FINAL REPORT OF AN AUDIT

CARRIED OUT IN

CHINA

FROM 18 TO 28 JUNE 2013

IN ORDER TO EVALUATE THE MEASURES TAKEN BY CHINA TO ENSURE THAT WOOD PACKAGING MATERIAL EXPORTED TO THE EUROPEAN UNION MEETS EU REQUIREMENTS
Executive Summary

This report describes the outcome of an audit carried out by the Food and Veterinary Office (FVO) in China from 18 to 28 June 2013.

The objective of the audit was to evaluate the measures taken by China to ensure that wood packaging material (WPM) exported to the European Union (EU) meets the EU requirements.

The audit was undertaken in response to continued interceptions in the EU of consignments with different kinds of WPM, due to the presence of harmful organisms or due to other non-conformities with EU rules.

The audit team found that:

There is a comprehensive system of approval of treatment companies and of official controls on the treatment and ISPM mark application. The controls observed by the FVO team were to a large extent in line with requirements of ISPM 15, however, some deficiencies were identified. In general the WPM, which has been treated and marked by registered and controlled companies can be considered as safe.

Official controls are mainly focused on the approved treatment facilities in order to verify that treatment and marking of WPM are carried out in line with ISPM No. 15. Official controls at places other than treatment facilities are limited. Despite the fact that stone processing companies receive marked and non marked parts of treated WPM for assembly and that the companies usually possess also non-treated WPM and although there is evidence of the use of fraudulent ISPM marks, controls at WPM users are not carried out.

Investigations are carried out only for a part of the EU interception notifications. In the majority of cases these investigations cannot identify the liable person/entity or the cause of the non-compliance.

Consequently the current system of official controls in China does not adequately ensure that WPM, which forms part of consignments of goods, exported to the EU is marked according to ISPM No. 15 and that WPM with an ISPM mark has been treated according to the provisions of ISPM 15.

Recommendations are made in this report to address the shortcomings found.
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<th>Abbreviation</th>
<th>Explanation</th>
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<tr>
<td>AQSIQ</td>
<td>State General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China</td>
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<tr>
<td>ALB</td>
<td>Asian longhorn beetle - <em>Anoplophora glabripennis</em> (Motschulsky)</td>
</tr>
<tr>
<td>CA</td>
<td>The Chinese Competent Authority (AQSIQ or CIQ as appropriate)</td>
</tr>
<tr>
<td>CICC</td>
<td>China Certification and Inspection Group, Fujian</td>
</tr>
<tr>
<td>CIQ</td>
<td>Entry and Exit Inspection and Quarantine Bureau of the People's Republic of China (there are 35 CIQs in China)</td>
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<td>EPPO</td>
<td>European and Mediterranean Plant Protection Organisation</td>
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<tr>
<td>EU</td>
<td>European Union</td>
</tr>
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<td>EUROPHYT</td>
<td>European Union Notification System for Plant Health Interceptions</td>
</tr>
<tr>
<td>EUROSTAT</td>
<td>Statistical Office of the European Union</td>
</tr>
<tr>
<td>FVO</td>
<td>Food and Veterinary Office of the European Commission</td>
</tr>
<tr>
<td>HO</td>
<td>Harmful organism – any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products, as defined by Article 2(e) of Council Directive 2000/29/EC</td>
</tr>
<tr>
<td>HT</td>
<td>Heat treatment of wood packaging material as defined by ISPM No 15</td>
</tr>
<tr>
<td>IPPC</td>
<td>International Plant Protection Convention</td>
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<tr>
<td>ISPM</td>
<td>International Standard for Phytosanitary Measures, issued by the IPPC</td>
</tr>
<tr>
<td>ISPM mark</td>
<td>A mark indicating that wood packaging material has been subjected to approved phytosanitary treatment in accordance with ISPM 15, applied according to provisions of Annex 2 of ISPM 15</td>
</tr>
<tr>
<td>Longhorn beetles</td>
<td>Harmful organisms belonging to the family <em>Cerambicidae</em>, attacking trees used for the production of WPM</td>
</tr>
<tr>
<td>MB</td>
<td>Methyl-bromide treatment of wood packaging material as defined in the ISPM No 15</td>
</tr>
<tr>
<td>MS</td>
<td>Member State(s) of the European Union</td>
</tr>
<tr>
<td>NPPO</td>
<td>National Plant Protection Organisation</td>
</tr>
<tr>
<td>WPM</td>
<td>Wood packaging material, as defined by ISPM No 15</td>
</tr>
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</table>
1 Introduction

This audit took place in China from 18 to 28 June 2013 and was undertaken as part of the Food and Veterinary Office's (FVO) planned audit programme.

The audit team consisted of two auditors from the FVO and one expert from a European Union (EU) Member State (MS) and was accompanied throughout the audit by representatives of the relevant Chinese Competent Authority (CA), the State General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ).

An opening meeting was held on 18 June 2013 at the headquarters of the AQSIQ in Beijing, during which, the objectives and itinerary of the audit were confirmed, and additional information necessary for the conduct of the audit, was requested.

2 Objectives

The audit was undertaken in response to continued interceptions in the EU of wood packaging material (WPM) from China with harmful organisms (HO), as detailed in section 4.2 below.

The objective was to evaluate measures taken by the Chinese CAs, to ensure that WPM exported to the EU meets EU requirements. As the majority of WPM interceptions from China related to consignments of different types of stone, the audit team concentrated its evaluation on the official controls of WPM, used for stone consignments, exported to the EU.

In pursuit of these objectives the following sites were visited:

<table>
<thead>
<tr>
<th>Meetings/visits</th>
<th>No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Competent authorities (CAs)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central</td>
<td>1</td>
<td>AQSIQ, Beijing</td>
</tr>
<tr>
<td>Regional</td>
<td>3</td>
<td>CIQ of Fujian, Xiamen and Shandong</td>
</tr>
<tr>
<td>Local</td>
<td>5</td>
<td>CIQ branches and Inspection Offices in Provinces Fujian and Shandong</td>
</tr>
<tr>
<td>Control sites, related to WPM production and use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heat treatment facilities</td>
<td>6</td>
<td>Two, supervised by Fujian CIQ; one, supervised by Xiamen CIQ; three, supervised by Shandong CIQ</td>
</tr>
<tr>
<td>Methyl-bromide treatment facilities</td>
<td>2</td>
<td>One facility at a container terminal in Xiamen Port; one facility at a WPM producer in province Shandong</td>
</tr>
<tr>
<td>WPM users</td>
<td>4</td>
<td>Stone processing companies in Fujian and Shandong provinces</td>
</tr>
<tr>
<td>Container terminal at seaport</td>
<td>1</td>
<td>Loading place of containers with stones for export in Xiamen Port</td>
</tr>
</tbody>
</table>
3 Legal Basis

The audit was carried out under the mandate of Articles 21 and 27a of Council Directive 2000/29/EC.

