



Australian Government

Australian Quarantine and Inspection Service

Export Documentation

A Guideline to compliance with the

Export Control (Fish & Fish Products) Orders

2005

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Background

The *Export Control (Fish & Fish Products) Orders 2005* (the Orders) together with the *Export Control (Prescribed Goods General) Order 2005* (the PGGOs) and the *Export Control Act 1982* (the Act) provide conditions and restrictions on the export of fish and fish products.

Prior to the 1st of October 2005, fish and fish products for export were regulated under the *Export Control (Dairy, Eggs and Fish) Orders 2005* – these Orders have now been separated into the *Export Control (Fish & Fish Products) Orders 2005*, the *Export Control (Egg & Egg Products) Orders 2005* and the *Export Control (Dairy & Dairy Products) Orders 2005*.

Copies of the legislation can be downloaded from www.aqis.gov.au/fish

Objectives

This guideline specifically addresses the responsibilities and legislative obligations of persons approved to issue export permits or raise export certification via EXDOC or manually to meet objective 3.2 and 3.3 of the Orders

Export Control (Fish & Fish Products) Orders 2005 – Order 3

3. Objectives of these Orders are to ensure:

- 3.2** (a) the accuracy of any statement made in relation to the condition and preparation of fish and fish products for export as fish and fish products; and
- (b) that an accurate assessment can be made as to whether the objectives specified in sub order 3.1 and paragraph 3.2(a) are met; and
- (c) that an accurate assessment can be made as to whether the requirements of the Act and these Orders are met.
- 3.3** These Orders also make provision for other matters generally necessary or convenient to be prescribed for carrying out or giving effect to the Act including:
- (b) the approval of approved arrangements, **the giving of export permits, the approval of persons to issue export permits, the issue of government certificates**, the approval of auditors and the performance of other functions by the Secretary

Export Documentation

1.0 Introduction

The purpose of this guideline is to explain the concept of export documentation integrity and outline what systems industry needs to put into place in order to comply with the Orders. This document aims to answer the following questions:

- What is documentation integrity?
- Why are export documentation systems required?
- Who is required to have systems in place?
- What type of information is required?
- How do I manage documentation?

Upon reading this guideline, the *approved export permit issuer* should be aware of their roles and responsibilities in implementing and managing effective export documentation systems. This guideline clearly outlines what information each sector must provide and what information each sector must receive along the supply chain

2.0 What is documentation integrity?

Documentation integrity means having a system of documented controls that ensures there is a sound basis for the information included on export documentation, so that export documentation is accurate and truly reflects the product to be exported.

3.0 Why are documentation systems required?

Accurate documentation is essential to meet Australian export requirements and provides the sound basis on which the Australian Government is able to issue government to government certification to facilitate entry of Australian goods into overseas countries; The intent of the Orders is to strengthen the documentation systems to maintain market access and to minimise disruptions to trade caused by inaccurate documentation.

The system must be documented so that it can be audited to ensure compliance with the Orders.

Export documentation systems aim to:

- Ensure the accuracy of export documentation is maintained
- Ensure all 'persons' in the export chain comply with the Orders
- Ensure a sound basis for export documents that are raised by industry
- Provide reconciliation between the fish and fish products to be exported and the export permit and/or health certificates. Ensuring that the information provided to obtain documentation is true and correct at time of export. This allows errors to be fixed before goods are exported which might otherwise cause consignments to be detained overseas
- Provide clear traceability of information flow between all parties in the supply chain for audit purposes

4.0 Who is required to have export documentation systems in place?

All *approved export permit issuers* in the export chain are required to have documented systems in place.

4.1 Who is an approved export permit issuer?

Approved export permit issuer means a person given approval to issue permits under subclause 16.5 of Schedule 9 of the Orders, which states:

Export Control (Fish & Fish Products) Orders 2005 – subclause 16.5 of Schedule 9

16.5 The Secretary may by written notice give the applicant approval to issue export permits for fish and fish products of the kind specified in the application if the Secretary is satisfied:

- (a) the applicant will comply with the applicable requirements of Part 5 of these Orders; and
- (b) export permits issued by the applicant will comply with subclause 12.4 of this Schedule; and
- (c) the applicant will comply with subclause 12.5 of this Schedule; and
- (d) the applicant is a fit and proper person having regard to the matters specified in order 4.05 of the *Export Control (Prescribed Goods-General) Orders 2005*

