

Member Update

Title: DCT contracts & Importing Countries Requirements

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Distribution

- GTA Members – primary contact list. Please circulate to all appropriate internal parties

1 Issue

Members have expressed concern, particularly as the DCT seller, that following the finalisation of a contract that they then receive additional instructions, possibly from the exporter, relating to the additional and new requirements of the importing country.

The following notes may assist the DCT seller in such situations. As always, members should obtain independent legal advice if in doubt as to the suitability of this information for their commercial operation.

2 Guidance

2.1 Contract amendments

Contract terms and conditions cannot be arbitrarily amended without the express written consent of both Parties. The GTA Trade Rules state:

Rule 2.0 ENTIRE AGREEMENTS AND VARIATION

- 1) *The contract terms represent the entire agreement between the parties to the exclusion of any preceding drafts, negotiations and/or representations.*
- 2) *Any variation to the express terms must be mutually agreed in writing.*

2.2 Check the requirements of the importing country

It is the responsibility of the exporter to check the importing country's requirements before they export.

This can occur by either:

- 1 asking the importing country's National Plant Protection Organisation or the importer whether the commodity is permitted to be imported and whether any special conditions must be met; and/or
- 2 consult the DAFF Biosecurity database, MICoR (Manual of Importing Country Requirements) www.daff.gov.au/micor or on the GTA website <http://www.graintrade.org.au/contact>.

This data base contains information about the conditions to export plants and plant products, including grains, from Australia. MICoR details the requirements for:

- Import Permits,
- Phytosanitary Certificates,
- Additional Declarations and/or treatments; and also any
- other relevant export information and documentation, such as protocols.

Exporters must meet both the requirements of the Export Control Act (1982) and its subordinate legislation and any importing country quarantine requirements for DAFF to provide the necessary documentation to enable products to be exported. The Australian Government is a signatory to the [International Plant Protection Convention \(IPPC\)](#), and strongly supports international cooperation in controlling pests of plants and plant products through science based quarantine measures that will prevent the unintended spread of pests to other countries through imported products.

If importing country requirements of a particular country or commodity are not contained in MICoR, exporters should seek information regarding any specific quarantine requirements of the importing country from the relevant quarantine authority.