3.1 Relevant EU Legislation

Article 5 of Directive 2000/29 lays down conditions for importing WPM from Third Countries, as detailed in Points 2 and 8 of Annex IV Part A Section I of the same directive.

All EU legislation, referred to in this report are listed in Annex I to this report. References to the legislation are to the latest amended versions, where applicable.

3.2 International Standards

International Standards for Phytosanitary Measures (ISPMs) are issued by the International Plant Protection Convention (IPPC), to which China has been a contracting party since 2005. ISPMs are recognised international benchmarks for phytosanitary control and provide a basis for the audit and evaluation of export control systems. The full text of the IPPC and all adopted ISPMs is available on the International Phytosanitary Portal of the IPPC: www.ippc.int.

Those ISPM of particular relevance to this audit are listed in Annex II to this report. References to the standards are to the latest amended versions, where applicable. Unless specified by the relevant EU legislation, terms used in this report are according to ISPM No. 5, Glossary of Phytosanitary terms.

4 Background

4.1 Previous Missions

The scope of the FVO Mission 2009-8182 in China included measures taken by the Chinese CAs to meet EU requirements for WPM. The FVO team visited heat treatment (HT) and methyl bromide (MB) treatment facilities in the provinces of Ningbo and Hefei. The mission report concluded that the existing comprehensive system of official controls of producers treating and marking WPM for export or for the transport of goods to the EU should ensure that the WPM coming from such processors is in line with EU requirements. It also stated that continued interceptions by MS in WPM originating in China suggested that these controls were not being complied with in all cases. The report recommended to the Chinese CA to consider increasing official controls on WPM, exported to the EU. The actions proposed by the CA were considered as satisfactory. The report of the 2009 mission and the actions proposed by the Chinese authorities, in order to deal with the recommendations are available on the FVO website (http://ec.europa.eu/food/fvo/index_en.cfm)

4.2 Notifications of WPM Interceptions

The European Union Notification System for Plant Health Interceptions (EUROPHYT) has received a total of 524 interceptions between 1 January 2010 to 31 May 2013 from MS on WPM from China; of which 117 were due to the presence of HOs. In the case of 94 notifications with HOs there was a mark, according to the international standard ISPM 15 (ISPM mark) present on the
When no HO was identified in the consignment, the reason for the interception was the absence of a valid ISPM mark (see Table 1).

**Table 1. Summary of notifications of interceptions of WPM from China by MS (source EUROPHYT)**

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013 Jan-May</th>
</tr>
</thead>
<tbody>
<tr>
<td>WPM interceptions with HO (total)</td>
<td>18</td>
<td>18</td>
<td>58</td>
<td>23</td>
</tr>
<tr>
<td>WPM intercepted with HO bearing ISPM mark</td>
<td>15</td>
<td>11</td>
<td>49</td>
<td>19</td>
</tr>
<tr>
<td>WPM interceptions for other reasons</td>
<td>102</td>
<td>121</td>
<td>132</td>
<td>52</td>
</tr>
</tbody>
</table>

The majority of the EUROPHYT notifications on WPM from China related to consignments of stones and stone products. The following HOs were found: Asian longhorn beetle - *Anoplophora glabripennis* (Motschulsky) (ALB); longhorn beetles, other than ALB, belonging to the family Cerambycidae, such as *Apriona gemarii*, *Aromia bungii*, *Batocera sp.*, *Clorophorus sp*.; non-European species of the genus *Monochamus* and nematodes of the genus *Bursaphelenchus*.

The EUROPHYT system forwarded each notification directly upon reception to AQSIQ by e-mail.

### 4.3 Plant health status of the harmful organisms relevant to the scope of the audit

*Anoplophora glabripennis*, the non-European *Monochamus* species and *Bursaphelenchus xylophylus* are listed as HOs in the relevant annexes of Council Directive 2000/29/EC. *Apriona gemarii*, *Aromia bungii*, *Batocera sp.*, and *Clorophorus sp.* are considered as HOs in the EU. According to the information, provided by the European and Mediterranean Plant Protection Organisation (EPPO) and other sources, HOs indicated in this paragraph are endemic and widespread at least in certain areas of China.

### 4.4 EU import control measures on WPM originating in China


Recent plant health checks by MS have shown that WPM used in transport of certain commodities (mainly stones and stone products), originating in China were contaminated by HOs, in particular by *Anoplophora glabripennis*, causing outbreaks of those organisms in Austria, Germany, France, Italy, the Netherlands and the United Kingdom.

In order to protect the territory of the EU from further outbreaks of those particular HOs, introduced by imported WPM, Commission Implementing Decision 2013/92/EU was issued introducing harmonised frequencies for plant health checks on specified commodities listed in Annex I to the same Decision from China from 1 April 2013. (Annex I of the Decision lists different stone products, such as marble, granite, basalt, sandstone).
4.5 Production and use of WPM in China

4.5.1 Characteristics of the Chinese stone export to the EU

According to the Statistical office of the EU (EUROSTAT), MS imported about 3.8 million tonnes of stone products from China in 2012, mainly monumental and building stones, granite, basalt and sandstone products. These goods were exported via different Chinese ports and arrived in the EU mainly in containers.

According to the CA, the majority of the stone quarries and processing companies, producing for EU export are located in the provinces of Fujian and Shandong. There are numerous processing companies, established in the neighbourhood of the quarries. The products are mainly used on the domestic market, but depending on the market situation, also exported to numerous destinations, including the EU. The processing and packaging takes place according to the client's requirements.