In simple terms *Approved export permit issuers* include:

- The occupier of a registered establishment who is also the exporter and who is designated in the Approved Arrangement as the *approved export permit issuer*
- Agents or other persons that prepare manual or electronic export documentation on behalf of registered occupiers and exporters
- Persons raising documentation on behalf of registered occupiers or exporters but who may not authorise the document – as they have responsibilities for the accuracy and traceability of information used to raise documentation

4.2 How do I become an *approved export permit issuer*?

1. It is in your best interest to read, and have access to for future reference, Schedule 9 of the Orders. A copy of the Orders can be downloaded from www.aqis.gov.au/fish
2. Ensure you are listed in management and control of the AQIS registered inspection establishment. The establishment must raise an EX26 and if EXDOC is required an application to link fish AQA Id to an AQIS registered establishment.
3. For *approved export permit issuers* using EXDOC, you must first complete EXDOC testing via the EXDOC helpdesk. This must be completed in the EXDOC Test module, using the AQIS accredited software you have purchased, prior to being promoted into the EXDOC Production environment and being granted an individual AQA Id

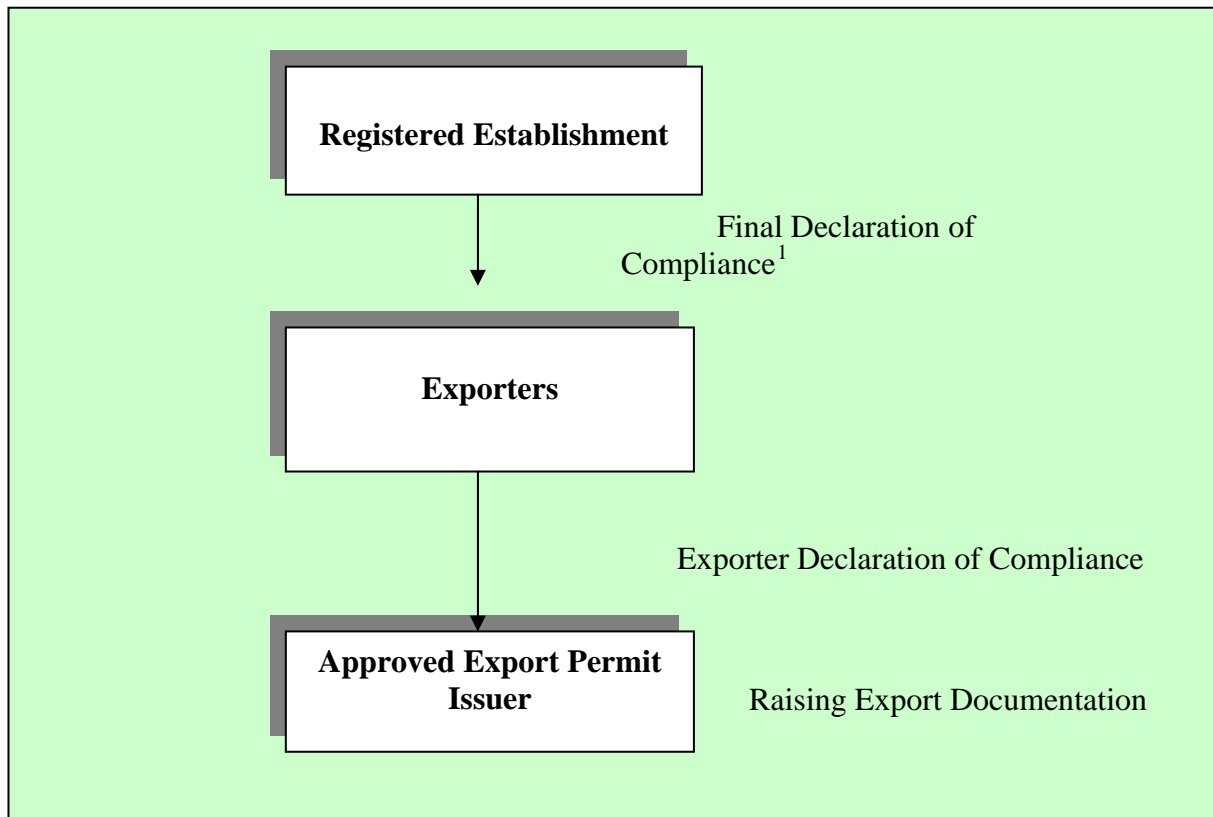
4.3 How do I manage documentation?

