
Summerfruit to the EU & Switzerland Compliance Programme 2011/12

Requirements for Growers, Packhouse Operators, and IVAs

Version 2

Objective:

*Provision of brown rot (*Monilinia fructicola*) additional declarations for New Zealand summerfruit arriving in European Union Member States and Switzerland between 10 February and 30 September.*

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Version Control

This section captures changes in subsequent version(s) of the document for maintaining record(s) and easy reference.

Document versions are numbered. Version control is achieved by reference version number at the beginning of the document and in the footer of the document. Version number starts by default as V1 in every year.

All programme participants must use and refer to the latest version of the document.

The changes are listed in the table below:

No.	Version date	Section Changed	Change(s) Description
1	21 September 2010	4.1, Appendix 1	The first final edition for 2010/11. Changes from the previous season are: <ul style="list-style-type: none"> • Alignment of grower registration date with Summerfruit NZ, • contacts.
1	11 October 2011	5.1.2, 5.2.2, 9, Appendix 1, Appendix 2, Appendix 4	Updates for 2011-12 season: <ul style="list-style-type: none"> • Updated links to MAF website • Contacts • All references to MAFBNZ have been amended to MAF • Amended Grower and Non-approved packhouse compliance agreements

1. Introduction

All summerfruit arriving in European Union Member States (the EU) and Switzerland between 15 February and 30 September is required by importing country authorities to be certified as being sourced from a pest free production site or subject to appropriate treatment and inspection to ensure freedom from brown rot (*Monilinia fructicola*). This “Summerfruit to the EU & Switzerland Compliance Programme” (the programme) is designed to facilitate the provision of these additional declarations. In order to ensure compliance of delayed consignments, in agreement with Summerfruit NZ, this programme applies to all summerfruit scheduled to arrive in the EU and Switzerland between **10 February and 30 September**.

The programme defines MAF New Zealand’s (MAF’s) export phytosanitary certification operational requirements for the provision of such additional declarations. Operational requirements are identified for growers, packhouse operators, exporters and IVAs. This programme has been developed in consultation with Summerfruit NZ.

Growers, having complied with the initial production site(s) registration process and meeting this programme’s requirements (including application of the required fungicide control programme verified through a positive residue test and post harvest visual inspection for freedom from symptoms of *Monilinia fructicola*), will be recognised as having MAF approved production sites within the programme.

All exporters intending to export summerfruit to EU Member States and Switzerland must register for this programme, regardless of the expected date of arrival in the EU.

2. References

MAF Export Certification Standards:

- System Overview and Requirements
- Organisation Requirements
- Technical Requirements – Phytosanitary Inspection
- Independent verification Agency Requirements
- Importing Country Phytosanitary Requirements for European Union Member States and Switzerland.

3. Definitions

Approved Organisation:

An Organisation that has been formally recognised by MAF New Zealand as competent to receive delegated authority to act on its behalf to provide specific phytosanitary activities in accordance with the requirements specified in the relevant MAF New Zealand standard(s).

MAF New Zealand (MAF):

The body within the Ministry of Agriculture and Forestry that is responsible for biosecurity functions, providing official assurances to control authorities in importing countries through export certification.

Independent Verification Agency (IVA):

An organisation accredited as meeting ISO/IEC 17020:2000 and its independence criteria type A, and MAF New Zealand supplementary technical requirements, and authorised by MAF New Zealand to carry out services associated with export certification.

Organisation: The legal entity, be it individual, partnership, company or other form of legal entity, responsible for the performance of the phytosanitary risk management system approved by MAF New Zealand.

Production site: A grower designated and MAF registered part of a property with clearly defined and mapped boundaries on which summerfruit is to be grown for export under this programme. This may be a group of blocks, a single block, or a portion of a block within a property.

Note: For this programme a production site may be defined for a specific stone fruit variety (or varieties) planted across the grower's property and for which the timing of the final 3 fungicide spray applications is the same.

Property: A single contiguous area of land, as identified by property valuation numbers(s), on which fruit is grown.

Note: Land defined as a property must be contiguous (i.e., touching or adjoining). Land on separate property valuation numbers which is not contiguous (e.g. if separated by public roads or rivers) cannot be designated as one property.

Production Site

Identification Code: A unique identification code which is assigned to each registered production site by MAF.