Stone products exported to the EU are in general transported in “boxes”, composed of a pallet (not standard, the size depends on the type of product), four side panels and a top, nailed or tied up during packaging. For stone products of larger size, additional pieces of WPM are also used (runners, bedding). The products are packed at the processing company, transported by trucks to a seaport terminal where they are loaded into containers. The containers could also be loaded at the premises of the processing company. The FVO team was informed that during the loading of the containers no further WPM (dunnage) is added; the boxes are tied usually by wires.

Stone products are exported by companies, typically located in seaports or in specific economic areas. There are numerous exporters involved in the trade with EU. Many of them are small companies, who often change name and legal status, usually interested in one-off business, without establishing permanent trade relations with EU partners. EUROPHYT notifications on WPM in the period January 2010 – May 2013 refer to over 350 different consignors.

4.5.2 Species of wood used for WPM production

According to the CA, the main types of wood used for WPM production for export are eucalyptus (Eucalyptus sp.) and poplar (Populus sp.) in Fujian and Shandong Province, respectively. For runners or bedding hard wood of elm (Ulmus sp.) and pagoda tree (Sophora japonica) is also used. WPM is usually produced from locally harvested timbers, however the wood can also originate from distant areas of China. Due to the limited availability of coniferous wood in China, if the client requires coniferous WPM, it is mainly produced from pine and fir logs, imported from Australia, New Zealand, Russia and Canada.

4.5.3 Production and use of WPM for stone consignments

In the areas visited, stone processing companies generally buy WPM from sawmills in a size and form, suitable for the commodity they export. They produce in parallel for the domestic and export markets, but most of the companies the FVO team visited exported a relatively small part of their total production. The packing requirements (type, size of the WPM) are similar for the domestic and export markets.

If the stone products are for export, the processing company sends the WPM for treatment and marking. Some sawmills have treatment facilities and supply the customers with treated and marked WPM.
According to the companies visited, HT or MB treatment increases the WPM price by 10-25%.

5 FINDINGS AND CONCLUSIONS

5.1 CENTRAL, REGIONAL AND LOCAL AUTHORITIES, INVOLVED IN THE IMPLEMENTATION OF ISPM-15, CONCERNING WPM USED FOR GOODS EXPORTED TO THE EU

Legal requirements

Section 6 of ISPM 7 specifies that the National Plant Protection Organisation (NPPO) should periodically review the effectiveness of all aspects of its export phytosanitary certification system and implement changes to the system if required. A similar clause is also included in chapter 2.6 of ISPM 23 on guidelines for inspection.

Findings

5.1.1 Relevant national legislation

The Law on Entry and Exit Animal and Plant Quarantine of the People's Republic of China (effective as of 1 April 1992) provides for the general background of export phytosanitary controls. It also includes provisions on the liability of stakeholders in the case of violation of the law including the possibility for the application of sanctions.

Decree No 69 of AQSIQ of 24 December 2004 on Measures for Administration of the Quarantine Treatment of Wood Packaging Material of Exported Goods establishes a general requirement that WPM used for export of goods has to meet the requirements of ISPM 15, i.e. has to be treated and has to bear a valid ISPM mark. The decree regulates the authorisation of treatment facilities, sets minimum requirements for HT and MB treatment, determines the scope and implementation of official controls in the establishments, the treatment conditions and how to apply the ISPM mark.

Joint Announcement No 4/2005 of AQSIQ, Customs, Forestry Bureau and Ministry of Commerce refers to the responsibility of stakeholders for using exclusively treated and marked WPM for exported consignments. It also declares that AQSIQ is responsible for WPM export controls and emphasises that inspection and quarantine agencies, customs and forestry authorities should make efforts aimed at increasing awareness of the stakeholders of export rules.


AQSIQ informed the FVO team that legislation is planned to make treatment and marking of WPM obligatory in the domestic trade as well.

5.1.2 Structure and organisation of the relevant competent authorities

AQSIQ is the NPPO of China and it is responsible for the implementation of the plant health legislation, for the coordination and supervision of the phytosanitary inspection and quarantine
activity, including issuance of phytosanitary and other certificates in the case of exported and imported plants and plant products and the implementation of ISPM 15 in China.

There are 35 Entry-Exit Inspection and Quarantine Bureaus of the People’s Republic of China (CIQ), situated in 31 Provinces, and in the four specific economic areas. CIQs were established and are supervised by AQSIQ. The CIQs are sub-divided into branches and inspection and quarantine offices (local CIQs), situated in administrative regions, ports and goods distribution centres across the country. They are responsible for the authorisation of WPM treatment facilities, for inspection of the stakeholders carrying out HT and MB treatments and applying the ISPM mark. The FVO team visited two provinces (Fujian and Shandong) and the specific economic area in Xiamen and met representatives of three CIQs.

Further information on AQSIQ and CIQs is available on the website: [http://english.aqsiq.gov.cn/](http://english.aqsiq.gov.cn/)

### 5.1.3 Division of tasks

AQSIQ and its relevant directorates have legislative and coordination roles for the WPM inspections. AQSIQ is the national contact point for receiving notifications of interceptions by other countries. The CIQ headquarters is responsible for the approval of treatment facilities, for the remote monitoring of the HT procedure (see chapter 5.2.3.1) and for coordination of WPM inspections.

Inspectors of the CIQ local offices are responsible for controls at authorised treatment facilities. They carry out occasional WPM controls at point of exit and at WPM users, together with representatives of other relevant authorities. Some CIQs involve external resources (state owned quality control bodies or even representatives of companies) in the controls (see chapter 5.2).

### 5.1.4 Guidelines, work instructions

Besides being responsible for the national legislation on WPM, AQSIQ also coordinates the work of the CIQs. For controls related to WPM, AQSIQ prepares and supplies the CIQs with guidelines and recommendations. They contain minimum requirements, fully in line with provisions of ISPM 15. CIQs are entitled to implement the legislation, AQSIQ guidelines and recommendations in a form, adapted to the specific situation and conditions of the area they supervise. CIQs may set stricter rules than those recommended by AQSIQ. The rules could be different from branch to branch of the same CIQ.

The FVO team noted that:

- CIQ staff involved in WPM controls receive regular training;
- Inspectors met appeared knowledgeable, well trained and qualified, concerning their WPM control tasks;
- while there is an established way of communication and exchange of information between AQSIQ and the CIQs, these activities are limited between the CIQs (see also chapter 5.3).

