

AniMark[®]



Exporter Supply Chain Assurance Operations (ESCAO) Operational Guideline

Department-approved arrangement for AniMark's ESCAS assurance operations

Version 1.5

Purpose

This guideline outlines:

- the conditions under which the department formally recognises AniMark's Livestock Global Assurance Program (LGAP) as a third party provider of assurance services for ESCAS. .
- the role of AniMark in auditing and certifying exporters and facilities against its ESCAS equivalent assurance certification program.
- how the department will interact with live animal exporters who are certified by AniMark in relation to maintaining an approved ESCAS.
- how the department will verify and audit AniMark to ensure compliance with its approved arrangement and to satisfy the department that outcomes of the program meet ESCAS requirements on an ongoing basis.

Scope

This document applies to

- a) AniMark, which holds an approved arrangement with the department.
- b) live animal exporters where:
 - The exporter holds an approved ESCAS for a given market and species.
 - The exporter is regulated by the department under the ESCAS framework for live animal exports.
 - The exporter elects to utilise AniMark's LGAP program to demonstrate fulfillment of its ESCAS requirements.

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Legislative basis

Under the Export Control Act 2020 ('the Act') and its subordinate legislation:

- exporters and ESCAO providers are regulated by the Commonwealth government through the Australian Government Department of Agriculture, Fisheries and Forestry (the department).

Under the Export Control (Animals) Rules 2021 ('the Animals Rules') ESCAO providers are bound to comply with:

- their approved arrangement;
- any conditions applied by the department;
- independence and governance requirements; and
- reporting to the department.

Under the Export Control (Animals) Rules 2021, exporters are bound to comply with:

- conditions of their ESCAS approval including independent auditing of the supply chain and reporting to the department.

Principles

AniMark holds an approved arrangement for ESCAO as per the Act and the Animals Rules, enabling it to provide assurance of compliance with several aspects of an exporter's ESCAS.

The assurance rules and standards of LGAP meet ESCAS equivalency and form part of its approved arrangement.

Through its approved arrangement, AniMark is recognised by the department as providing an appropriate level of assurance consistent with ESCAS requirements under export legislation for:

- (a) the kind of livestock to which an ESCAS applies;
- (b) each port or landing place where the livestock are intended to be unloaded;
- (c) transport, handling and slaughter of the livestock;
- (d) feedlots;
- (e) identification, tracking, accounting and reconciliation of the livestock;
- (f) independent auditing and reporting in relation to the matters referred to in paragraphs (a), (b), (c), (d), (e) and (h);
- (g) any related operations and facilities.

An exporter's ESCAS may provide that independent auditing and reporting in relation to the matters referred to in paragraphs (4)(a), (b), (c), (d), (e) and (g) are to be carried out in accordance with an approved arrangement for exporter supply chain assurance operations (ESCAO) held by a person specified in the ESCAS.

Where exporters are certified to an ESCAO program, and recognition is captured in the exporter's ESCAS approval via the provision of a current ESCAO certification number relevant to the supply chain in question, the department will not require the exporter to report to the department on matters (a), (b), (c), (d), (e), (f) and (g).

The recognition of LGAP however does not limit the department's regulatory responsibilities or powers under export legislation, including the power to undertake audit, inspection or impose regulatory sanctions for non-compliances with export legislation.

The department will require non-certified exporters to continue to comply with existing ESCAS reporting and auditing arrangements.

Conditions of recognition of LGAP

The conditions of recognition of LGAP include:

- department continues to approve an exporter's ESCAS;
- AniMark continues to maintain an approved arrangement and meet its reporting obligations under that arrangement;
- AniMark notifies the department through reporting requirements under its approved arrangement, of all ESCAS non-compliances.

Department verification of ESCAS

Regardless of whether an exporter is LGAP-certified or not, the department continues to assess, approve or revoke an exporter's ESCAS. An ESCAS is a requirement under export legislation and is used to underpin the department's animal welfare system for export-eligible live feeder and slaughter animals.

Department verification of AniMark

The department will audit AniMark on a regular basis for compliance with conditions of its ESCAO approved arrangement.