Regulated Pest: A quarantine pest or a regulated non-quarantine pest [IPPC, 1997]

Summerfruit (also stone fruit)

Fruit of the genus *Prunus*, including apricot, cherry, peach, plum, and nectarine.

4. Grower requirements

A checklist of grower requirements is attached (Appendix 1), summarising key actions described below.

4.1. Registration of production sites

- Only production sites producing summerfruit for harvest and export that is scheduled to arrive in the EU or Switzerland between 10 February and 30 September in any year need to be registered for this programme.
- Register production site(s) for the programme by 25 September each year.
 - Growers are to direct their registration enquires to Summerfruit NZ. Registration is being coordinated by Summerfruit NZ on behalf of MAF. Registration information will be sent directly to all existing registered growers by Summerfruit NZ.
 - Summerfruit NZ will forward their register of growers in the programme to Independent Verification Agencies (IVAs). Ultimately, MAF, on receipt of written advice from an IVA that a registered grower is meeting the programme's requirements, will post a register of MAF approved grower production sites on the MAF website.
 - Summerfruit NZ will retain a copy of registration information for a period of 12 months.
- Produce a map (or maps) which clearly identifies:
 - the valuation number of the property;
 - the location and boundaries of the production site(s) within the property;
 - the species (apricot, cherry, peach, plum, nectarine) grown on the production site;
 - areas that are not part of the production site (such as areas of replanting or other crops such as apples).
- Forward the map to Summerfruit New Zealand and retain a copy.
- Obtain a production site identification code, allocated by Summerfruit NZ, for every production site participating in the programme.
 - The status of the production site will only be published on the MAF website after the grower has met the requirements of the programme as verified by an IVA.
- Production site registration is valid for one season.
- Growers may modify production site registrations by notifying Summerfruit NZ no later than one week prior to export. This may be necessary in circumstances where:
 - Fungicide spray programmes for varieties registered as a production site have diverged;
 - Some varieties are withdrawn from the programme (e.g. due to weather).
- Late registration of production sites may be accepted up until 10 January. Growers should apply to Summerfruit NZ using the form available on the MAF website. Applications will be evaluated on a case by case basis, against the following criteria:
 - Growers may only add production sites to the programme if the property was already registered for the programme by the 25th September.
 - The grower must be able to show that the production site has met all the requirements of the programme (including early blossom sprays).
 - The grower is to meet any costs involved in adding production sites to the programme.

4.2. Grower compliance agreement

- Sign the grower compliance agreement (Appendix 2) as participating in the programme:
 - The compliance agreement defines and formalises the relationship between the grower and MAF for this programme.
 - Production sites will not be eligible to supply fruit for export under this programme until the compliance agreement has been signed by the grower, and the IVA has verified all grower requirements have been met.

4.3. Grower procedures to ensure freedom from *Monilinia fructicola*

4.3.1. *Brown rot treatment programme*

- Apply to each registered production site fungicide sprays as follows:
 - a minimum of 3 fungicide sprays during bloom (the fungicides chosen must have a label claim for blossom blight and/or brown rot control on stonefruit; for example, but not limited to, dicarboximides or tebuconazole); AND
 - a further 3 fungicide sprays (specifically dicarboximides or tebuconazole) between 28 days pre-harvest and harvest, with the final application not more than 10 days before harvest.
 - Apply all sprays in accordance with label directions.
 - Retain fungicide purchase records for audit.
 - Maintain a detailed spray diary including date and time of fungicide application, product applied and application rate for audit.
 - Notify the IVA Inspector prior to the intended last fungicide application (in accordance with IVA arrangements).
 - Sign the grower declaration (Appendix 3) that fungicides have been applied in accordance with the requirements of the programme.
 - Confirm to the IVA that the last application has been applied on the day it is applied (e.g. by faxing the grower declaration to the IVA).
 - An IVA Inspector will randomly select a sample of one kilogram of fruit from each registered grower's orchard production site(s) using Codex Alimentarius methodology.
 - A registered grower with more than one production site within the boundary of their property may elect to only have one sample taken representing their multiple production sites. Where a grower exercises this option, the IVA inspector is to select one production site to collect the one kilogram fruit sample for analysis (see note below).
 - This sample will be tested for the presence of fungicide(s) used as a pre-harvest control (the period between 28 days pre-harvest and harvest).
- Note:**
- Advise the IVA of the fungicide used in the 28-day pre-harvest period so they can ensure the correct test is done.
 - The results of the analysis apply to all production site(s) of which the fruit sample is representative.
 - Should no fungicide be detected as a result of the analysis, the production site(s) are to be excluded from the programme for that operational year. Further re-sampling is not an option.
- On request, make available to the IVA Inspector for checking the grower declaration, fungicide purchase records, and the spray diary.

