

Disclaimer

This is a provisional translation of the standard procedure (Last updated: 22 November 2016). Only the original Japanese text was adopted as an authentic legal text. This translation is prepared solely for a reference material to aid in understanding of Japanese text.

Standard Evaluation Procedure for the Request for Lifting a ban on plant import under Plant Quarantine

Standard evaluation procedure for the request for lifting a ban on plant import to Japan based on the provision of Article 7.1 of Plant Protection Act (Act No. 151 1950, hereinafter referred to as "the Act"), shall be stipulated as follows.

Shoichi Nakagawa, Minister
Ministry of Agriculture, Forestry and Fisheries
22 September 1999

Evaluation for the request from exporting country for lifting a ban on plant import (Bilateral Procedure)

1. Request for lifting a ban on plant import

- (1) Any country with hopes to export plants that Japan prohibits to be imported under the provision of Article 7.1 of the Act (hereinafter referred to as "Requesting Country"), may request in writing for lifting the ban to the Plant Protection Authority of the Ministry of Agriculture, Forestry and Fisheries (hereinafter referred to as "Plant Protection Authority"). The request may contain plan of the test or surveillance specified in section 2.
- (2) Plant Protection Authority, when it receives the request from Requesting Country, shall notify the Requesting Country in writing that the Requesting Country needs to submit plan of the test or surveillance specified in section 2; and, Plant protection Authority shall announce the Requesting Country, the date of the request, the requested plant, the target quarantine pests (hereinafter referred to as "target pests"), and expected procedure in the future on the bulletin of Japan External Trade Organization (hereinafter referred to as "JETRO Daily").

2. Plan of the test or surveillance

2.1. Submission of plan of the test or surveillance

- (1) Requesting Country shall submit a plan of the test or surveillance that identifies the name of the requested plant and the target pests to Plant Protection Authority.

- (2) In case of (1), Plant Protection Authority may indicate guideline regarding the plan of the test or surveillance. Technical consultation may be held between authorities and experts of both countries prior to developing of the plan, if necessary. Plant Protection Authority may request the Requesting Country to revise the content of the submitted plan.

2.2. Official announcement of plan of the test or surveillance

Plant Protection Authority shall announce the outline of the plan of test or surveillance and expected procedure in the future on JETRO Daily.

3. Confirmation of result of the test or surveillance

3.1. Implementation of the test or surveillance and submission of the data obtained

- (1) Requesting Country shall conduct the test or surveillance based on the plan, and shall submit the data as a result of the test or surveillance to Plant Protection Authority.
- (2) Requesting country shall clarify the following points regarding the test or surveillance data:
 - (a) The test data shall demonstrate the complete disinfestation or disinfection of the target pests by the method specified in the plan.
 - (b) The surveillance data shall demonstrate the absence of the target pests in the area specified in the plan.

3.2. Confirmation of the test or surveillance data

- (1) Plant Protection Authority shall confirm that the submitted test or surveillance data is obtained from appropriately performed test or surveillance from the technical and scientific viewpoints.
- (2) Plant Protection Authority shall notify the Requesting Country in writing of the result of the confirmation of the test or surveillance data.

3.3. Official announcement of the summary of the result of the test or surveillance

Plant Protection Authority shall announce the outline of the result of the test or surveillance and expected procedure in the future on JETRO Daily.

4. Plan of on-site confirmatory test or surveillance

4.1. Submission of plan of on-site confirmatory test or surveillance

Requesting Country, when it receives the notification from Plant Protection Authority that the Plant Protection Authority has confirmed that the submitted data is obtained from the appropriately performed test or surveillance from the technical and scientific viewpoints, shall submit the plan which specifies how, when and where the on-site confirmatory test or surveillance is implemented. Plant Protection Authority may request the Requesting Country to revise the submitted plan of the on-site confirmatory tests or surveillance.

4.2. Official announcement of plan of on-site confirmatory test or surveillance

Plant Protection Authorities shall announce the outline of the plan of the on-site confirmatory test or surveillance and expected procedure in the future on JETRO Daily.

5. Confirmation of result of the on-site confirmatory test or surveillance

5.1. Implementation of the on-site confirmatory test or surveillance and submission of the data obtained from the test or surveillance

- (1) Requesting Country shall conduct the on-site confirmatory test or surveillance, under the attendance of experts dispatched from Plant Protection Authority, based on the plan of the on-site confirmatory test or surveillance, and shall submit the data obtained from the test or surveillance to Plant Protection Authority.
- (2) Requesting country shall clarify the following points regarding data of the on-site confirmatory test or surveillance:
 - (a) The test data shall demonstrate the complete disinfection or disinfection of target pests by the methods specified in the plan.
 - (b) The surveillance data shall demonstrate the absence of target pests in the area specified in the plan.

5.2. Confirmation of on-site confirmatory test or surveillance data.

- (1) Plant Protection Authority shall confirm that the submitted on-site confirmatory test data or surveillance data is obtained from appropriately performed on-site confirmatory test or surveillance from the technical and scientific viewpoints.
- (2) Plant Protection Authorities shall notify the Requesting Country in writing of the result of confirmation of the on-site confirmatory test or surveillance data.

5.3. Official announcement of the summary of the result of the on-site confirmatory test or surveillance

Plant Protection Authorities shall announce the outline of the result of the on-site confirmatory test data or surveillance data and expected procedures in the future on JETRO Daily.

Evaluation of request of exporting country for lifting a ban on plant import (Domestic Procedure)

1. Plant Protection Authority shall consider the validity of lifting a ban on plant import based on the results of the test or surveillance and the on-site confirmatory test or surveillance.

Plant Protection Authority shall widely solicit public opinions, in considering of section 1 above, by means of following methods:

- (1) Inviting opinions by public hearing held in accordance with paragraph 2 of Article 5.2 of the Act applied mutatis mutandis to paragraph 4 of Article 7 of the Act.
 - (2) Inviting public opinions through public comment system
2. Plant Protection Authority shall conduct the consideration of section 1 above based on the opinions gathered in section 2 above and, in the case Plant Protection Authority concludes that lifting a ban is reasonable, it shall implement required amendment of relevant regulations such as ministerial ordinance.