Plant health and plant species protection (CITES Flora)

The following acts and ordinances are applicable:

- The Agriculture Agreement between the European Community and the Swiss Confederation [SR 0.916.026.81], the Agriculture Act [SR 910.1], the Plant Health Ordinance [SR 916.20], the EAER and DETEC Ordinance on the Plant Health Ordinance [SR 916.201], the FOAG Ordinance on phytosanitary measures on agriculture and horticultural production [SR 916.202.1], the FOEN Ordinance on phytosanitary measures on the forest [RS 916.202.2], the Ordinance on the Fees charged by the Federal Office for Agriculture (SR 910.11), the Ordinance on the Fees charged by the Federal Office for Agriculture (SR 910.11), the Forest Act [SR 921.0] and the Forest Ordinance [SR 921.01].
- The Species Conservation Convention [<u>SR 0.453</u>], the Federal Act and Ordinance on trade in protected animal and plant species [<u>SR 453</u> and <u>SR 453.0</u>], the Ordinance of the FDHA on controls on trade in protected animal and plant species [<u>SR 453.1</u>], the Ordinance on Fees charged by the Federal Food Safety and Veterinary Office (<u>SR 916.472</u>).

The notes to be found on the «Display details» page under «Authorisation obligation», «Non-customs provisions» and «Additional charges» refer to the measures applicable in particular cases when bringing into free circulation (applicable on importation). Declared goods in the transit procedure, imported under the arrangements governing customs warehouses and in temporary importation, are subject to the same regulations.

If the measures are carried out in connection with the import authorisation obligation (plant health), the authorisation office is listed under <u>«Remarks»</u>, <u>«Authorisation obligation»</u>.

1. Plant health

Depending on the type of goods, plant health comes under the responsibility of the Federal Office for Agriculture (FOAG - agriculture and horticulture) or the Federal Office for the Environment (FOEN - forest plant and forestry). For both of these federal agencies, inspections are carried out by the Swiss Federal Plant Protection Service (<u>SPPS</u>).

Detailed regulations on cross-border traffic in goods which are subject to plant health provisions and special conditions depending on the region of origin or on the place of destination (concerns in particular the importation of fire-blight susceptible plant materials in protected areas: Canton of Valais) are listed in the <u>FOAG</u> fact sheet no. 1 (Merkblatt Nr. 1).

The terms used in the FOAG fact sheet and in Tares in connection with plant health provisions are defined as follows:

- «Subject to certification and tax», «in some cases subjected to certification and tax»

Goods subject to certification and taxes are those which are subject to plant health provisions and originate from a non-EU country. If the wording «in some cases subjected to certification and tax» is used, then only some goods which are declared under this tariff number are subjected to certification and tax. A list of goods which are subjected to certification and tax is indicated in the <u>FOAG</u> fact sheet no. 1 (Merkblatt Nr. 1).

Goods of this nature which are subject to certification and taxes have to undergo an inspection upon importation. An application must therefore be made to a **SPPS office** (airports Zurich and Geneva) one day before the SPPS inspection occurs. For this inspection, an original copy of the plant health certificate must in each case be submitted to the SPPS.

Details to be provided in the customs declaration

When declaring plants and plant products subject to certification and tax in the e-dec customs declaration, the NZE mandatory code «1 NZE: yes» and NZE type code 270 must be entered. In the declaration, the number of the Common Health Entry Document for Plants and Plant Products (CHED-PP) from the TRACES-NT system must be entered in the field «Documentation».

Tax:

The inspection tax which is payable for the Plant Protection Service inspection at the airports in Zurich and Geneva must be entered manually by the person subject to the declaration obligation in the import customs declaration and is levied as part of customs clearance (section: Taxes, Plant health tax, Receipt type 791).

The tax to be charged is, in principle, composed as follows:

Basic tax

CHF 50 per plant health certificate 1/5 (As of: 1.6.2023)

Additional charge	CHF 10 per item on the plant health certificate
Principle	The number of tariff lines declared in the customs declaration is not decisive for the calculation of the additional charges. The num- ber of items on the plant health certificate applies.

Examples:

- A consignment with one type of goods subject to inspection, declared with one tariff line (1 plant health certificate with one item) = CHF 60.
- A consignment with three goods subject to inspection (1 plant health certificate with three items) declared with three tariff lines = CHF 80; declared with two or one tariff line(s) = also CHF 80, since the number of items in the plant health certificate is decisive.
- A consignment of ten goods subject to inspection (2 plant health certificates with 5 items each) coming from different production plants = CHF 200.

The exceptions and further details are available on the FOAG website.

- «Passport required», «passport required in some cases»

Plant passports are required for all plants and certain plant products originating in EU countries. The SPPS carries out spot checks to see whether or not the plant passport is present at the time of importation, and whether or not the plant passport accompanied the goods to the recipient concerned. The plant passport must be retained for 3 years.