Note: Fruit will only be considered compliant with this programme and eligible for MAF phytosanitary certification once all of the above stages have been completed and validated by an IVA, and the MAF approved grower production site details appear on the MAF website. The cost of this validation is to be met by the grower.

4.3.2. *Harvest requirements*

- Ensure that spray requirements have been met and that the IVA has taken the fruit sample for residue testing before harvest operations begin on the registered production site.
- Identify every bin, container, or load of harvested fruit with the correct production site identification code before it leaves the production site.

4.3.3. *Records*

- Maintain, until the 1st of October of the exporting year, the following records and make them available to their IVA for traceback and audit if needed:
 - A copy of the map used for registration into this programme.
 - Detailed spray diary and records of fungicide purchase.
 - The grower declaration that they have applied these fungicides in accordance with the programme requirements.

5. Packhouse operator requirements

Approved packhouses (approved under MAF Export Certification Standard – Organisation Requirements) must register with Summerfruit NZ and update their approved systems to reflect the requirements of this programme, as defined in Section 5.1.

Non-approved packhouses must register with Summerfruit NZ, sign the non-approved packhouse operator compliance agreement, and undertake actions identified in section 5.2 of this programme.

5.1. MAF approved packhouses

5.1.1. Packhouse registration

- All packhouses must register for the programme by 31 October each year.
 - Packhouse operators are to direct their registration enquires to Summerfruit NZ. Registration is being coordinated by Summerfruit NZ on behalf of MAF. Registration information will be sent directly to known export packhouse operators by Summerfruit NZ.
 - Summerfruit NZ will forward their register of packhouses to IVAs.
- Packhouse registration in this programme is valid for one season only.

5.1.2. Packhouse operational and traceability requirements

- Ensure that every container, bin or load of summerfruit received at the packhouse is identified with, or is directly traceable to, the correct production site identification code (e.g. with a bin label).

Note: Any container, bin or load that is not correctly identified is not eligible for the programme.
- Ensure that production sites from which fruit is being packed are eligible for export under this programme (e.g. by checking production site status on the MAF website <http://www.biosecurity.govt.nz/commercial-exports/plant-exports/compliance-programmes/summerfruit/production-sites>)
 - Ensure that packed fruit from production sites registered in this programme is clearly identified with, or is directly traceable to, the correct production site identification code and packhouse.
 - Ensure that records from production sites participating in the programme are clearly labelled to facilitate IVA verification activities.

5.1.3. Phytosanitary inspection

- All consignments of summerfruit to be exported under this programme are to be inspected by an approved organisation's competent inspector for the presence of brown rot and other regulated pests in accordance with the organisation's MAF approved procedures.

5.1.4. Post inspection product security

- Implement post inspection product security measures.

5.2. Non-approved packhouses

5.2.1. Non-approved packhouse registration

- All packhouses must register for the programme by 31 October each year.
 - Packhouse operators are to direct their registration enquires to Summerfruit NZ. Registration is being coordinated by Summerfruit NZ on behalf of MAF. Registration information will be sent directly to known export packhouse operators by Summerfruit NZ.
 - Summerfruit NZ will forward their register of packhouses to IVAs.
- Non-approved packhouse operators must sign the non-approved packhouse operator compliance agreement (Appendix 4) as participating in the programme:

- The compliance agreement defines and formalises the relationship between the non-approved packhouse and MAF for this programme.
- As part of the compliance programme, the packhouse operator is to nominate the person(s) responsible for traceability of summerfruit from arrival to dispatch.
- Packhouse registration in this programme is valid for one season only.

5.2.2. *Non-approved packhouse traceability requirements*

- Packhouse operators in this category must enter into a contractual arrangement with an IVA by which the IVA accepts responsibilities for ensuring traceability requirements are met.
- The person(s) nominated in the packhouse compliance agreement as responsible for traceability shall undertake at least the following actions:
 - Check the identification of every container, bin or load of summerfruit received at the packhouse.
 - Ensure the identification is directly traceable to the correct production site (e.g. a bin label specifies the production site code).

