nos. 2, 11, 21)
 - OIE Terrestrial Code, Volume 1, Section 2 - Risk Analysis
 - Risk analysis for food safety is described in *Codex Guidelines* depending on the nature of the hazard - contaminants, food borne microorganisms, etc.

Risk categorization exemplified for plant health (ISPM 32)

- TA 9500 has been developing risk categorization modalities for Mongolia (GASI) following ISPM 32
- To provide a basis for risk-based SPS inspections
- Potential model for other countries in modernizing SPS procedures to facilitate trade

No	Criteria	Indicative rating	Preliminary/ Final Decision
One. Intended use of the Commodity			
1.1	For Planting (Category 4 plant commodities)	10	High risk
1.2	For Consumption with or without processing	-	Go to Two
Two. Degree of Processing (in country of export)			
2.1	Commodity has not been processed and will be consumed in fresh state (Category 3 plant commodities)	-	Go to Three
2.2	Commodity has been processed but potential remains for infestation with some quarantine pests (Category 2 plant commodities)	-	Go to Three
2.3	Commodity has been processed to the point where it cannot be infested with quarantine pests (Category 1 plant commodities)	1	Not regulated
Three. Quarantine Pest Pathways			
3.1	Potential pathway for quarantine pest(s) introduction via this pathway from country of origin (Pathway PRA identifies a quarantine pest risk)	8	Medium risk
3.2	Commodity not likely to provide pathway for quarantine pest introduction from country of origin (Pathway PRA does not identify a quarantine pest risk)	3	Low risk

1. Criteria for plant health risk categorization

2. Risk categories to be assigned to commodities according to risk rating

Indicative rating	Risk categorization	Indicative requirements
10	High risk	Phytosanitary certificate required and mandatory physical inspection
8	Medium risk	Phytosanitary certificate required and mandatory physical inspection
3	Low risk:	Phytosanitary certificate required; verification inspection
1	Not regulated	Phytosanitary certificate <i>not</i> required, inspection <i>not</i> required

Customs risk management and SPS risk-based import requirements

- First step is notification of SPS import requirements to trading partners (*justified by risk assessment or based on international standards*)
 - Absence of *quarantine pests and non-quarantine regulated pests* in imported plants and plant products (latter for germplasm only)
 - Absence of *transboundary animal diseases*, or accepted treatment for these diseases, justified to be of concern to the imported country
 - Food or feed compliant with international standards or national standards justified by risk assessment
- Imported commodities should then be accompanied by recognized documentation reflecting these requirements and the risk categorization.
 - Examples of such documentation are International Phytosanitary Certificate, International Certificate of Veterinary Health or food test certificates from an international accredited laboratory
- Absence of the required documentation during *documentary inspection* by Customs is grounds for refusal of entry

Clarifying 'mutual recognition' and application to electronic border data management

- Main needs for incorporation of SPS measures into electronic border data management are (1) 'e-certification' and (2) incorporation of risk categories into customs databases (e.g. AYSCUDA)
- (1) So far certification and other SPS-related documentation mostly in paper form.
- Certificates that follow the international guidelines have 'mutual recognition' built in
- If e-certificates follow the formats prescribed in IPPC, OIE and Codex guidelines and norms problems of 'mutual recognition' will be resolved into question of **validity** of certificates - requiring transparent processes of issuance and competent issuing authorities
- (2) Risk categories or consequences in terms of inspection requirements (slide 7) should be flagged in customs systems
 - *'Traffic lights' system previously proposed** - **green** (free to enter), **orange** (documentation and inspection), **red** - prohibited

* Included in new CAREC SPS Report to be launched tomorrow