

Disclaimer: This is a provisional translation of the standard procedure (Last updated: 22 March 2023) written in Japanese. Only the Japanese text is legally authentic. This translation is prepared solely as a reference material to aid in understanding the Japanese text.

Official Directive No.5 of the Ministry of Agriculture, Forestry and Fisheries (MAFF).

22 March 2023

Tetsurou Nomura, Minister of Agriculture, Forestry and Fisheries

## **Standard Procedure for Lifting a Ban on Importation of Plants into Japan**

### Article 1

#### *Objective*

The objective of this Official Directive is to establish standard procedures in the Ministry of Agriculture, Forestry and Fisheries when it receives a request from a country to lift a ban on importation of plants of which Japan has prohibited import (hereinafter referred to as "import-prohibited plants") in accordance with item(i) of Paragraph 1 of Article 7 of the Plant Protection Act (Act No. 151 of 1950, hereinafter referred to as "the Act") and item(i) of Article 9 of the Ordinance for Enforcement of the Plant Protection Act (Ordinance of the Ministry of Agriculture and Forestry No. 73 of 1950, hereinafter referred to as "the Ordinance"), and thereby to ensure fairness and increase transparency of the procedures while taking into account relevant international standards.

### Article 2

#### *Definition*

For the purpose of this Official Directive, following definitions shall apply in addition to those defined in the Act:

- (1) "Plant Quarantine Authority (PQA)" means the Plant Protection Division of the Food Safety and Consumer Affairs Bureau and the Plant Protection Stations of the Ministry of Agriculture, Forestry and Fisheries; and
- (2) "Risk assessment" means the evaluation of probability that harmful animals or harmful plants (hereinafter referred to as "pests") are introduced and spread in Japan and

magnitude of associated potential economic consequences; and

- (3) "Requesting country" means the country that intends to request or has requested lifting a ban on the importation of import prohibited plants; and
- (4) "Risk management measures" means the measures taken to reduce the risk of introduction of quarantine pests in Japan that are referred to in Paragraph 1 of Article 5-2 of the Act; and
- (5) "Conditions for lifting the ban" means procedures etc. for implementing the risk management measures that Japan requires a country in importing import prohibited plants.

### Article 3

#### *Acknowledgement of Request*

When a requesting country submits a letter on the request for lifting a ban on importation of import-prohibited plants and information necessary for the consideration of risk assessment and risk management measures, PQA accepts the request, notify the requesting country of the acceptance, and make it public on the website of MAFF without delay.

### Article 4

#### *Identification of Pests Subject to Consultation*

- 1. PQA should identify pests that may be subject to phytosanitary measures pertaining to the request, based on the information submitted pursuant to the preceding Article.
- 2. PQA should conduct risk assessment of the pests identified pursuant to the provision of the preceding paragraph when it is deemed to be necessary.
- 3. When PQA finds that the information necessary for the identification or the risk assessment of pests is insufficient in the processes referred to in the preceding two paragraphs, PQA should endeavor to collect necessary information through processes such as requesting materials to the requesting country.
- 4. Based on the result of risk assessment of Paragraph 2, PQA should identify, among the pests identified pursuant to the provision of Paragraph 1, pests that require consultations with the requesting country concerning risk management measures (hereinafter referred to as "pests subject to consultation").

5. PQA should make the pests subject to consultation and the other quarantine pests pertaining to the request public on the website of MAFF.

#### Article 5

##### *Development of Risk Management Measures*

1. PQA should request the requesting country to submit materials pertaining to risk management measures for the pests subject to consultation and develop risk management measures that are scientifically recognizable as to be able to sufficiently reduce the risk of introduction into Japan, through consultations with the requesting country, while taking into account international standards.
2. PQA should request the requesting country to submit the plan for test or surveillance concerning the risk management measures, when deems it necessary during the process of the preceding paragraph. When the plan is found appropriate, PQA should request the requesting country to submit the result of its implementation and other related materials.
3. If PQA finds through the process of Paragraph 1 that information necessary for the development of risk management measures is insufficient, it should endeavor to collect the information through processes such as requesting materials from the requesting country or conducting on-site investigation.
4. The hearing of the opinions of academic experts and other relevant persons should be held based on the provisions of Paragraph 2 of Article 5-2 of the Act as applied *mutatis mutandis* pursuant to the provisions of Paragraph 7 of Article 7 of the Act, during in principle the process of developing the risk management measures pursuant to Paragraph 1 of this Article.

#### Article 6

##### *Evaluation of the System to Implement the Risk Management Measures in Requesting Country*

1. PQA should evaluate the system to be introduced by the government of the requesting country to implement the risk management measures developed pursuant to the preceding Article.

2. If it is found that information necessary for the evaluation of the system is insufficient in the process of the preceding paragraph, PQA should endeavor to collect the information by methods such as on-site investigation.
3. PQA should make the result of the evaluation of Paragraph 1 public on the website of MAFF.

#### Article 7

##### *Determination and Announcement of Conditions for Lifting the Ban*

- 1 PQA should develop draft conditions for lifting the ban through consultations with the requesting country based on preceding two Articles.
- 2 PQA should determine conditions for lifting the ban on the basis of necessary administrative steps including amendment of the Ordinance based on the Act, if deemed appropriate based on the preceding two Articles. PQA should also notify the requesting country of the conditions for lifting the ban and make them public on the website of MAFF without delay.

##### *Supplementary Provisions*

This Official Directive shall take effect on 1 April 2023.