### Conclusions

Comprehensive national legislation implements the provisions of ISPM 15. It makes obligatory the use of WPM, treated and marked according to ISPM 15, for all exports. CIQs may set stricter conditions for WPM treatment for stakeholders under their supervision. The CAs, responsible for WPM controls are well organised. They possess sufficient well trained staff for authorisation of the
treatment facilities and controls of the treatment and application of the mark, in line with section 4.1 of ISPM 15. There are procedures in place for the implementation of the WPM controls. There is sufficient vertical communication and information exchange among the CAs, although communication between CIQs is limited.

5.2 **Official controls and other measures applied in the case of WPM, produced in China and used for goods exported to the EU**

Legal requirements

Directive 2000/29, Annex IV, Part A, Section I, points 2 and 8 require that WPM used in the transport of objects of all kinds and imported into the EU (except from Switzerland) have been debarked, treated and marked as specified in ISPM 15. Section 4.1 of this standard specifies that the treatment and marking must always be under the authority of the NPPO and refers to ISPM 7 on phytosanitary certifications systems, which lists requirements for a control system regarding such issues as management, resources, staff and procedures, including guidance documents and work instructions.

Article IV.2(c) of the International Plant Protection Convention lays down that National Plant Protection Organisations have the responsibility for the inspection of consignments of plant and plant products moving in international traffic and, where appropriate, the inspection of other regulated articles, particularly with the object of preventing the introduction and/or spread of pests.

Section 3.1 of ISPM 15 describes the required treatment and marking for WPM. Section 4.1 of the standard specifies that such treatment and marking must always be under the authority of the NPPO, who has the responsibility for ensuring that all systems authorised for implementing the standard meet all necessary requirements described in the standard, and that wood packaging material bearing the mark has been treated and/or manufactured in accordance with the standard. Responsibilities of the NPPO include: authorisation, registration and accreditation, as appropriate; monitoring of treatment and marking systems implemented in order to verify compliance; inspection, establishing verification procedures and auditing, where appropriate.

Findings

5.2.1 **Authorisation of treatment facilities according to ISPM 15**

At the time of the audit there were 1,126 establishments in China, authorised for WPM treatment according to ISPM 15. HT and MB fumigation are both approved. The majority of the establishments are authorised for HT only, some of them for both types of treatment and some companies deal with MB fumigation only. Due to environmental concerns, MB treatment is used to a lesser extent; the HT and MB ratio is currently 5:1.

There are no companies yet in China, authorised for the dielectric treatment of WPM, recently added to ISPM 15. AQSIQ intends to check efficiency and feasibility of the new method and may authorise this treatment in the future.

The minimum requirements for HT of WPM under AQSIQ Decree 69 of 2004 and by the National Guideline GB/T 28,838-2012 are as follows: sufficient conditions in the chamber for reaching and
keeping a minimum wood core temperature of 56°C; thermal insulation of the chamber and fans for air circulation; homogeneity study for the determination of the chamber's cold spot; four calibrated temperature probes for monitoring the treatment – wood core, dry bulb (detecting air temperature, placed beside the wet bulb), wet bulb and one environment probe (measuring air temperature, placed at a distance from the wet bulb probe); sufficient IT equipment for recording and transmission of regular probe readings during the treatment.

The minimum requirements for MB fumigation under AQSIQ Decree No. 69 and national industrial standard SN/T 1143-2002 include: an area of impervious flooring; gas-tight treatment chamber; internal air circulation; calculation of dosage according to temperature and timetable, fully in line with the provisions of ISPM 15; monitoring and recording of gas concentration after 2, 4 and 24 hours; trained and certified personnel for supply of fumigant.

HT and MB treatment companies have to establish sufficiently separated storage areas for untreated and treated WPM. They have to nominate a person responsible for the supervision of the entire treatment procedure from the reception until dispatch of WPM. The work shall be carried out according to standard operating procedures. The companies are also required to operate an internal quality control system.

For the approval of the facilities a complex, well documented procedure exists, from the formal application to the authorisation. It always includes on-site visit(s) by an inspector of the CIQ branch or local CIQ office.

If the company fulfils the requirements, the relevant CIQ issues a disinfection/labelling certificate. It authorises the company for carrying out HT and/or MB treatment and to mark the WPM in accordance with ISPM 15. The certificate is valid for three years, a copy of it is published on the website of AQSIQ and the relevant CIQ.

Each treatment facility is subject to an annual review. It includes documentary checks and on-site visits in order to inspect the technical conditions and the work of the facility. For the renewal of the licence (after three years in operation) detailed technical controls are carried out by the CIQ inspectors.

At treatment companies visited the FVO team noted that:
• The authorised companies generally met the requirements of Chinese legislation and the specific conditions, set by the relevant CIQ.

At the HT companies visited the FVO team noted that:
• Homogeneity studies were conducted by accredited bodies recognised by AQSIQ/CIQs for performing the technical studies;
• The audit team were not provided with copies of the homogeneity studies during any of the visits and therefore it was not possible to review and evaluate information, which the accredited bodies supplied to the treatment providers.
• From the information supplied by the HT companies it was unclear how the homogeneity studies were carried out, in particular how was the the cold spot of the treatment chamber determined.
• In some cases it appeared that the homogeneity studies could not identify the cold spot properly, as they were performed only with four sensors and three of which (the dry, wet and environment probes) were placed in fixed positions within the treatment chamber during each trial treatment;
• The companies used regularly calibrated temperature probes. However, the calibration was
not always carried out by an independent professional body and official controls did not verify that the calibration was carried out properly.

5.2.2 Authorisation for application of the ISPM 15 mark

AQSIQ informed the FVO team that only treatment companies are authorised for the application of the ISPM mark. There are no WPM assemblers registered in China for marking WPM under ISPM 15. The companies are authorised for the treatment and application of the ISPM mark by the same administrative procedure.

The ISPM mark, applied in China contains the following elements besides the IPPC logo:

\[
\text{CN-000} \\
\text{YY-ZZ}
\]

CN is the ISO country code for China; 000 – three digits identify the treatment company; YY – refers to the type of treatment (HT or MB); ZZ – is the code of CIQ (there are 35 CIQs, but the numbering is not sequential). The codes of Fujian, Shandong and Xiamen CIQs are 35, 37 and 39, respectively.