An approved export permit issuer must document the measures they will take to comply with Part 5, Order 57. The following must be considered and procedures documented:

- Security of paper used to print export permits and government health certificates are to be held under conditions of security when not in use, (Order 53). This includes all manual documentation as well as EXDOC security paper
- Procedures for returning an export permit and/or government certificate to a regional AQIS office within 3 working days of them being revoked, cancelled or the intent to export the consignment is abandoned, (Order 54)
- Procedure for submitting manual export permits to a regional AQIS office within 3 working days of the product being exported
- Requirements to notify an authorised officer must be given, where an export permit is issued or given, if the following occurs
 - The fitness for human consumption of the fish and fish products is jeopardised or its security or integrity is compromised; or
 - Importing country requirements applying to the fish and fish products are not complied with
- Reconciliation procedures to ensure that all information provided to the Secretary, in an application for an export permit or a government certificate, is true and complete, (Order 56)
 - This may include sending a copy of the export permit and /or health certificate to the exporter/inspection establishment for checking as well as retaining copies of requests, for example a picking slip or order request, from the exporter/inspection establishment
- Record keeping (electronic or paper) must be maintained for the following:
 - Copies of the Exporter Declaration of Compliance relating to each export
 - Copies of export permits must be retained by approved export permit issuers
 - All documents relating to the information provided in an export permit eg picking slips, order requests
 - All other documents created by, or that come in to the possession of, the approved export permit issuer must be retained for a period of three years
 - Procedure detailing how you will store documents as they must be retained for a minimum of 3 years
 - Accuracy, legibility etc of records, (Order 81), records required to be made under these Orders must:
 - a) be accurate, legible, auditable, dated and in English; and
 - b) be signed by the maker of the record

5.0 What type of information is required to issue export documentation?

The following example illustrates the supply chain and the flow of information between parties in order to obtain an export permit that complies with the Orders



5.1 Final Declaration of Compliance – in relation to the processing of the fish and fish products

A Final Declaration of Compliance that applies to the fish and fish products (and complies with the requirements of clause 6.1 of Schedule 9) must be provided to the exporter by the establishment at which the fish and fish products was last prepared (other than merely stored, handled or loaded) see subclauses 3.1 and 6.1 of Schedule 9.

The Final Declaration of Compliance must only be made by a person who manages the operation of the establishment at which the fish and fish products were last inspected (other than merely stored, handled or loaded) and is nominated in the establishments Approved Arrangement as a person who may make this declaration.

For information regarding this declaration please refer to the AQIS Guideline - Traceability.

¹ See Traceability guideline for information

5.2 Exporter Declaration of Compliance

Clause 3.1 (a) of Schedule 9 of the Orders requires (see also AQIS Guideline - Traceability) an exporter to have in their possession a Final Declaration of Compliance that applies to the fish and fish products.

The exporter can use this information to provide the sound basis to make the Exporter Declaration of Compliance as required by subclauses 3.1 and 4.1 of Schedule 9.

The Exporter Declaration of Compliance is necessary to complete an application for an export permit and is to be given to the person who is responsible for raising export documentation.

Below is an example of an Exporter Declaration of Compliance that you may wish to incorporate in your documentation systems. When using EXDOC, users will have to electronically complete the export document on line before the RFP will go to complete.

However an exporter may wish to give you a manual version, which you can then use to make the electronic declaration. In any case the exporter must give you the Final Declaration of Compliance relating to the fish and fish products so that you can make the Exporter Declaration on their behalf. This function is found in your RFP, in the Exporter Declaration field.

Manual Example:

Exporter Declaration of Compliance

This declaration relates to export permit number _____

I hereby declare that I am in possession of

(a) a declaration[s] that applies to the fish and fish products and complies with the requirements of clause 6 of Schedule 9 of the *Export Control (Fish & Fish Products) Orders 2005*; or

(b) written verification for the fish and fish products made by an AQIS authorized officer as per clause 8 of Schedule 9 of the *Export Control (Fish & Fish Products) Orders 2005*.

I hereby declare that all information provided is true and complete and complies with subclauses 4.1 and 7.1 of Schedule 9 of the *Export Control (Fish & Fish Products) Orders 2005*, and that there is a sound basis for making this declaration.

