

ANNEX VIII
to Chapter 5 of Title II (Trade in Goods) of Part IV of the Agreement

GUIDELINES FOR CONDUCTING VERIFICATIONS

1. Verifications may be carried out on the basis of audits and/or on-the-spot checks.
2. For the purposes of this Annex:
 - (a) the "auditee" is the Party subject to the verification; and
 - (b) the "auditor" is the Party that carries out the verification.
3. **General principles of verification:**
 - (a) Verifications should be made in co-operation between the auditor and the auditee in accordance with the provisions set out in this Annex.
 - (b) Verifications should be designed to check the effectiveness of the controls of the auditee rather than to reject individual animals, groups of animals, consignments of food establishments or individual lots of plants or plant products. Where verification reveals a serious risk to animal, plant or human health, the auditee shall take immediate corrective action. The process may include study of the relevant regulations, method of implementation, assessment of the end result, level of compliance and subsequent corrective actions.
 - (c) The frequency of verifications should be based on performance. A low level of performance should result in an increased frequency of verifications. Unsatisfactory performance must be corrected by the auditee to the auditor's satisfaction.
 - (d) Verifications, and the decisions based on them, shall be made in a transparent and consistent manner.
4. **Principles relating to the auditor.** The auditors should prepare a plan, preferably in accordance with recognised international standards, that covers the following points:
 - (a) the subject, depth and scope of the verification;
 - (b) the date and place of the verification, along with a timetable up to and including the issue of the final report;
 - (c) the language or languages in which the verification will be conducted and the report will be written;
 - (d) the identity of the auditors including, if a team approach is used, the leader of the team. Specialised professional skills may be required to carry out verification of specialised systems and programmes;

- (e) a schedule of meetings with officials and visits to establishments or facilities, as appropriate. The identity of establishments or facilities to be visited need not be stated in advance;
- (f) subject to provisions on freedom of information, respect of commercial confidentiality shall be observed by the auditor. Conflicts of interest must be avoided; and
- (g) respect of the rules governing occupational health and safety related to sanitary and phytosanitary matters. This plan should be reviewed in advance with representatives of the auditee.

5. **Principles relating to the auditee.** The following principles apply to actions taken by the auditee in order to facilitate verification:

- (a) the auditee shall co-operate fully with the auditor and shall nominate personnel responsible for this task. Co-operation may include, for example:
 - (i) the access to all relevant regulations and standards;
 - (ii) the access to compliance programmes and appropriate records and documents;
 - (iii) the access to audit and inspection reports;
 - (iv) the access to documentation concerning corrective actions and sanctions; or
 - (v) the facilitation of the entry to establishments;
- (b) the auditee shall operate a documented programme to demonstrate to the auditor that standards are being met on a consistent and uniform basis.

6. **Procedures:**

- (a) **Opening meeting.** An opening meeting should be held between representatives of the Parties. At this meeting, the auditor will be responsible for reviewing the verification plan and confirming that adequate resources, documentation and any other necessary facilities are available for conducting the verification.
- (b) **Document review.** The document review may consist of a review of the documents and records referred to in paragraph 5 (a), of the structures and competences of the auditee, and of any relevant changes to inspection and certification systems since the entry into force of this Agreement or since the previous verification, with emphasis on the implementation of elements of the system of inspection and certification for animals, animal products, plants or plant products of interest. This may include an examination of relevant inspection and certification records and documents.
- (c) **On-the-spot checks:**
 - (i) To decide if an on-the-spot check should be carried out, the risk of the concerned animal, plant or product, should be considered, taking into

account factors such as the history of conformity with requirements by the industry sector or exporting country, the volume of product produced and imported or exported, changes in infrastructure and the national inspection and certification systems.

- (ii) On-the-spot checks may involve visits to production and manufacturing facilities, food-handling or storage areas and control laboratories to check on compliance with the information contained in the documentary material referred to in 6 (b);
- (d) Follow-up verification. Where a follow-up verification is being conducted in order to verify the correction of deficiencies, it may be sufficient to examine only those points which have been found to require correction.

7. **Working documents.** Forms for reporting audit findings and conclusions should be standardised as much as possible in order to make the approach to verification more uniform, transparent and efficient. The working documents may include any checklists of elements to evaluate. Such checklists may cover:

- (a) legislation;
- (b) structure and operations of inspection and certification services;
- (c) establishment details and working procedures, health statistics, sampling plans and results;
- (d) compliance action and procedures;
- (e) reporting and complaint procedures; and
- (f) training programmes.

8. **Closing Meeting.** A closing meeting shall be held between representatives of the Parties, including, where appropriate, officials responsible for the national inspection and certification programs. At this meeting the auditor shall present the findings of the verification. The information shall be presented in a clear, concise manner so that the conclusions of the audit are clearly understood. An action plan for correction of any deficiencies noted shall be drawn up by the auditee, preferably with target dates for completion.

9. **Report.** The draft report of verification shall be forwarded to the auditee within twenty working days. The auditee shall have twenty five working days to comment on the draft report. Comments made by the auditee shall be attached to and, where appropriate, included in the final report. However, where a significant public, animal or plant health risk has been identified during the verification, the auditee shall be informed as quickly as possible and in any case within ten working days following the end of the on-the-spot verification.