The FVO team noted that:
- The ISPM mark applied under the control of the CIQs visited is not entirely in line with requirements of Annex 2 of ISPM 15 as it contains the identification code of the CIQ inside the mark's frame;
- In the case of ISPM marks, applied under the control of Shandong and Xiamen CIQs the three digits after the country ISO code identify the treatment company;
- The same code applied under the control of Fujian CIQ identifies the relevant CIQ branch or office. An additional three digit number is applied vertically, outside of the mark's frame for the identification of the treatment company.

5.2.3 Official controls of the production and treatment of WPM according to ISPM 15

There are specific requirements on the quality of the WPM to be treated. Treatment is only allowed, if the WPM does not contain bark; does not have any grub/worm holes; is free from soil and other physical contamination. Companies are obliged to store treated and untreated WPM separately; the storage area has to be clean and free from insects.

Heat and methyl bromide treatments are carried out under the supervision of the relevant local CIQ. Each treatment has to be pre-authorised by the local CIQ. In an official request, the operator indicates the quantity and type of WPM to be treated and date and starting time of the treatment. The authorisation could take place electronically (in the form of an e-mail or text message exchange).

CIQ inspectors visit approved treatment facilities at least four times a year. As each treatment is pre-authorised they can assess the risk and decide whether to visit the company during that particular treatment. These controls are in general unannounced. In case of HT remote monitoring is applied (see chapter 5.2.3.1). CIQs do not charge for the controls.

As a pilot project, Fujian CIQ introduced a specific control system, in cooperation with China Certification and Inspection Group (CCIC), a state owned quality control company. CCIC
inspectors are physically present for each treatment during the loading and unloading. They check the quality of the WPM to be treated (absence of bark, dirt and grub-holes); the general conditions of the chamber and treatment site, the separation of untreated and treated WPM. CCIC charges for these services.

After the treatment is completed, the treatment company issues a Heat Treatment/Fumigation Treatment Report indicating the quantity of WPM and treatment conditions. For each customer the treatment company issues a conformity certificate, containing the date of treatment, the amount and type of the WPM supplied. The treatment company is requested to file copies of the conformity certificates for any future investigation. The conformity certificate is used exclusively within the country, it exists only in Chinese version.

In the case of MB treatment, besides the application of the ISPM mark the fumigation company may issue a fumigation certificate, indicating the details of the treatment. This certificate may be issued in languages other than Chinese.

CIQs are responsible for the verification of data, provided by the establishments, including the volume and type of the WPM treated, temperature readings and video images, received by remote monitoring. Fujian and Xiamen CIQs endorse the original of the conformity certificate, which accompanies the shipment. Shandong CIQ does not apply this validation method.

At the WPM treatment facilities visited the FVO team noted that:
- Each operator appeared to be fully familiar with the requirements of WPM treatment and ISPM mark application;
- There were differences concerning technical installation, equipment and maintenance practice of the treatment chambers, however, the requirements of the supervising CIQ were met in each case;
- Each establishment nominated a person responsible for treatment supervision and applied detailed standard operating procedures and systematic internal controls;
- CIQ and CCIC inspectors were familiar with requirements and practical aspects of the controls. They checked the relevant documentation, the treatment chamber, the storage area and the WPM;
- In the establishments controlled by Fujian CIQ, CCIC inspectors were in general present during loading and unloading of the treatment chambers.

5.2.3.1 Controls at establishments, authorised for heat treatment

The CIQs are entitled to require specific treatment conditions. Only one branch of the Shandong CIQs visited applied the minimum conditions (56°C, 30 min) set by ISPM 15. Fujian and Xiamen CIQ and other branches of Shandong CIQ required higher temperature (in general 65°C) and longer treatment period (one to four hours).

The FVO team visited six approved HT facilities and noted that:
- The companies carried out checks on WPM before the treatment and implemented the quality requirements, especially concerning the absence of bark and grub-holes and stored the treated and untreated WPM separately;
- Each establishment had installed an IT system for recording and storing temperature readings during the treatment. The readings were transmitted in real time to the relevant CIQ via the internet. The IT systems used guaranteed that data could not be manipulated;
- The HT facilities, supervised by Fujian and Xiamen CIQs had video surveillance with direct
data transfer via internet. Images taken at regular intervals were stored in the CIQ IT system for control purposes;

- The temperature probe measuring the wood core temperature was always placed in the designated cold spot of the chamber. However, the cold spot within every chamber seen was reported to be in the centre of the chamber floor at a height between 30 cm to 1 metre above ground level regardless of the design of the chamber. In some cases the spot was clearly marked on the floor;

- Different practices were also applied concerning size and type of wood used for measuring core temperature. At some premises, a piece of wood of the same species and size of the largest element of the WPM to be treated was used for placing the probe. At other premises bespoke blocks of wood of the same species and moisture content but of a larger dimension than the WPM to be treated were used;

- Different practice was applied for probe calibration. The calibration was carried out either by independent bodies or by the staff of the treatment company with different methods. The probes were not marked with unique identification numbers.

As the FVO team did not see HT in progress, the implementation of appropriate stacking of WPM could not be verified.

5.2.3.2 Controls at establishments using methyl-bromide treatment

The FVO team visited two approved fumigation facilities one of which was a specialised company, performing fumigations in freight containers in a container yard at Xiamen Port. The other was located at an approved heat treatment company in Shandong Province.

The FVO team noted that:

- at both premises the equipment complied with the minimum requirements of ISPM 15 and included the use of a vaporiser to ensure that MB was introduced into the treatment chamber in a gaseous state during low temperatures;

- In the port, MB treatment was used for stone products, already packed in untreated WPM and carried out in the containers used for exporting the goods;

- The other company had both HT and MB facilities. It appeared that they commonly use MB treatment in cases, where it could be easily replaced by HT. MB treatment is required by the customers, some of whom consider that a fumigation certificate is a useful document for export.

5.2.4 Controls at establishments, authorised for application of the ISPM 15 mark

According to AQSIQ, only treatment companies are authorised to apply the ISPM mark. The HT mark is always branded onto the wood, while the MB mark is either branded or stamped. A stamp is usually applied when the treatment takes place in the container loaded for the export destination. The companies are obliged to store the burner and stamp in secure manner, in order to avoid misuse.

