



Notice to Industry

30/2009

Changes to AQIS documentation requirements for the clearance of imported cargo: Frequently Asked Questions

The purpose of this notice is to advise industry of the publication of a [Frequently Asked Questions](#) (FAQ) document which supports [Notice to Industry 23/2009: Changes to AQIS documentation requirements for the clearance of imported cargo](#). The FAQ has been created in response to a number of queries that have been received in relation to the Notice to Industry and the new policies.

The FAQ is to be read in conjunction with the AQIS [Minimum Documentary Requirements Policy](#), the AQIS [Non-Commodity Information Requirements Policy](#) and [Notice to Industry 23/2009](#).

Please note, not all scenarios are able to be covered in this document. The FAQ provides answers to many of the most commonly asked questions and the major changes impacting AQIS clients as a result of the scheduled implementation of the new policies on 1 August 2009.

AQIS will be issuing further industry notices during the implementation period to ensure that industry is kept informed of progress and actions that need to be taken.

Further information

For further information regarding the AQIS Minimum Documentary Requirements Policy please contact the Entry Management Team entrymanagement@aqis.gov.au

For further information regarding the AQIS Non-commodity Information Requirements Policy please contact the Industry Partnerships Unit brokeraccred@aqis.gov.au

Changes to AQIS documentation requirements for the clearance of imported cargo

Frequently asked questions

Implementation

When are the new policies going to be implemented?

The AQIS Minimum Documentary Requirements Policy and the AQIS Non-Commodity Information Requirements Policy are scheduled for implementation on 1 August 2009.

Does this mean the new rules apply to consignments exported from 1 August 2009 or for consignments arriving in Australia after 1 August 2009?

The documentation rules will apply to consignments landed in Australia on or after 1 August 2009. AQIS realises there may be some consignments that arrive earlier or later than expected and there may need to be some case-by-case exceptions for a period of time surrounding the implementation. After 1 August 2009, if you are in possession of documents that you are unsure about, contact your local AQIS office for advice.

What are we to do until the new policies are implemented?

Accredited persons operating under a current Compliance Agreement (CA) must continue to assess documentation in line with the current assessment requirements of that scheme (i.e. CCC for FCLX, AEP for FCL, LCL packing scheme and AEP for Commodities) until the new policies are implemented on 1 August 2009.

Importers and brokers are strongly encouraged to advise their overseas clients and suppliers of these impending documentary changes to assist them to comply with the new policies. AQIS will accept documentation issued in compliance with the new policies immediately where indicated with an asterisk (*) in Attachment A of [Notice to Industry 23/2009](#).

I am an accredited broker, how do the changes affect me?

All accredited brokers must complete the online broker training between 6 May 2009 and 17 June 2009. AQIS will renew the compliance agreements by 31 July 2009. The new compliance agreements and the documentation policies will apply from 1 August 2009.

Refer to the information available on the AQIS website at www.aqis.gov.au/basrenewals.

Why does information in ICON contradict the new policies?

Since the policies have not yet been implemented, information in ICON has not yet been updated. ICON updates (and other relevant documentation and webpage updates) will occur in line with implementation.

Example Documents and Templates

Has AQIS issued any new templates/sample documents?

The sample documents available on the AQIS website will remain while the current compliance agreements are active. Example documents that will meet the new requirements of the AQIS policies will be published as they are developed.

[Example packing declarations](#) have been published on the AQIS website these can be used to meet the requirements of the current and the new requirements and have been created for use until 31 July 2009. Example packing declarations for use from 1 August 2009 are also available at this location.

For the specific declaration requirements to be implemented 1 August 2009 please refer to the AQIS [Minimum Documentary Requirements Policy](#).

Please note:

1. Accredited brokers operating under a current Compliance Agreement must continue to assess documentation in line with the current assessment requirements of that Scheme.
2. The example templates issued by AQIS are not mandatory for use. Brokers, importers, suppliers and treatment providers can create their own documents.

Non-commodity concern statements

Must the Non-Commodity concern statements be word for word as per the policy document?

Yes, the statements must be worded as specified and must be on one of the documents listed in the [AQIS Non-Commodity Information Requirements Policy](#).

What are the changes to the requirements for the Container Cleanliness Statements?

Container Cleanliness Statements, previously known as Cleanliness Declarations, are required for all FCL or FCX consignments. The statement must be worded as specified and must be on one of the documents listed in the AQIS [Non-Commodity Information Requirements Policy](#).

How will the straw statement requirements change?

The straw packaging statement has been changed to the 'Prohibited Packaging Material Statement'. The scope of the statement has been extended to include other materials that cannot be used as packaging materials. Further information about packaging materials can be found in the import conditions database (ICON) on the AQIS website at [ICON: Packaging materials for general use](#).

ISPM15 requirements

What do the changes mean for the [ISPM15](#) treatment certificates and declaration requirements?

Under ISPM15 requirements the treatment provider must treat and mark the timber with the approved stamp / marking which will identify the treatment and the treatment provider. A treatment certificate is not required as the physical stamp on the packaging certifies treatment and will be accepted as proof of treatment.

As per existing requirements, where timber packaging material is used in an imported containerised cargo consignment, a statement is required indicating whether all the timber packaging/dunnage used is ISPM15 compliant.