Signed _____ Date ____/____/____

Printed name _____

Establishment[s] name[s] and registration number[s] _____

Note: If the consignment consists of product sourced from more than one registered establishment you will require an individual Final Declaration of Compliance relating to the fish and fish products for each individual registered establishment. The exporter must nominate names and numbers of registered establishment from where goods are sourced. The exporter must obtain the proposed export permit number from person raising export documentation

5.3 Making an application for an export permit

An application for an export permit must comply with, Schedule 9 of the Orders. That is, the application must be in a form approved by the Secretary (EX28, EX222 or RFP) and contain certain information. If the *approved export permit issuer* accurately fills in all required areas of an EXDOC RFP or manual export permit you will comply with the information necessary to make an application to the Secretary for an export permit.

In order to raise an export permit:

1. The exporter must provide the *approved export permit issuer* a copy of an Exporter Declaration of Compliance and;
2. A full and complete description of the goods being exported

For an example of when and how this declaration is required please see examples at the end of this guideline.

6.0 The export documentation chain

The following examples indicate the different links in the export documentation chain and the required information each party must be in possession of, as well as the required information that must be provided to another party, to enable an export permit to be applied for and completed.

Example A

This example is specific to a situation where an agent is responsible for raising the export permit on behalf of the exporter, who has sourced product from an AQIS registered establishment.

Inspection Establishment

- Must provide a Final Declaration of Compliance as per clause 6.1 Schedule 9 of the Orders (see Traceability Guideline)

Exporter

- Exporter must retain Final Declaration of Compliance from inspection establishment and must be able to provide at time of audit
- Exporter must provide Exporter Declaration of Compliance as per subclauses 3.1 & 4.1 of Schedule 9 of the Orders to *approved export permit issuer*
- Exporter must provide true and complete written instructions to person raising export permits eg picking slips, order form
- Exporter is responsible for the accuracy of information that will go into the export permit

Approved Export Permit Issuer

- Must be in possession of an Exporter Declaration of Compliance and have a sound basis for applying for permit on behalf of the exporter as per subclauses 3.1 & 4.1 Schedule 9 of the Orders
- Provide exporter with copies of completed export permits, prior to export, for reconciliation of information

Example B

This example is specific to a situation where an agent is responsible for raising the export permit on behalf of the inspection establishment that is also the direct exporter

Processor

- Processor must provide Final Declaration of Compliance as per clause 6.1 Schedule 9 of the Orders (in relation to the fish and fish products - see Traceability guideline)

Exporter

- Exporter must provide the Exporter Declaration of Compliance.
- Exporter must provide true and complete written instructions to person raising export permits eg picking slips, order form
- Exporter is responsible for the accuracy of information that will go into the export permit

Approved Export Permit Issuer

Must be in possession of an Exporter Declaration of Compliance from the exporter as per subclauses 3.1 & 4.1 of Schedule 9 of the Orders

Provide exporter with copies of completed export permits and/or health certificates for reconciliation of information, as errors may need to be corrected prior to export.

Example C

This example is specific to a situation where the inspection establishment and the exporter are the same company and raises own export permits. In most cases the processing and documentation departments are in different areas of the establishment or in some cases at a different address.

Processing department responsibilities

- Must have Final Declaration of Compliance as per clause 6.1 Schedule 9 of the Orders (in relation to the fish and fish products - see Traceability guideline)

Must provide true and complete written instructions to person raising export permits eg picking slips, order form

- Exporter is responsible for the accuracy of information that will go into the export permit