Controls on the ISPM mark application are usually part of the regular visits of CIQ inspectors at the treatment premises. In establishments controlled by Fujian CIQ, CCIC is responsible for checking the application of the ISPM marks. CCIC inspectors are present during mark branding or stamping. The application devices are locked at the premises of the establishment in compartments, which can only be opened by CCIC inspectors.

The FVO team noted that:
• Treatment companies do not apply ISPM mark on each treated element of the “box” used for stone products. The ISPM mark is usually branded on the pallet part;
• The CAs do not register WPM assemblers and do not control whether, for the assembly, only treated WPM parts are used.

In order to address falsification or other types of fraud concerning the use of the ISPM mark, some of the CIQs introduced additional measures. Treatment companies supervised by Fujian and Xiamen CIQs are obliged to stamp an additional code on the WPM they produce, indicating the treatment date, the code of the company and the number of the batch. This code is stamped onto the pallet part of the WPM, beside the ISPM mark. Shandong CIQ encourages companies to apply a so-called anti-counterfeit code on the WPM. This code is generated and issued by the CIQ. It indicates the company, treatment date, and contains a unique identification number for each WPM “box”. This code is currently applied by a limited number of companies and it is hand-written.

The FVO team noted that:
• The code, applied by companies supervised by Fujian and Xiamen CIQs contains useful information for the identification of the treated WPM batch;
• The anti-counterfeit code, applied by certain companies in Shandong is currently hand written. Its application is therefore labour intensive and it is difficult to identify as an official mark and to distinguish it from other commercial information applied on the WPM.

5.2.5 Controls at other places related to WPM use and export

Official controls concentrate on the treatment facilities. The treated WPM, which the stone processing companies receive from approved establishments, is accompanied by a conformity certificate, indicating the amount and type of the material (see chapter 5.2.3).

The FVO team visited four WPM users (stone processing companies) and noted that:
• Each company packed stone products both for the domestic and export markets, including the EU and used in parallel treated and non-treated WPM;
• They received unassembled boxes from treatment establishments, with ISPM mark on the pallet side and with no mark on the other elements of the box;
• The companies possessed conformity certificates. At one company in Shandong quantities of WPM indicated in the conformity certificates were significantly lower than the ones, present on the site;
• At each stone processing company visited treated and non-treated WPM was stored at the premises. Companies in Fujian and Xiamen stored treated and non-treated WPM separately, however those in Shandong not;
• At one company in Shandong, visited unannounced, the FVO team found WPM with a stamped HT mark. The CIQ representative stated that in Shandong treatment companies always brand the HT mark, therefore the stamped marks were considered as false;
• Representatives of the CIQs visited informed the FVO team that cases with false mark do occur;
• The FVO team did not find evidence of controls at the stone processing companies, related to the WPM use and/or assembly, carried out by the CIQs or any by other authorities. The CIQs also stated that there are no official controls on WPM at stone processing companies. Therefore it is not controlled, whether the quantity of WPM used for export corresponds to the amount of treated WPM the company receives or whether only treated parts are used during the assembly.
According to the Chinese export regulations in force, the presence of the ISPM mark and its validity is checked at the point of exit for all consignments, containing goods, listed in the statutory export control catalogue (e.g. WPM used for exporting fresh fruit).

WPM itself is not subject to statutory export controls at the point of exit. AQSIQ and the CIQs informed the FVO team that organising controls at the exit points is difficult. There are numerous container terminals, dealing with a wide range of goods; container and ship loading takes place according to a tight schedule, it is very difficult if not impossible to get access to a container already loaded and waiting for shipment.

Each CIQ organises WPM export control campaigns at ports, in general three-four times a year in cooperation with Customs. The FVO team was informed that about 5% of the exported WPM is controlled, including that used for export of goods, subject to statutory phytosanitary controls.

Xiamen CIQ applies a specific, additional control measure in container loading terminals under its supervision. The CIQ appoints employees of companies, operating the terminals as coordinators. They check for the presence of ISPM marks and of the conformity certificates on incoming stone product consignments. If there is no mark present, the CIQ is informed. The non-marked WPM is either refused or allowed to enter the premises and be stored separately for MB treatment prior to export.

The FVO team met a coordinator, appointed by the CIQ at Xiamen port and noted that:
• The coordinator was fully aware of export WPM requirements;
• He confirmed that they check for the presence of ISPM mark and conformity certificate on each incoming consignment of stone products;
• He reported that about 2-3% of the consignments were non-compliant. Each of those was reported to the CIQ and the consignments were treated with MB at the port;
• While inspecting the yard, no unmarked WPM was found.

5.2.6 Other activities undertaken to ensure that exporters respect the EU requirements related to the use of WPM

AQSIQ and CIQs informed the FVO team that specific attention is paid to informing the relevant stakeholders about the requirement that for export, the WPM has to be treated and marked by approved companies. AQSIQ and CIQ internet sites contain detailed information and references about the export requirement, including the list of the approved treatment facilities. Information is also available in printed form. CIQs regularly organise specific seminars and information campaigns for exporters and other stakeholders about the requirements related to the export of WPM.

5.2.7 Sanctions, administrative procedures

The Chinese legislation in force provides for the opportunity of sanctions in the case of non-compliances and violation of the law, related to WPM.

The CA considers that the main reason for using non-treated WPM for export is the lack of stakeholders' knowledge about requirements. Therefore, if non-marked WPM is detected during export controls or if notification is received about an interception of non-marked WPM, only an oral warning is made and sufficient information is provided to the identified liable person.
Administrative procedures may be initiated only when a repeated offence is detected.

If official controls establish that the ISPM mark was applied on non-treated WPM – considered as falsification of the mark – or the authorised companies carried out treatment or applied a mark not according to the requirements, administrative procedures may be initiated. The maximum fine applicable is 50,000 CNY (about 6,500 EUR).

The FVO team was informed that sanctions especially in the case of the application of the ISPM mark on non-treated WPM are rarely initiated, because in the majority of the cases, it is not possible to identify the liable person or entity or to prove the offence. During investigations of non-compliant cases, CIQ inspectors often face complicated business relations, stakeholders' reluctance of cooperation leading to dead end investigations. For the CIQs visited by the FVO team, no examples or statistics of sanctions actually applied were available.