Note: Any container, bin or load that is not correctly identified is not eligible for the programme.
 - Check that production sites from which fruit is being packed are eligible for export under this programme (e.g. by checking production site status on the MAF website <http://www.biosecurity.govt.nz/commercial-exports/plant-exports/compliance-programmes/summerfruit/production-sites>).
 - Ensure that packed fruit from production sites registered in this programme is clearly identified with, or is directly traceable to, the correct production site identification code and packhouse.
 - Ensure that records from production sites participating in the programme are clearly labelled to facilitate IVA verification activities.

5.2.3. *Phytosanitary inspection*

- All consignments of summerfruit to be exported under this programme are to be inspected by an IVA's phytosanitary inspector for the presence/freedom of brown rot and other regulated pests in accordance with the IVA's MAF approved procedures.

5.2.4. *Post inspection product security*

- Post inspection product security processes must be accommodated within an approved IVA's system.

6. Exporter requirements

6.1. Exporter registration

- All exporters must register for the programme by 31 October each year.
 - Exporters are to direct their registration enquires to Summerfruit NZ. Registration is being coordinated by Summerfruit NZ on behalf of MAF. Summerfruit NZ will forward their register of exporters to IVAs.
- Exporter registration for this programme is valid for one season only.

6.2. Post inspection product security

Implement Post Inspection Product Security measures.

- Where an organisation is MAF approved (under MAF Export Certification Standard – Organisation Requirements) for post inspection product security the organisation must implement their approved procedures for traceability and post inspection product security.
- Where an organisation is not MAF approved, post inspection product security processes must be accommodated within an approved IVA's system.

6.3. Application for phytosanitary certification

All exporters applying for phytosanitary certification for summerfruit to EU Member States or Switzerland must declare to the IVA the:

- Expected date of arrival of consignment in EU or Switzerland.
- Mode(s) of transport from point of export to the point of arrival in the EU or Switzerland.

Note: Where the exporter has not requested the brown rot additional declaration, but where the IVA considers the consignment may arrive after 10 February, phytosanitary certificates will not be issued. The exporter has the option, if the consignment is compliant, of requesting the additional declaration.

7. Independent Verification Agency (IVA) requirements

IVAs are to use this programme in conjunction with their MAF approved IVA operating procedures.

7.1. IVA communication with MAF

IVAs must nominate a person within their organisation who is responsible for communication with MAF Exports regarding their implementation of this programme.

7.2. Processing compliance agreements

IVAs must:

- Ensure all growers who wish to participate within the programme complete and sign the grower compliance agreement (refer Appendix 2).
- Ensure all non-approved packhouse operators sign the non-approved packhouse compliance agreement (refer Appendix 4).
- Retain on file a copy of the completed and signed Compliance Agreements, maps, and grower declarations for at least 12 months from the date of signing.
- Maintain an accurate register of production sites, which have been assessed as complying with programme requirements.

7.3. Confirmation of grower compliance with programme requirements

IVAs are to confirm growers' compliance with programme requirements by undertaking the following activities.

7.3.1. Confirm accuracy of the map(s) of production site(s)

- Grower maps, which identify the designated production site(s) must be confirmed as compliant by the IVA as part of registration into this programme. Verification of registration must be undertaken at the latest prior to taking fruit samples.

7.3.2. Verification of brown rot treatment programme

- Ensure all growers who participate within the programme complete and sign the grower declaration that fungicides have been applied in accordance with the requirements of the programme (refer Appendix 3).
- The IVA Inspector must randomly select a sample of one kilogram (comprising at least 10 fruit), from each registered grower's orchard production site(s) using Codex Alimentarius methodology.
 - Refer section 4.3.1 for the conditions available to registered growers.
 - Dispatch the sample to an IANZ accredited Laboratory along with a request to test for the fungicide(s) used as a pre-harvest control (the period between 28 days pre-harvest and harvest).

7.4. Confirmation of packhouse requirements

7.4.1 MAF approved packhouses

IVA must ensure its audit scope for verifying MAF approved Organisations registered for this programme focuses on compliance to the relevant requirements of the:

- MAF BNZ Export Certification Standard: Organisation requirements and any other applicable standard; and
- Summerfruit to the EU & Switzerland Compliance Programme.

7.4.2. Non- approved packhouses

IVAs are to undertake at least weekly evaluations (for the duration of packing for this programme) of non-approved packhouses to confirm compliance with programme traceability requirements as outlined in section 5.2.2.