ISPM15 compliance must be certified on a packing declaration, packing list, invoice or phytosanitary certificate. Refer to the AQIS [Non-Commodity Information Requirements Policy](#).

If the timber is not marked with ISPM15 stamps but has been treated by an AQIS approved method, this can be managed by the packer or supplier declaring that the timber used is **not** ISPM15 compliant. Where this occurs an appropriate treatment certificate is required.

Will ISPM15 statements on Packing Declarations still be accepted?

Yes, ISPM15 statements on a packing declaration (either annual or single consignment) will still be accepted. The statement will also be accepted on Phytosanitary Certificates and packing lists or invoices. The reason for this is that the packer or supplier of the container can certify that the timber is ISPM15 compliant by checking all timber used is marked with compliant stamps.

Please note: A packing declaration stating the packing is ISPM15 compliant when it is not (even if it has been treated), is a misdeclaration and may result in a profile being raised. If the packaging is not

stamped the packer or supplier should declare the material as NOT ISPM15 compliant, and then alternatives, such as consignment specific fumigation certificates can be accepted.

What is the difference between the terms "ISPM15 declaration" and "ISPM15 treatments"?

The ISPM15 declaration is when the packer/supplier declares that all timber packing/dunnage used in the consignment has been treated and marked in compliance with ISPM15.

The ISPM15 treatments are the actual treatments performed (and marked) on the timber (e.g. heat treatment or methyl bromide).

If newly manufactured plywood/veneer products are used as packaging material they must be declared as timber packaging and are subject to mandatory fumigation. Are they eligible for ISPM15?

No, ISPM15 is the international standard for treatment of solid wood and in the standard plywood/veneer is out of scope. As plywood/veneer products are not eligible for the ISPM15 marking, they will require consignment linked valid treatment certificates. Please refer to ICON for other treatment options.

Treatment certificates

What are the treatment certificate validity requirements?

Treatments must be performed by an acceptable treatment provider. Where the ICON case relevant to the commodity/packaging prescribes a timeframe within which a treatment must be performed, this timeframe relates to the time between treatment and export. The date of export may be demonstrated using the "shipped on board" date on a Bill of Lading.

What is the definition of 'export'?

The definition of export is 'to send (commodities) to other countries or places of sale', or the act of exporting; exportation.

What if a consignment is treated in one country (e.g. Canada) and then transported to another country (e.g. USA) for shipment to Australia? The Bill of Lading issued in the USA may therefore show a shipped on board date that is outside the required treatment timeframe.

For this example, the USA is taken to be the exporting country. AQIS is concerned that goods could potentially be re-infested prior to being shipped to Australia. For this reason, AQIS needs to ensure that the timeframe from treatment to export is minimised as per the timeframes prescribed in the relevant ICON case. The date of export may be demonstrated by the "shipped on board" date shown on the Bill of Lading. It's up to the importer/agent to provide documentary evidence that the consignment has been treated within the mandated timeframe prior to export

What will the requirements be for a plastic wrap statement and when will it be applicable?

All methyl bromide fumigation certificates will require a statement about the use of plastic wrapping in the consignment. If plastic wrapping was used, the fumigation company needs to declare whether the fumigation occurred prior to the application of the plastic wrapping or whether the plastic wrapping conforms to the AQIS wrapping and perforation standard as found in the [AQIS Methyl Bromide Fumigation Standard](#). The wording of the statement is specified in the [AQIS Minimum Documentary Requirements Policy](#).

The first part of the statement 'This consignment has been fumigated prior to the application of plastic wrapping' covers the scenario where plastic wrapping is not used, as the fumigator will have treated the goods that are not wrapped in plastic, and will not know what will happen to the consignment after treatment.

While the statement in the Policy does deal with consignments not containing plastic wrapping the wording of the statement is being reconsidered to provide clearer guidance to offshore fumigators about the statements they are required to make.

Notification will be provided if there are any changes to the wording of the statement.

All treatment certificates issued for Methyl Bromide fumigations will need to include a Plastic Wrap Declaration. Does this mean that Plastic Wrapping Declarations on Packing Declarations, or other documentation, will not be accepted?

Yes. This is not a declaration that can be made on supplementary documentation from 3rd parties. The actual Fumigation Certificate must include a Plastic Wrapping Declaration to be acceptable to AQIS as only the treatment provider can confirm that the goods were not plastic wrapped at the time of fumigation. A Methyl Bromide treatment certificate without a plastic wrap declaration would be an unacceptable treatment certificate. This applies to both AFAS and non-AFAS countries.

Tailgate exemptions

Is it possible to obtain a rural tailgate exemption for premises to unpack cargo in a rural area?

No. Premises located in a rural location are not eligible for a rural tailgate exemption. Rural tailgate exemptions will only be considered for premises to unpack cargo in designated fringe rural areas. To apply for rural tailgate exemption (for a fringe rural area) information must be submitted to the local AQIS office for assessment.

Supplier definition

Who does AQIS regard as the supplier?

The supplier is taken to be the person/entity named on the Import Declaration (lodged through the Australian Customs Service Integrated Cargo System-ICS) as the supplier. In most cases this is the exporter in the country of origin.

Further information

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