The FVO team noted that:
- During the controls at Xiamen Port no sanctions were applied when WPM without ISPM mark was detected. The person responsible for the goods had the choice either to withdraw the consignment or to arrange its fumigation at the port. It was not checked whether the company had previous records of non-compliance related to the WPM use (see chapter 5.2.5);
- In the case of the stone producer, where presence of WPM with false ISPM mark was detected during the FVO visit, the CIQ did not initiate an investigation in order to identify the source and no enforcement measures were taken; (see chapters 5.2.5 and 5.3)
- The CIQs visited did not provide examples or statistics of administrative actions or sanctions implemented for cases of identified non-compliances.

Conclusions

The approval procedure of the treatment facilities and official controls on the HT and MB treatments are comprehensive and are in line with requirements of ISPM 15. The practice of calibration of the temperature probes and their placement in the HT chambers does not always ensure that the wood core temperature is correctly measured at the coldest spot of the chamber, as required by Annex 1 of ISPM 15. However, for some CIQ branches, this deficiency is compensated for by the safety margin applied (higher temperature, longer treatment), assuming that other elements of the treatment, including appropriate stacking and air flow are implemented. The involvement of state owned and private companies by some CIQs resulted in intensive controls on WPM.

Although China is officially committed to phase-out this chemical, MB is still used as routine for WPM treatment in places where it could be easily replaced by HT.

The form and information content of the ISPM mark applied in China do not meet requirements of Annex 2 of ISPM 15 as the code of the CIQ is included. The CA justified, however that this information is useful, because it facilitates the trace-back activity in the case of interceptions. However, the FVO considers that the practice, applied under control of Fujian CIQ is misleading, because the code within the ISPM mark frame does not identify the treatment company.

CAs make efforts to inform stakeholders about the requirements for WPM, used in exports to the EU and to promote the use of treated, correctly marked WPM. Actions include general and targeted
information campaigns and distribution of information via the internet.

Official controls are mainly focused on the approved treatment facilities in order to verify that treatment and marking of WPM are carried out in line with ISPM No. 15. At the points of exit controls are random with low frequency, in order to check the presence of the the ISPM mark.

Despite the fact that stone processing companies receive marked and non marked parts of treated WPM for assembly and the companies usually possess also non-treated WPM and there is evidence of the use of fraudulent ISPM marks, controls at WPM users are not carried out.

The current system of official controls in China does not adequately ensure that WPM, which forms part of consignments of goods, exported to the EU is marked according to ISPM No. 15 and that WPM with an ISPM mark has been treated according to the provisions of ISPM 15. Therefore a significant risk for the EU exists, because the ISPM mark from China may provide for false guarantees (see also chapter 5.3).

The CAs try to combat falsification by obliging or recommending the use of additional information on the marked WPM. However, as the information content and the form of these additional marks are not harmonised countrywide and their meaning is not communicated officially to the EU to other recipient countries of the WPM, they cannot provide additional guarantees.

5.3 Follow-up of EU interceptions of WPM from China, especially interceptions with harmful organisms

Legal requirements

ISPM 13 gives guidance for the notification of non-compliance and emergency action. Chapter 9.1 of this standard specifies that the exporting country should investigate significant cases of non-compliance with a view to avoid recurrence.

Findings

Since 2007, AQSIQ has operated an IT platform connecting the CIQs, in order to facilitate the follow up of notifications of intercepted exports including WPM. AQSIQ collects notifications received as IPPC contact point, from other NPPOs, Chinese Embassies or other sources, electronically or in paper form.

If AQSIQ assesses that the notification contains sufficient information, it is uploaded to the platform. The CIQ which receives the notification carries out the investigation and reports the findings to AQSIQ via the platform.

Since 2007, over 4,000 notifications were uploaded to the platform from 49 countries; over 60% of them related to WPM. There are 442 EU WPM notifications uploaded, received from 17 MS. AQSIQ noted that they mainly use notifications received directly from MS. Due to technical issues – changes in e-mail addresses of dedicated recipients – they had not received all the EUROPHYT notifications. (Based on the information received from AQSIQ, the addresses were updated in EUROPHYT already during the audit.)
AQSIQ stated that the majority of the notifications did not have sufficient information for follow-up. If there is no mark on the WPM, the information on the export documents usually does not allow for a trace back of the WPM to the producer or user. Due to business reasons, the stakeholders are reluctant to disclose information on their business partners. For the proper follow-up, additional information would be necessary, at least the bill of lading number related to the container. Due to the lack of proper information, follow up was carried out in less than one quarter of the EU notifications on non-marked WPM.

If there is an ISPM mark on the intercepted WPM, the relevant CIQ carries out an investigation at the treatment company. If the investigation concludes that the cause of the non-compliance was improper treatment, handling, storage or marking of the WPM, administrative procedures for sanctions can be initiated. If the liability of the treatment company is not proved, the investigation continues only in the case where additional information (e.g. bill of lading number of the container) is available (see chapter 5.2.7).

The FVO team visited 6 HT and 2 MB treatment companies. They were selected by the FVO, because the ISPM marks, which they are authorised to apply, had been found on WPM, intercepted in the EU since January 2010, due to the presence of HO. The FVO team checked the follow-up activity of the interceptions at each company and noted that:

• In some cases the CIQ was not aware of the EU interceptions;
• Having received information from AQSIQ, the CIQ branch or local office launched an investigation. The treatment licences of the companies involved were suspended until the completion of the procedure. The length of suspension varied between 10 days and one month;
• The investigations concluded in each case that the intercepted WPM did not originate from those companies. As the ISPM mark on the intercepted WPM clearly indicated the companies in question, these cases can be considered as falsification or misuse of the mark;
• The CIQ then attempted to identify the person or entity, liable for the non-authorised use of the ISPM mark. First the exporter was contacted, in order to find information about the other stakeholders, involved in the production and trade chain;
• The CIQs highlighted that due to the complicated business relations sometimes they could not reach the exporter or the company was reluctant to provide information on its trade partners arguing with business reasons;
• Even if the stone processing company was traced back, it was nearly impossible to collect evidence about the misuse or falsification of the mark and prove the liability for launching the administrative procedures for sanctions;
• The investigations related to the interceptions with the ISPM marks of the companies visited did not result in corrective actions;
• No example was presented to the team of sanctions applied to offenders other than treatment companies in the provinces visited;
• The investigation and follow-up activity seem to be more difficult and complicated when more than one CIQ needs to be involved. The FVO team did not obtain any evidence of successful investigations involving CIQs of different provinces.

