



3 December 2015

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Committee on Sanitary and Phytosanitary Measures

Original: English

## NOTIFICATION

### *Addendum*

The following communication, received on 3 December 2015, is being circulated at the request of the Delegation of Australia.

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#### Australia's Agricultural Export Regulation Review - Update

The Australian Department of Agriculture and Water Resources has commenced work on improving Australia's agricultural export legislation. This follows the conclusion of Australia's Agricultural Export Regulation Review (G/SPS/N/AUS/364 refers).

The review found scope to improve the legislation to provide sufficient flexibility to adapt to changing importing country requirements, enable greater innovation in agricultural industries and minimise non-tariff trade barriers. The review involved consultation with, and sought submissions from a wide range of stakeholders, including trading partners, industry representatives, exporters and producers.

The updated export legislation will continue to meet importing country requirements and Australia's international trade obligations.

The improvements will establish a contemporary, flexible and efficient export legislation that will facilitate market access now and into the future and will include:

- a simpler legislative structure that is easy to understand and administer which can flexibly respond to a range of situations and contemporary issues (including changing importing country requirements);
- a broader range of monitoring, investigation and enforcement powers to deal with breaches or acts of non-compliance (including infringement notices, enforceable undertakings, civil penalties, and greater penalties for aggravated conduct);
- clearer provisions for the performance of verification activities (such as audits and inspections) across the supply chain; and
- clearer requirements relating to the appointment and obligations of authorised officers who perform functions and exercise powers under the legislation.

The improved export legislation will continue to meet importing country requirements and Australia's international obligations under the SPS Agreement.

The Australian Department of Agriculture and Water Resources will develop the improvements to the legislation over the next couple of years. It is a significant exercise and will be done in a careful and methodical manner before it is implemented. Engagement and consultation with stakeholders (including Australia's trading partners, industry representatives, Australian state and territory governments, exporters and producers) will be an ongoing priority throughout the development and implementation process.

Stakeholders interested in being consulted on improvements Australia's export legislation may contact the Department of Agriculture and Water Resources by e-mail at [export.legislation@agriculture.gov.au](mailto:export.legislation@agriculture.gov.au). More information is available at the Australian Department of Agriculture and Water Resources website at <http://www.agriculture.gov.au/export-regulation-review>.

Proposed date of adoption: Delegated legislation in Australia's current agricultural export regulation framework will cease to be law, or sunset, on 1 April 2020. Improvements to the export legislation will be made prior to 1 April 2020. The Australian Department of Agriculture and Water Resources will provide updates on the development of this legislation up to its introduction.

Australia's Agricultural Export Regulation Review discussion paper was published on the Department of Agriculture and Water Resources' website on 15 July 2015 and was attached to G/SPS/N/AUS/364.

**This addendum concerns a:**

- Modification of final date for comments
- Notification of adoption, publication or entry into force of regulation
- Modification of content and/or scope of previously notified draft regulation
- Withdrawal of proposed regulation
- Change in proposed date of adoption, publication or date of entry into force
- Other: Improvements to Australia's agricultural export legislation are underway.

**Comment period:** *(If the addendum extends the scope of the previously notified measure in terms of products and/or potentially affected Members, a new deadline for receipt of comments should be provided, normally of at least 60 calendar days. Under other circumstances, such as extension of originally announced final date for comments, the comment period provided in the addendum may vary.)*

- Sixty days from the date of circulation of the addendum to the notification and/or (dd/mm/yy): Not applicable

**Agency or authority designated to handle comments:**  National Notification Authority,  National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

The Australian SPS Contact Point  
GPO Box 858  
Canberra ACT 2601  
Australia  
Fax: +(61 2) 6272 3678  
E-mail: sps.contact@agriculture.gov.au

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Canberra ACT 2601  
Australia  
Fax: +(61 2) 6272 3678  
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