



Department
for Environment
Food & Rural Affairs

Exports

Audits and non-conformities

Content

- You will know how audits are carried out to check your compliance with the scheme, and how non-conformities are addressed



International plant health learning objectives

Understand:

- What will happen at an audit
- The frequency of audits and how non-conformities affect this
- What a critical non-conformity is
- What a non-critical non-conformity is
- The action taken if non-conformities are identified
- How to appeal decisions



Audits

- APHA Inspectors will carry out audits of both the export site (to check adherence to the BCMP) and your role as the authorised person.
- This will include checking inspection, export and training records, and ensuring the site continues to meet the physical requirements of the scheme.
- At the audit you will also be reassessed on your knowledge of export procedures, and the requirement to keep up to date with new pest and disease information.



Audits

- A minimum of one authorised person must be available for each audit.
- **All** authorised persons must attend and successfully pass an audit each year.



Audits

- An audit will be carried out based on the following frequency guide, assuming no non-conformities are identified:
 - Weekly for the first month
 - Fortnightly for the next month
 - Then monthly

If non-conformities are identified, more audits than the frequency above may be carried out by APHA

APHA may also carry out further unannounced audits within this frequency to check adherence to the scheme rules and requirements



Audits

- There will be a **fee** for the time spent on site by the APHA inspector carrying out audits
- If non-conformities are identified, action will be required to correct this



Critical non-conformities

- A critical non-conformity is one that **immediately** impacts the integrity and trust in the NPPO's phytosanitary system or its elements, and requires a **rapid** corrective action to be identified and implemented.
- Examples of critical non-conformities include:
 - Interception of a pest or disease by an import NPPO
 - Fraudulent PC
 - Failure to comply with phytosanitary import requirements
 - Detection of a quarantine pest but failure to remove this pest or infected commodity from the export consignment prior to export



Critical non-conformities

- A critical non-conformity may result in access to the scheme being immediately **withdrawn**
- Remedial action should be agreed onsite with the APHA inspector, and put into place as soon as possible
- If this is not possible before the APHA inspector leaves the site then access to the scheme will be withdrawn



Critical non-conformities

- Exports may continue but inspections must be carried out by an APHA inspector, and in accordance with usual export service standards and subject to the relevant fees
- You will have the opportunity to take corrective action, and your access to the scheme may be **reinstated** upon completion of a satisfactory audit by an APHA inspector
- Your audits may then be carried out at an increased frequency to check continued implementation and effectiveness of the remedial action before the usual audit frequency resumes



Critical non-conformities

- Repeated or multiple critical non-conformities, or failure to take satisfactory corrective action, may result in access to the scheme being completely **removed**.
- Exports may continue but inspections must be carried out by an APHA inspector, and in accordance with usual export service standards and subject to the relevant fees
- If you still wish to participate in the scheme, you will need to re-apply and complete the eligibility, training and site inspection stages again.



Non-critical non-conformities

- A non-critical non-conformity is one that does not immediately or directly impact the integrity or trust in the NPPO's phytosanitary system or its elements, and is not considered a critical non-conformity.
- Examples of non-critical non-conformities include:
 - Failure to be able to detect low level, quality pests
 - Failure to maintain records
 - Failure to hold officially inspected commodities for export separate from non-inspected



Non-critical non-conformities

- In cases where there are repeated non-critical non-conformities occur access to the scheme may be withdrawn
- Remedial action should be agreed onsite with the APHA inspector, and put into place as soon as possible
- If this is not possible before the APHA inspector leaves the site, a further audit will be arranged to check the remedial action has been implemented effectively. You will receive a warning email.
- You may continue to act as authorised person and officially inspect commodities for export under PHEATS



Non-critical non-conformities

- At the next audit, if the non-conformity has not been corrected, or if multiple non-critical non-conformities are identified, remedial action should be agreed onsite with the APHA inspector, and put into place as soon as possible.
- If this is not possible before the APHA inspector leaves the site, a further audit will be arranged to check the remedial action has been implemented effectively. You will receive a warning email.
- You may continue to act as authorised person and officially inspect commodities for export under PHEATS.



Non-critical non-conformities

- At the next audit, if the non-conformity has not been corrected, or if repeated multiple non-critical non-conformities are identified, this will be treated as a critical non-conformity.
- Remedial action should be agreed onsite with the APHA inspector, and put into place as soon as possible.
- If this is not possible before the APHA inspector leaves the site then access to the scheme will be **withdrawn**.
- Exports may continue but inspections must be carried out by an APHA Inspector, in accordance with usual export service standards and subject to the relevant fees



Non-critical non-conformities

- You will have the opportunity to take corrective action, and your access to the scheme may be **reinstated** upon completion of a satisfactory audit.
- Your audits may then be carried out at an increased frequency to check implementation and effectiveness of the remedial action, before the usual audit frequency resumes.
- Failure to take satisfactory corrective action may result in access to the scheme being completely **removed**.
- If you still wish to participate in the scheme, you will need to re-apply and complete the eligibility, training and site inspection stages again.



Appeals

- If you are not successful in your application to join the scheme, or if you have access to the scheme removed due to non-conformities, you may appeal the decision.
- You must appeal in **writing** to your APHA inspector
- The appeal will be handled by a senior APHA inspector independent from the local region, who will investigate
- If further information is required, you will have 21 days from the date of request to submit further evidence



Appeals

- While the appeal is being considered, exports may continue but inspections must be carried out by an APHA Inspector, in accordance with usual export service standards and subject to the relevant fees.
- The final outcome will be provided in writing.
- If the final outcome is removal from the scheme, if you still wish to participate in the scheme you will need to re-apply and complete the eligibility, training and site inspection stages again.