Conclusions

A considerable proportion of the EUROPHYT notifications have not been followed up. If there is no mark present, the usual commercial information does not make possible the identification of the stone producer who packs the consignment using WPM. AQSIQ requires additional information,
such as the bill of lading number related to the container for the sufficient follow-up.

If the number of the mark is reported in the notification, follow-up actions take place. The outcome of the investigations in the case of companies visited by the FVO team indicated clear cases of mark falsification.

In certain cases, the strict division of territorial competencies of the CIQs and the limited communication among them impedes the successful follow-up.

Although there is a system of follow-up of EU notification, the investigations have limited effect of avoiding recurrence, especially as the liable person/entity and the cause of non-compliance is usually not identified and no administrative measures/sanctions are implemented.

6 OVERALL CONCLUSIONS

There are comprehensive national legal requirements in place in line with ISPM 15 provisions. AQSIQ guidelines and recommendations assist in their implementation. CIQs may set locally or regionally stricter rules concerning the minimum temperature and length of the heat treatment and controls of the treatment and wood marking procedure.

There is a comprehensive system of approval of treatment companies and of official controls on the treatment and ISPM mark application. The controls observed by the FVO team were to a large extent in line with requirements of ISPM 15, however, some deficiencies were identified. In general the WPM, which has been treated and marked by registered and controlled companies can be considered as safe.

Official controls are mainly focused on the approved treatment facilities in order to verify that treatment and marking of WPM are carried out in line with ISPM No. 15. Official controls at places other than treatment facilities are limited. Despite the fact that stone processing companies receive marked and non marked parts of treated WPM for assembly and that the companies usually possess also non-treated WPM and although there is evidence of the use of fraudulent ISPM marks, controls at WPM users are not carried out.

Investigations are carried out only for a part of the EU interception notifications. In the majority of cases these investigations cannot identify the liable person/entity or the cause of the non-compliance.

Consequently the current system of official controls in China does not adequately ensure that WPM, which forms part of consignments of goods, exported to the EU is marked according to ISPM No. 15 and that WPM with an ISPM mark has been treated according to the provisions of ISPM 15.

7 CLOSING MEETING

A closing meeting was held on 28 June in Beijing at the AQSIQ headquarters. Representatives of the CIQs the FVO team visited were also present. During the meeting the main findings and preliminary conclusions of the audit were presented. These were provisionally accepted by AQSIQ
representatives. However, AQSIQ representatives highlighted that the FVO team visited only a limited number of places, therefore the findings, especially those, relating to the use of false ISPM mark cannot be considered as representative of the entire territory of China.

8 Recommendations

The competent authority in China is recommended to:

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<th>No.</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>1.</td>
<td>Ensure that heat treatment facilities are authorised based on proper homogeneity studies that identify the cold spot of the heat treatment chamber, in order that reliable monitoring of treatment against ISPM No. 15 requirements can be carried out.</td>
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<td>2.</td>
<td>Ensure proper calibration of the temperature probes, proper placing of the probes for measuring the wood core temperature and proper stacking of the wood in the treatment chamber in order that the WPM always receives heat treatment at least with the minimum temperature and duration as required by Annex I of ISPM No.15.</td>
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<td>3.</td>
<td>Ensure that the producer/treatment provider code is always indicated within the border of the ISPM mark, as required by Annex 2 of ISPM No.15.</td>
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<td>4.</td>
<td>Ensure in line with point 2 of ISPM No.23 that the system of official controls verifies that the WPM which forms part of consignments of goods to be exported to the EU is marked with a valid and not fraudulent ISPM 15 mark.</td>
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<tr>
<td>5.</td>
<td>Implement additional measures in line with provisions of point 2.5 of ISPM No.23, for instance controls at WPM users or targeted controls at the points of exit, in order to provide guarantees that the WPM, which forms part of consignments of goods to be sent to the EU has been marked and treated according to requirements of ISPM No. 15.</td>
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<tr>
<td>6.</td>
<td>Ensure that the EU notifications of WPM interceptions are always followed up, including the implementation of appropriate corrective actions, with the view of avoiding their recurrence, as required by Section 9.1 of ISPM 13.</td>
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<tr>
<td>7.</td>
<td>Communicate immediately to the EUROPHYT help-desk any changes in e-mail addresses of the recipients of EUROPHYT notifications in order to ensure the receipt of immediate direct information about EU interceptions in line with the provisions of Article VIII of the International Plant Protection Convention.</td>
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The competent authority's response to the recommendations can be found at:

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<tr>
<th>Legal Reference</th>
<th>Official Journal</th>
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<tr>
<td>International Convention/Standard</td>
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<tr>
<td>IPPC</td>
<td>International Plant Protection Convention (1997), as revised and approved by Resolution 12/97 of the 29th Session of the FAO Conference in November 1997</td>
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<tr>
<td>ISPM No. 5</td>
<td>International Standards for Phytosanitary Measures, Publication No 5; Glossary of Phytosanitary Terms (2012); Food and Agriculture Organisation, Rome (last modified May 2012)</td>
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<tr>
<td>ISPM No. 7</td>
<td>International Standards for Phytosanitary Measures, Publication No 7; Phytosanitary certification system (2011); Food and Agriculture Organisation, Rome (last modified August 2011)</td>
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<tr>
<td>ISPM No. 13</td>
<td>International Standards for Phytosanitary Measures, Publication No 13; Guidelines for the notification of non-compliance and emergency action (2001); Food and Agriculture Organisation, Rome (last modified August 2011)</td>
<td></td>
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<tr>
<td>ISPM No. 15</td>
<td>International Standards for Phytosanitary Measures, Publication No 15; Regulation of wood packaging material in international trade (2009); Food and Agriculture Organisation, Rome (last modified, April 2013)</td>
<td></td>
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<tr>
<td>ISPM No. 23</td>
<td>International Standards for Phytosanitary Measures, Publication No 23; Guidelines for inspection (2005); Food and Agriculture Organisation, Rome (last modified August 2011)</td>
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