Documentation department responsibilities

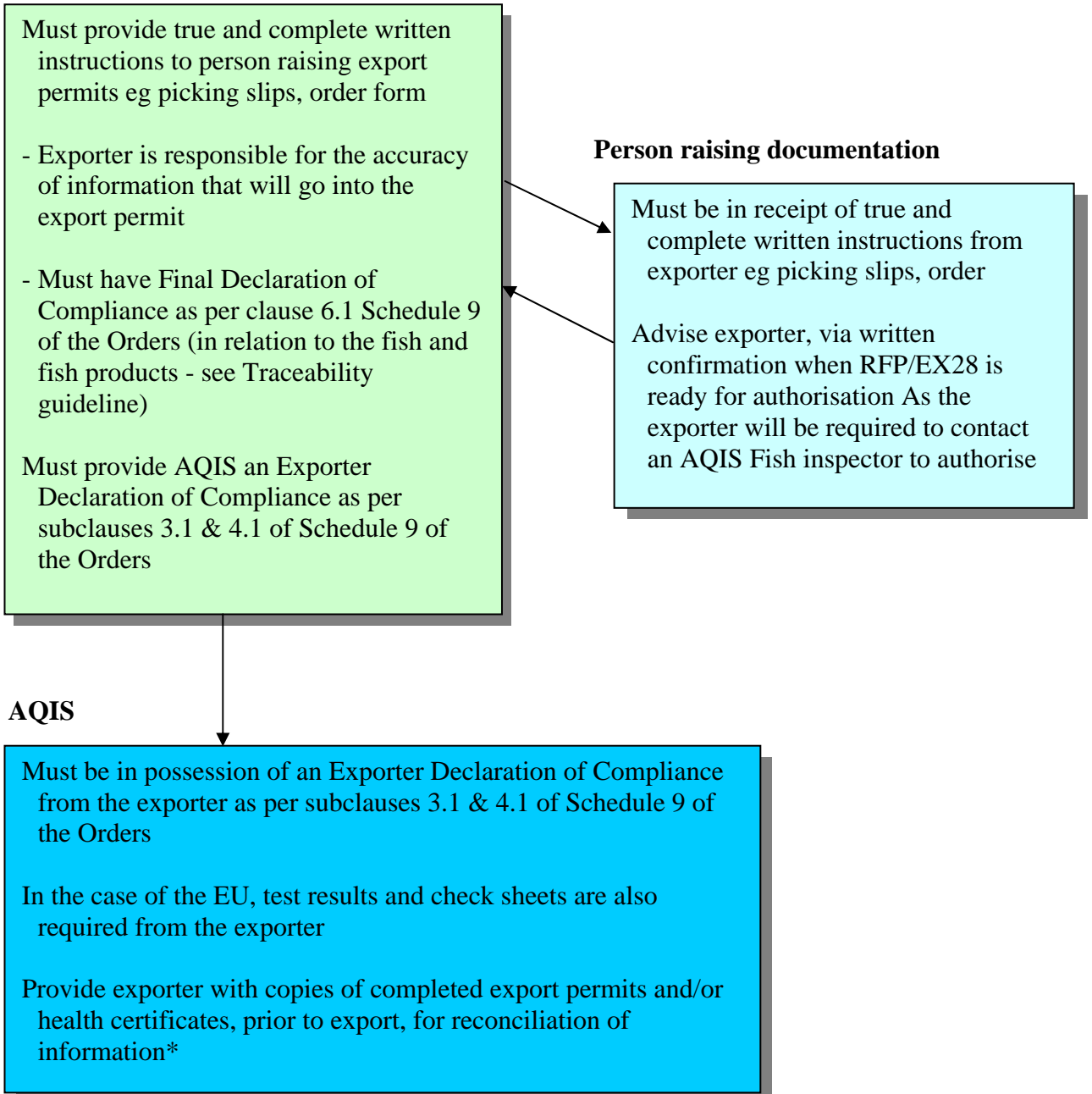
Must be in possession of an Exporter Declaration of Compliance or have a sound basis for applying for permit on behalf of the exporter as per subclauses 3.1 & 4.1 of Schedule 9 of the Order

Provide processing department with copies of completed export permits, prior to export, for reconciliation of information.

Example D

This example is specific to a situation where the person raising the export permit is not authorising. This may occur when the person is not an approved export permit issuer, or authorising the RFP; or the destination of the goods is the European Union or in some cases where AQIS sanctions have been imposed.

Exporter



* Please note it is the exporters' responsibility to arrange the collection of health certificates that are printed in an AQIS office.

Example E

Raising Manual Permits

This example is specific to a situation where the person is raising manual permits or manual permits are raised when EXDOC is unavailable.

Manual permits are raised by using an EX222 form – this form remains the export permit application form until it is signed by an *approved export permit issuer* – the signed form then becomes the Export Permit.

An *approved export permit issuer* cannot sign an EX222 until:

1. The exporter is in possession of the Final Declaration of Compliance.
2. The exporter has verified the information entered onto the EX222 is correct.
3. The exporter has made an Exporter Declaration of Compliance.