Knowledge Test



Knowledge Test

Please visit the below link to and complete the knowledge test for this module:

PHEATS – Audits and non-conformities

<https://forms.office.com/Pages/ResponsePage.aspx?id=UCQKdycCYkyQx044U38RAvJ7GY98lcdOvJfSZ-UDeKFUM1NWS1dTMUNDNIk2NzZEOUQ1TzZNNVVKNC4u>





Department
for Environment
Food & Rural Affairs

Exports

Roles and Responsibilities

Export Journeys

Export

- Arrange transport and Customs declarations
- Export of goods

- Consignments will have to be exported before the end of the validity period of a PC (valid for 14 days after issue).
- If a consignment is not exported within 14 days, then the consignment will have to be re-inspected and a new PC issued for the consignment.
- The original PCs must, in the absence of agreed Covid-19 easements, travel with the consignment.
- Plant health regulated goods must enter through a plant health approved Border Control Post (BCP) in the EU.
- Your goods may be subject to checks upon arrival in the EU or NI.

Roles and Responsibilities

The Authorised Person(s) shall:

- Perform official export inspections for all goods eligible under the PHEATS.
- Keep accurate inspection records of all inspections.
- Void any phytosanitary certificate issued for a consignment under the PHEATS that is subsequently not exported.
- Undertake training, and refresher training where applicable, and be able to demonstrate a competency, in export inspections.

Roles and Responsibilities

The Authorised Business shall:

- Ensure that the Authorised Person(s) are made aware of its obligations as set out in this Agreement and the User Guide as appended to this Agreement.
- Ensure that the Authorised Person(s) have undertaken training, and refresher training where applicable, and be able to demonstrate a competency, in export inspections.
- Produce, implement and monitor a BCMP and ensure the BCMP is implemented by the Authorised Person(s).
- Appoint a person(s) within its organisation as a point of contact (**Person(s) Responsible**) for Defra, for the purposes of any matter relating to this Agreement and the PHEATS. . ensure that the Person(s) Responsible have undertaken training, and refresher training where applicable, and be able to demonstrate a competency in the implementation of the BCMP.
- Retain, for a minimum of 3 years, any phytosanitary certificate issued under the PHEATS that is voided by the Authorised Person(s) in accordance with the BCMP, and make it available to Defra at any time.
- Make and retain accurate records and information for the purposes of implementing the BCMP and any records otherwise related to the PHEATS.

Roles and Responsibilities

The Authorised Business and Authorised Person(s) may disclose Confidential Information which it receives from Defra in any of the following instances:

- Where disclosure is required by applicable law, permitted in respect of an audit, or required by a court with the relevant jurisdiction if the recipient Party notifies the disclosing Party of the full circumstances, the affected Confidential Information and extent of the disclosure;
- If the Authorised Business already had the information without obligation of confidentiality before it was disclosed
- If the information was given to it by a third party without obligation of confidentiality;
- If the information was in the public domain at the time of the disclosure;
- To its auditors or for the purposes of regulatory requirements;
- On a confidential basis, to its professional advisers on a need-to-know basis;
- To the Serious Fraud Office where the recipient Party has reasonable grounds to believe that the disclosing Party is involved in activity that may be a criminal offence under the Bribery Act 2010.

Conflict of Interest

- The business must take action to ensure that neither the Authorised Person(s) nor any of its other staff are placed in the position of an actual or potential conflict between the financial or personal duties of the Authorised Business or its staff and the duties owed to Defra under the scheme, in the reasonable opinion of Defra.
- The business must promptly notify and provide details to Defra if a conflict of interest occurs or is expected to occur (with the exception of the conflict arising from the employment of the Authorised Person(s) by the business), or if there are any matters that will inhibit the Authorised Person(s)' ability to carry out its duties under this scheme or the performance of the delegated function (i.e. official inspections) impartially.
- The Authorised Person(s) must act impartially and free from any actual or potential conflict between any of its other duties and the performance of the inspections under the scheme, in the reasonable opinion of Defra.
- The Authorised Person(s) must promptly notify and provide details to Defra if a conflict of interest occurs or is expected to occur (with the exception of the conflict arising from the employment of the Authorised Person by the business), or if there are any matters that will inhibit the Authorised Person(s)' ability to carry out its duties under this scheme or the performance of the inspections impartially.
- Should an Authorised Person(s) or PR feel as though the integrity of the phytosanitary inspection has been influenced or could be potentially influenced, this can be reported anonymously, to the below email address:

pheats@apha.gov.uk

A Day in the Life of an Export Inspector



Animal &
Plant Health
Agency

Further Resources

- There are a multitude of resources available for you, should require any further information.
- UK Plant Health Portal - <https://planthealthportal.defra.gov.uk/>
- UK Plant Health Risk Register - <https://secure.fera.defra.gov.uk/phiw/riskRegister/>
- GOV.UK - <https://www.gov.uk/guidance/plant-health-controls#exporting>
- CABI - <https://www.cabi.org>
- European Plant Protection Organisation (EPPO) - <https://gd.eppo.int/>
- European Commission: Plant health & biosecurity
https://ec.europa.eu/food/plant/plant_health_biosecurity_en
- Eur-Lex - <https://eur-lex.europa.eu/homepage.html>