- «Partial import ban», «prohibited in some cases»

Goods which are prohibited from being imported are listed in <u>FOAG</u> fact sheet no. 1 (Merkblatt Nr. 1).

- «EU countries»

The term EU countries shall be taken to mean countries with the following ISO-2 country codes: AD, AT, BE, BG, CY, CZ, DE, DK, EE, ES, FI, FR, GR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, SM and VA in accordance with «<u>Remarks»</u>, «List of countries».

The Canary Islands, Ceuta, Melilla and France's overseas departments and territories are not considered «EU countries».

- «non-EU countries» (non-European countries or third countries)

Are considered as such countries the ones other than Switzerland, EU and Lichtenstein. Iceland and Norway shall be considered «third countries».

Within the context of the plant health provisions, the European countries with the following ISO-2 country codes: AL, BA, BY, FO, GB (excepted Northern Ireland), GI, IS, MD, ME, MK, NO, RS, RU, SJ, TR, UA and XK listed under «<u>Remarks</u>», «List of countries shall be considered «third countries».

The United Kingdom (GB, with the exception of Northern Ireland) is considered as a «non-EU country» for trade in plant material since 1 January 2021. For more information: <u>www.blw.ad-min.ch</u>.

- «Exemption authorisation»

Regarding particularly dangerous organisms in accordance with annex 1 of the EAER and DETEC Ordinance on the Plant Health Ordinance [RS 916.201], a general ban is in force for dealing with these organisms. «Dealing with» is understood to mean all activities, in particular importing, placing on the market, keeping, propagating and distributing.

Exemption for scientific purposes:

For imports of particularly dangerous organisms or the transport thereof in the country for scientific purposes in closed systems, the FOAG may grant an exemption authorisation on the basis of an application. A summary of the information required is to be found in the Form «<u>Antrag für eine Ermächtigung für den Import oder den Transfer von ...</u> from the FOAG.

- «Obligation to notify wood packaging material - ISPM 15 standard»

According to the Ordinance of the Federal Office for the Environment (FOEN), see <u>OMP-OFEV</u>, all commodities imported from third countries of the tariff numbers listed in <u>Appendix 4</u> have an obligation to be notified, if they are imported with wood packaging material (palettes, boxes, crates ,..). The announcement of the in Appendix 4 listed commodities has to be made two days before

the importation. The <u>application form</u> for the announcement has to be sent to the following E-mail address: <u>holzverpackungen@bafu.admin.ch</u>. Further information can be found on the following webpage: <u>www.bafu.admin.ch/bafu/ispm15</u> > Import requirements.

Information can be obtained from:

- Agricultural plant protection: Federal Office for Agriculture (FOAG), Federal Plant Protection Service, Schwarzenburgstrasse 165, 3003 Bern, tel. +41 58 462 25 50, <u>phyto@blw.admin.ch</u>, <u>www.plant-health.ch</u>;
- Forest plant protection: Federal Office for the Environment (FOEN), Forest Division, 3003 Bern, tel. +41 58 469 69 11, <u>wald@bafu.admin.ch</u>, <u>www.bafu.admin.ch/forest and timber</u>.

2. Plant species protection (CITES Flora)

2.1 Plants and plant products subject to inspection

The area of plant species protection (CITES Flora) is the responsibility of the Federal Food Safety and Veterinary Office (FSVO).

Protected plant species, parts of such plants and products derived from them are all subject to the provisions on protected species. Protected plant species include:

- Plant species as listed in annexes I to III of the CITES Convention [SR 0.453];
- Plant species taken from the wild in such quantities or traded in such quantities as to endanger long-term usage of natural stocks;
- Plant species which can be easily confused with plant species listed in annexes I to III of the CITES convention.

For the importation of such plants and plant-derived products the importer generally requires an authorisation from the FSVO. In addition, such importations are subject to documentation checks and taxes, and in most cases will also be physically checked (for further information, consult <u>www.cites.ch</u>).

Plants and plant-derived products subject to inspection and taxes are listed in the CITES Control Ordinance [SR 453.1]. In Tares they are annotated with **«CITES Flora»**.

Live plants (example tariff heading 0601.1090):

Non-customs provisions:	CITES Flora	subject to certification, inspection and tax: species listed in annexes I to III CITES (s. «Remarks», «Plant Health and CITES Flora», «CITES Flora»)
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Other plants and plant-derived products (example tariff heading 3302.9000):

Additional charges	Code		Scale				
	792	CITES Flora	001	containing CITES species (see «Remarks», «Plant Health and CITES Flora», «CITES Flora»)	CHF	60	per consignment

In cases where only certain plant-derived products are subject to inspection and taxes, these are listed accordingly (see example above).

