

No.8-325/2019-PP.II
Government of India
Ministry of Agriculture & Farmers Welfare
Department of Agriculture & Farmers Welfare
Plant Protection Division

Krishi Bhawan, New Delhi
Dated : 27th April, 2022

OFFICE MEMORANDUM

Subject : Notification to be made in the SPS Committee of WTO regarding protocols for trial shipments for import of grains and pulses with in-transit and pre-shipment Phosphine fumigation –reg.

The undersigned is directed to enclose herewith the text of the two protocols for trial shipment for import of grains and pulses with in-transit/pre shipment phosphine fumigation from MBr phased out countries. These countries are also to be requested to submit relevant documents to establish phased out country status.

2. It is requested that further necessary action to notify the same to the WTO Secretariat may be taken by Department of Commerce (TPD Division) at the earliest and WTO notification number allotted by WTO Secretariat may please be intimated to this Department. The above two protocols will be available at www.agricoop.nic.in under the Head "Circulars and Notifications" – Plant Protection – WTO Notifications.

3. This issues with the approval of Joint Secretary (Plant Protection), Department of Agriculture, Cooperation & Farmers Welfare.

Kamini Tandekar
(Kamini Tandekar)

Deputy Director to the Govt. of India
E-mail: kamini.tandekar@nic.in

To,

Trade Policy Division,
(Joint Secretary)
Department of Commerce,
Ministry of Commerce & Industry, Udyog Bhawan, New Delhi.
E-mail-m.balaji05@ias.gov.in

Copy for information to:

1. Plant Protection Adviser, Dte. Of PPQ&S, Faridabad
2. Joint Director(PP), Dte. of PPQ&S, Faridabad
3. IT Division, DAC&FW, Krishi Bhawan, with the request to post the said draft protocols as well as the WTO-SPS format on website www.agricoop.nic.in under the head "Circulars and Notifications"- Plant Protection - 'WTO Notifications' as draft **protocols for trial shipments for import of grains and pulses with in-transit and pre-shipment Phosphine fumigation**
4. Deputy Director General of Foreign Trade, Department of Commerce, Room No. 221, Udyog Bhawan, New Delhi, E-mail-us5tpd-doc@nic.in

Committee on Sanitary and Phytosanitary Measures

G/SPS/N/

NOTIFICATION

1.	Member of Agreement notifying : INDIA
2.	Agency responsible : DEPARTMENT OF AGRICULTURE & FARMERS WELFARE MINISTRY OF AGRICULTURE & FARMERS WELFARE, GOVERNMENT OF INDIA
3.	Products covered (provide tariff item number(s) as specified in national scheduled deposited with the WTO; ICS numbers should be provided in addition where applicable): Plants and Plant materials and other regulated articles as per Plant Quarantine (Regulation of import into India) Order, 2003 and its Amendments. Grains and pulses
4.	Regions or countries likely to be affected, to the extent relevant or practicable: [] All trading partners [x] Specific regions or countries - MBr phased out countries with a request to submit relevant documents to establish phased out country status.
5.	Title, language and number of pages of the notified document: Title – Draft Plant Quarantine (Regulation of Import into India) Order, 2003 (Second Amendment) 2022. Language – English
6.	Description of content : 1. Protocol for trial shipment for import of Grains and pulses with in-transit phosphine fumigation. 2. Protocol for trial shipment for import of grains and pulses with pre-shipment fumigation with phosphine.
7.	Objective and rationale : [] food safety, [] animal health, [x] plant protection [x] protect humans from animal/ plant pest or disease. [x] protect territory from other damage from pests.
8.	Is there a relevant International standard ? if so, identify the standard: [] Codex Alimentarius Commission, [] World Organization for Animal Health, (OIE) [x] International Plant Protection Convention: The contents of this notification are based on Pest Risk Analysis (PRA) conducted as per International Standards on Phytosanitary Measures (ISPM) Numbers 2 and 11 of International Plant Protection Convention (IPPC) of FAO. [] None

Does this proposed regulation conform to the relevant international standard?