7.5. Confirmation programme requirements have been met

Once an IVA has confirmed that the programme's pre-requisites for a grower's production site(s) have been met (includes having received of a positive residue result for the specified fungicide), the IVA is to supply an updated register of compliant production sites to the MAF website.

Note: Compliant production sites will be listed on the MAF website as MAF approved production sites.

7.6. Non-compliance contingency

Where the IVA detects grower non-compliance to the treatment requirements, the grower is to be advised they are not eligible to be confirmed as part of the programme.

In these circumstances, the IVA is to notify MAF as per an "event" report if any of the growers are found to be in non-compliance with the requirements of the programme. If after consultation with MAF an appropriate and agreed corrective action has been identified, the grower has 3 days to implement the agreed corrective action(s) for the non-compliance.

Where the grower elects to implement MAF/IVA agreed corrective actions, the IVA is to verify the corrective action(s) have been undertaken and confirm their findings to MAF. The cost of this verification is to be met by the grower.

7.7. Verification of phytosanitary certificate additional declarations

For each export consignment of summerfruit that is scheduled to arrive in the European Union Member States or Switzerland between 10 February and 30 September, as a component of the verification process, the IVA must confirm that:

- Fruit was sourced from a MAF approved and Summerfruit NZ registered grower production sites as listed on MAF website.
- Fruit was sourced from a registered packhouse operator (refer Summerfruit NZ register).
- Mode of transport and expected date of arrival.
- The appropriate Additional Declaration as specified in the relevant MAF ICPR is contained in the phytosanitary certificate being verified.

Note: Applications for phytosanitary certificate verification received after 31 January may represent consignments that will arrive in the EU or Switzerland after 10 February. Be aware of the use of air/sea transport combinations. Where the IVA considers (based on information provided) that a consignment will arrive in the EU on or after 10 February, and the exporter has not requested the brown rot additional declaration, verification is to be denied.

8. Key contacts

Summerfruit NZ (registration)

Marie Dawkins
Manager
Summerfruit NZ
PO Box 2175
WELLINGTON
Ph: 04 494 9975
Fax: 04 494 9989
Email: marie@summerfruitnz.co.nz

AgriQuality Limited

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AsureQuality Ltd
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Fax: 03 358 6222
Mob: 021582 735
Email: Mark.Hawker@AsureQuality.com

Market Access Solutionz Ltd

Stephen Ogden
Summerfruit NZ Market Access Manager
Market Access Solutionz Ltd
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Ph: 04 473 6040
Fax: 04 473 6041
Mob: 021 773502
Email: stephen@solutionz.co.nz

MAF New Zealand

Vicky Kitekei'aho
MAF New Zealand, Exports
PO Box 2526
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Ph: 04 894 0518
Fax: 04 894 0733
Mob: 029 894 0518
Email: Vicky.Kitekei'aho@maf.govt.nz

Summerfruit to EU and Switzerland Compliance Programme

Grower Checklist

Growers must ensure that their summerfruit has been confirmed as compliant with the requirements of the Summerfruit to EU and Switzerland Compliance Programme.

It is your responsibility to check for confirmation on the MAF website <http://www.biosecurity.govt.nz/commercial-exports/plant-exports/compliance-programmes/summerfruit/production-sites> **Error! Hyperlink reference not valid.**

Checklist of Grower Responsibilities

Completed?
(tick)

- | | |
|---|--------------------------|
| 1. Register with Summerfruit NZ for the Compliance Programme by 25 September each year. | <input type="checkbox"/> |
| 2. Complete and signed Grower Compliance Agreement. | <input type="checkbox"/> |
| 3. Apply 3 fungicide sprays for brown rot during bloom as per label claim. | <input type="checkbox"/> |
| 4. Apply 3 fungicide sprays (dicarboximides or tebuconazole between 28 days pre-harvest and harvest, with last spray no more than 10 days pre-harvest). | <input type="checkbox"/> |
| 5. Retain and have copies of fungicide purchase records. | <input type="checkbox"/> |
| 6. Maintain, and have copies available of, a spray diary including date, time, product and rate of fungicide application. | <input type="checkbox"/> |
| 7. Notify IVA Inspector before the intended last fungicide application. | <input type="checkbox"/> |
| 8. Notify IVA on the day the last (i.e., 3rd) fungicide spray in the period 28 days pre-harvest to harvest is applied. | <input type="checkbox"/> |
| 9. Sign Grower Declaration. | <input type="checkbox"/> |
| 10. Ensure IVA has visited the property to sample fruit for residue testing. | <input type="checkbox"/> |
| 11. Obtain a copy of the IVA counter-signed compliance agreement. | <input type="checkbox"/> |
| 12. Confirm that production sites are approved by checking the register of production sites listed on the MAF website http://www.biosecurity.govt.nz/commercial-exports/plant-exports/compliance-programmes/summerfruit/production-sites. | <input type="checkbox"/> |