CITES general clause: also subject to **species protection** may be goods from tariff headings whereby on the page «Display details» and «Additional charges» no mention is made of **CITES** but which include or contain parts of protected plant species (e.g. clothing with buttons made from protected types of fine wood; products containing the sap of protected plant species).

Information about inspection obligations can be obtained from:

The Federal Food Safety and Veterinary Office (FSVO), Schwarzenburgstrasse 155, 3003 Bern, tel. +41 58 462 25 41, <u>cites@blv.admin.ch</u>, <u>www.cites.ch</u>.

2.2 Details to be provided in the customs declaration

Importation

When declaring plants and plant products subject to inspection in the e-dec customs declaration, the NZE mandatory code «1 NZE: yes» and NZE type code 201 must be entered.

Exportation

When declaring plants and plant products subject to inspection in the e-dec customs declaration, the authorisation mandatory code «1 yes» and authorisation office «FSVO - CITES Flora» must be entered.

When declaring plants and plant products subject to inspection in the Passar goods declaration, the Restriction «1 yes» and the Restriction code «311 CITES Flora» must be entered.

2.3 Species protection inspections

2.3.1 Live plants imported directly via air transport from a non-EU member state

The Federal Plant Protection Service carries out the species protection inspections. Plants and plant products of this type may only be declared in customs offices listed in <u>FOAG</u> notice no. 1 (Bekanntmachung Nr. 1). The provisions under <u>1. Plant health (above)</u> also apply. For taxes, <u>see 2.4</u>.

2.3.2 Live plants under tariff headings 0601.1090, 0601.2020, 0601.2091, 0601.2099, 0602.1000, 0602.9019, 0602.9091 and 0602.9099, imported from or via the EU

The FSVO's CITES control post at 8820 Wädenswil carries out a documentation check on all live plants listed in Tares as «Subject to certification, inspection and taxes» imported from or via an EU member state. Plants taken from the wild are subject to an additional, physical check. For taxes, see 2.4 and 2.4.1.

For **ALL** consignments containing live plants with tariff headings 0601.1090, 0601.2020, 0601.2091, 0601.2099, 0602.1000, 0602.9019, 0602.9091 and 0602.9099, the person subject to the declaration obligation must submit a dossier containing the following:

- a copy of the import customs declaration;
- a copy of the invoice;
- any original CITES certificate;
- any FSVO authorisation; and
- any other accompanying documents.

2.3.3 Other plants and plant products

The importer must submit plants and plant products to a species protection control post if they are subject to such checks. As a rule, the control posts carry out their species protection inspections (document checks and physical checks) after customs clearance. For taxes, see 2.4 and 2.4.2.

The person subject to the declaration obligation must therefore provide the following in their customs declaration:

What	Where	How	
species protection control post code	«Special remarks» («Besondere	e.g. CITES01	
number , where the inspection is to take	Vermerke») section in the header data	species protection control post	Code number
place		Basel	CITES01
		Geneva airport	CITES02
		Zurich airport	CITES03
		Bern	CITES04

		Chiasso Le Locle	CITES05 CITES07
FSVO authorisation (if necessary)	<pre>«Authorisation» («Bewilligungen») section</pre>	Single authorisation = code 1 General authorisation = code 99 Code 2 (general import authorisation) may not be used with CITES.	
CITES-certificates (for CITES-specimens)	<pre>«Documentation» («Unterlagen») section</pre>	Other (ZZZ), Number,	Date, CITES
Species protection control tax	<pre>«Additional charges» («Zusatzabgaben») section</pre>		

The customs offices forward this information to the selected species protection control post. From that point, the importer has 48 hours to submit the specimens subject to inspection to the selected CITES control office. If the importer fails to submit to the inspection, then the FVO instigates criminal proceedings.

2.4 Taxes

Species protection inspections for plants and plant products are subject to taxes.

If a tariff heading and any statistical key simultaneously indicate that a plant health tax and a CITES Flora inspection tax are due, only the plant health tax is payable. Correspondingly, in the customs declaration only the plant protection tax should be declared. See <u>1. Plant health, Tax</u>.

Definition of consignment: a consignment refers to specimens of plants (incl. plant parts and products derived from them) sent via the same means of transport from the same consignor and intended for the same consignee.

2.4.1 Live plants under tariff headings 0601.1090, 0601.2020, 0601.2091, 0601.2099, 0602.1000, 0602.9019, 0602.9091 and 0602.9099, imported from or via the EU

The inspection taxes for live plants coming under the tariff headings listed above, imported from or via an EU member state, are levied by the FSVO (document check: CHF 30 per consignment; document check and physical check: CHF 60 per consignment). Taxes are not to be included in the customs declaration.

2.4.2 Other plants and plant products

The inspection taxes applicable are listed on the «Display details», «Additional charges» page. They amount to CHF 60 per consignment.