Yes No

If no, describe, whenever possible, how and why it deviates from the international standard

9. **Other relevant documents and language(s) in which these are available:**

ENGLISH; www.agricoop.nic.in (Circulars and Notifications – Plant Protection – WTO Notifications)

10. **Proposed date of adoption:** **Adopted**

Proposed date of publication: **Not applicable**

11. **Proposed date of entry into force : Not applicable**

Six months from the date of publication

Trade facilitating measure

12. **Final date of comments :** Sixty days from the date of circulation of the notification and/or : 30th June, 2022 (tentative)

Agency or authority designated to handle comments : **National Notification Authority, [x] National Enquiry Point. Address, fax number and e-mail of the authority:** Sh. Parmod Kumar Meherda, Joint Secretary, Plant Protection, Department of Agriculture & Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Room No.299 C, Krishi Bhawan, New Delhi-110011, INDIA. Tele : 91-11-.2338 8756 E-mail : pk.meherda@nic.in

13. **Text available from :** **National Notification Authority, [x] National Enquiry Point. Address, fax number and e-mail of the authority:**

The details can be seen in the website of the Plant Protection Division of the Department of Agriculture, Cooperation & Farmers Welfare Ministry of Agriculture & Farmers Welfare, Government of India viz. www.agricoop.nic.in (Circulars and Notifications – Plant Protection – WTO Notifications- and www.plantquarantineindia.nic.in

Or can be obtained from the National Enquiry Point – Sh. Parmod Kumar Meherda, Joint Secretary, Plant Protection, Department of Agriculture & Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Room No.299 C, Krishi Bhawan, New Delhi-110011, INDIA. Tele : 91-11-.2338 8756 E-mail : pk.meherda@nic.in

Annexure –I

PROTOCOL FOR TRIAL SHIPMENT FOR IMPORT OF GRAINS AND PULSES
WITH IN-TRANSIT PHOSPHINE FUMIGATION

1. The exporting country should share the detailed protocol of In-transit Phosphine fumigation treatment on requested commodity against target pests along with bio efficacy data with NPPO India.
2. The efficacy data submitted by the NPPO of the exporting country will be evaluated by the expert committee and outcomes will be communicated with the exporting country for further necessary action.
3. 10 nos. of trial shipments will be allowed only from pre-determined point of entry.
4. Inspection & Treatment of the shipments, by the exporting country will be ensured as per import conditions finalised bilaterally, prior to export.
5. Importer should ensure the proper degassing in compliance with all safety instructions, removes all residues of fumigant and removes them from the place of unloading and from the port for safe disposal in accordance with local requirements.
6. Importer will submit a gas free certificate and a remnant clearance certificate from NPPO accredited fumigation agencies to the PQ office for every trial shipment exported to India prior presenting the shipment for PQ Inspection.
7. The Inspection & sampling at the point of entry will be done by the Plant Quarantine officials under supervision of the expert committee.
8. Detailed laboratory testing of representative samples will be done for Quarantine/Non-Quarantine pests.
9. If intercepted with Quarantine/Exotic pests, trial shipment will be declared un-successful and will be deported or destroyed.
10. If intercepted with Non-Quarantine pests trial shipment will be declared un-successful and will be released after treated with the available mitigation measures, if available else it will be deported/destroyed.
11. In case 1 or 2 out of 10 trial shipments are unsuccessful, the exporting country may provide evidence for corrective actions. If corrective actions are found satisfactory, the country may be allowed for 03 more trial shipments and all should be successful.
12. If more than 2 out of 10 trial shipments are unsuccessful, Phytosanitary conditions may be reviewed.
13. Once all trial shipments are successful, appropriate action will be taken as per PQ Order, 2003.

Annexure -I**Protocol for trial shipment for import of grains and pulses with pre-shipment fumigation with Phosphine**

1. The exporting country should share the detailed protocol of pre-shipment treatment on requested commodity against target pests along with bio efficacy data with NPPO India.
2. The efficacy data submitted by the NPPO of the exporting country will be evaluated by the expert committee and outcomes will be communicated with the exporting country for further necessary action.
3. 10 nos. of trial shipments will be allowed only from pre-determined point of entry.
4. Inspection & Treatment of the shipments, by the exporting country as per import conditions finalised bilaterally, prior to export; & endorsement of treatment details in PSC at the port of export.
5. Inspection & sampling at the point of entry by the Plant Quarantine officials under supervision of the expert committee.
6. Detailed laboratory testing of representative samples for Quarantine/Non-Quarantine pests.
7. If intercepted with Quarantine/Exotic pests, trial shipment will be declared unsuccessful and will be deported or destroyed.
8. If intercepted with Non-Quarantine pests trial shipment will be declared un-successful and will be released after treated with the available mitigation measures, if available else it will be deported/destroyed.
9. In case 1 or 2 out of 10 trial shipments are unsuccessful, the exporting country may provide evidence for corrective actions. If corrective actions are found satisfactory, the country may be allowed for 03 more trial shipments and all should be successful.
10. If more than 2 out of 10 trial shipments are unsuccessful, Phytosanitary conditions may be reviewed.
11. Once all trial shipments are successful, regular trade may be allowed after notification and inclusion in PQ Order, 2003.