Appendix 2

Grower Compliance Agreement Summerfruit to the EU & Switzerland Compliance Programme

1. Production site identification codes for registered production sites registered for this programme:

IN REGISTERING FOR THIS PROGRAMME I AGREE TO BE BOUND BY THE FOLLOWING TERMS:

2. I agree to comply with the requirements specified within the MAF Summerfruit to the EU and Switzerland Compliance Programme (the programme).
3. I understand that this programme may change from time to time within the same growing/exporting year and that if requested I will advise and acknowledge to my IVA that I have received and understood the programme update and that I will implement programme update(s) by the date required.
4. I agree that failure to comply with the grower requirements of this programme shall result in:
 - a) The immediate removal of my affected production site(s) from this programme for the remainder of the season.
 - b) All cherries from rejected sites not been eligible for phytosanitary certification for export to Japan in the current export season.
5. I agree to the Director of Import and Export Standards, MAF and/or his representatives
 - a) Obtaining from me phytosanitary information relevant to this programme;
 - b) Making enquiries with regards my compliance to this programme's requirements, including undertaking any traceback investigations as a result of quarantine pest interceptions;
 - c) Collecting phytosanitary information from other individuals or organisations in connection with this programme;
 - d) Passing on information provided by me or collected from others to the IVA
6. I agree to the IVA, on behalf of MAF, making enquiries and using the information supplied by me, in connection with the programme, and to audit my compliance with the programme.
7. I consent to publication of my status within the programme in any publication, which may be made available to enable export certification.
8. I consent to the details (including any personal information) relating to any pest detections in relation to produce from my production site(s) to be shared with Summerfruit New Zealand to develop/refine pest management programmes.
9. I agree to Summerfruit New Zealand passing on my registration information to the IVA.
10. I agree to afford the IVA, or their representatives, co-operation and access necessary to carry out audits in relation to the programme.
11. I understand that if I fail to provide all or any of the information requested in connection with the programme I may be removed from the programme forthwith.
12. I understand that under the Information Privacy Principles of the Privacy Act 1993, I have rights of access to, and correction of, personal information held in connection with participation within this programme.

13. I understand and agree that compliance with this Programme does not guarantee entry of my products into Japan and that MAF, its employees and agents are not liable for any loss or damage arising from refusal of the Japan authorities to permit entry of my products
14. I agree to notify the IVA of any changes to the above details.
15. I acknowledge that the IVA's normal Terms of Trade apply.

EXCLUSION OF LIABILITY

16. I accept that under no circumstances will MAF, crown officers, or agents of or other persons associated with MAF or crown officers, be liable for any loss, claim, action, demand, expense, inquiry, harm, or damage, however caused, arising directly or indirectly from or connected in any way to:
 - a) The performance, or as the case may be, non-performance of the grower (or any of its contractors, sub-contractors, agents, or employees that are not a party to this Contract) of any of its obligations in respect of this programme; or
 - b) The provision or non-provision of any inspection and/or audit and/or documentation service for MAF export certification by the operator.

INDEMNITY

17. I will indemnify and keep indemnified MAF from and against any liability, loss, damage, costs and expenses (including legal costs and any expenses of going to arbitration), which MAF may suffer or incur arising directly or indirectly from:
 - a) The performance, or as the case may be, non-performance of the grower (or any of its contractors, sub-contractors, agents, or employees that are not a party to this Contract) of any of its obligations in respect of this programme;
 - b) Negligent acts or omissions on the part of the grower (or any of its contractors, sub-contractors, agents, or employees that are not a party to this Contract).

Signature of grower

Name

Date

Signature of (state IVA) representative (on behalf of MAF New Zealand) Date

Name

Title

Seal

Appendix 3

Notification and grower declaration concerning the application of fungicide treatments for the control of brown rot (*Monilinia fructicola*).

Fax to IVA on date of last fungicide application.

I(FULL NAME)

OF.....(ADDRESS)

summerfruit grower, solemnly and sincerely declare that, in accordance with the requirements of the Summerfruit to the European Union and Switzerland Compliance programme, I have:

- applied three fungicide sprays to my registered production sites in accordance with label directions during bloom; and
- applied a further three fungicide sprays (dicarboximides or tebuconazole) between 28 days pre-harvest and harvest, with the final application not more than 10 days before harvest.

Production Site Identification codes to which this declaration applies (list):

And I make this solemn declaration conscientiously believing the same to be true.

Declared at.....this.....day of.....200....

Signed.....

Appendix 4

Non-approved Packhouse Operator Compliance Agreement

Summerfruit to the EU & Switzerland Compliance Programme

1. Names of packhouse staff responsible for checking traceability of fruit entering, and dispatched from, packhouse:

IN REGISTERING FOR THIS PROGRAMME I AGREE TO BE BOUND BY THE FOLLOWING TERMS:

2. I agree to comply with the requirements specified within the MAF Summerfruit to the EU and Switzerland Compliance Programme (the programme).
3. I understand that this programme may change from time to time within the same growing/exporting year and that if requested I will advise and acknowledge to my IVA that I have received and understood the programme update and that I will implement programme update(s) by the date required.
4. I agree that failure to comply with the grower requirements of this programme shall result in:
 - a) The immediate removal of my affected production site(s) from this programme for the remainder of the season.
 - b) All cherries from rejected sites not been eligible for phytosanitary certification for export to Japan in the current export season.
5. I agree to the Director of Import and Export Standards, MAF and/or his representatives
 - a) Obtaining from me phytosanitary information relevant to this programme;
 - b) Making enquiries with regards my compliance to this programme's requirements, including undertaking any traceback investigations as a result of quarantine pest interceptions;
 - c) Collecting phytosanitary information from other individuals or organisations in connection with this programme.
 - d) Passing on information provided by me or collected from others to the IVA
6. I agree to the IVA, on behalf of MAF, making enquiries and using the information supplied by me, in connection with the programme, and to audit my compliance with the programme.
7. I consent to publication of my status within the programme in any publication, which may be made available to enable export certification.
8. I consent to the details (including any personal information) relating to any pest detections in relation to produce from my production site(s) to be shared with Summerfruit New Zealand to develop/refine pest management programmes.
9. I agree to Summerfruit New Zealand passing on my registration information to the IVA.
10. I agree to afford the IVA, or their representatives, co-operation and access necessary to carry out audits in relation to the programme.
11. I understand that if I fail to provide all or any of the information requested in connection with the programme I may be removed from the programme forthwith.
12. I understand that under the Information Privacy Principles of the Privacy Act 1993, I have rights of access to, and correction of, personal information held in connection with participation within this programme.
13. I understand and agree that compliance with this Programme does not guarantee entry of my products into Japan and that MAF, its employees and agents are not liable for any loss or damage arising from refusal of the Japan authorities to permit entry of my products
14. I agree to notify the IVA of any changes to the above details.
15. I acknowledge that the IVA's normal Terms of Trade apply.

EXCLUSION OF LIABILITY

16. I accept that under no circumstances will MAF, crown officers, or agents of or other persons associated with MAF or crown officers, be liable for any loss, claim, action, demand, expense, inquiry, harm, or damage, however caused, arising directly or indirectly from or connected in any way to:

- a) The performance, or as the case may be, non-performance of the Non-approved packhouse (or any of its contractors, sub-contractors, agents, or employees that are not a party to this Contract) of any of its obligations in respect of this programme; or
- b) The provision or non-provision of any inspection and/or audit and/or documentation service for MAF export certification by the operator.

INDEMNITY

17. I will indemnify and keep indemnified MAF from and against any liability, loss, damage, costs and expenses (including legal costs and any expenses of going to arbitration), which MAF may suffer or incur arising directly or indirectly from:

- a) The performance, or as the case may be, non-performance of the Non-approved packhouse (or any of its contractors, sub-contractors, agents, or employees that are not a party to this Contract) of any of its obligations in respect of this programme;
- b) Negligent acts or omissions on the part of the grower (or any of its contractors, sub-contractors, agents, or employees that are not a party to this Contract).

Signature

Name

Date

Signature of (state IVA) representative (on behalf of MAF New Zealand) Date

Name

Title

Seal