Reporting by AniMark to the department including non-compliance information

AniMark will provide information to the department on a quarterly basis which includes but is not limited to the following:

- total number of LGAP certified entities
- number of entities added or removed
- number of audits
- for a given country and entity type, the total number of non-compliances (e.g., total number of non-compliances in all abattoirs in a given country) by category and livestock species involved
- for a given country and entity type, the total number of third-party reports of alleged non-compliance livestock species involved

AniMark will also provide information to the department when requested under the legislation (s5-18 of the Animal Rules), and as otherwise specified AniMark's approved arrangement (e.g critical nonconformities).

If an exporter has their LGAP certification revoked during the reporting period, the exporter will be required to report this to the department as a condition of their ESCAS approval. The department will immediately re-impose ESCAS reporting requirements, until the exporter can demonstrate it has achieved re-certification. The requirements for re-certification are described in the LGAP rules.

Investigation of third-party reports of non-compliance

In the case of third-party reports submitted directly to the department for LGAP certified entities, the department will pass the report and any related information to AniMark for consideration and investigation under its complaints process. As with ESCAS non-compliance investigations, the department will not make public comment on an ongoing non-compliance process which is being investigated or managed by AniMark and may refer any media enquiries on the matter to AniMark.

Management of non-compliances

AniMark will oversee corrective actions required for alleged ESCAS non-compliances or LGAP non-conformities related to an LGAP certified entity.

Publication of non-compliance information

The department will not publish identifying details of an LGAP certified entity involved with an ESCAS non-compliance investigation other than where the LGAP certified entity is an Australian exporter.

Application of compliance measures

The department will not apply compliance measures under the ESCAS non-compliance framework for non-compliances related to an LGAP certified entity for which a corrective action is applied and the non-compliance successfully closed out under the LGAP rules, resulting in the entity retaining their LGAP certification.

Systemic failures

The department retains the ability to investigate or apply compliance measures in the event of a report of a critical non-compliance resulting in systemic failure to meet ESCAS animal welfare, control or traceability requirements. Where an investigation is conducted the department will work with and utilise AniMark's investigative processes as the primary investigation method.

ESCAS of non-certified exporters

Exporters that either choose not to utilise LGAP or have been suspended from LGAP, will be subject to the full scope of the department's ESCAS requirements.

Review

This document is to be reviewed on at least a biennial basis, commencing 1st October 2023.

Related Material

The following related material is available on the department's website:

- Webpage: [ESCAS Overview](#)
- Webpage: [ESCAS animal welfare standards](#)
- Webpage: [ESCAS investigations](#)

The following related material is available on the internet:

- Webpage: [Export Control Act 2020](#)
- Webpage: [AniMark website including Rules, Standards and program information](#)

Appendix 1: Roles and responsibilities

AniMark

- Maintains ownership of its assurance rules and standards.
- Manages the content of its assurance rules and standards.
- Where changes to the assurance standards are made, works with the department to ensure variations to the approved arrangement are not disruptive to export operations and continues to provide equivalent or greater animal welfare outcomes than legislative requirements.
- Maintains arrangements with independent third party auditors for the auditing and certification of the LGAP program.
- Acts as the program administrator of LGAP, including management of audit arrangements and close out of nonconformances.
- Maintains a register of participating establishments that are certified.
- Provides program information to the department in accordance with legislated timeframes, and on request, including information relating to non-compliance.
- Provides an annual report on the LGAP program to the department.
- Immediately notifies the department of any systemic non-compliance issues which may put the integrity of its assurance programs or the ability of exporters to maintain compliance with ESCAS requirements at risk.
- Ensures the LGAP program (including internal audits) is managed in accordance with the assurance rules.
- Notifies LGAP-certified entities, including those in voluntary suspension, of any amendments to the assurance rules or standards.

Department of Agriculture – Live Animal Exports

- Remains the regulator of live animal exports and ESCAS requirements.
- Sets minimum animal welfare, control and traceability requirements.
- Audits AniMark against its approved arrangement and legislative requirements.
- Maintains capabilities for ESCAS administration in the event of failure or wind-up of AniMark to ensure continuity of trade.

Appendix 2: Definitions

Approved arrangement (AA)

An approved arrangement under Chapter 5 of the *Export Control Act 2020*.

An arrangement for a kind of export operations in relation to a kind of prescribed goods approved by the secretary.

Assurance rules

The assurance rules for ESCAO which are administered by the ESCAO provider.

ESCAO-certified entity

Under the ESCAO a certified entity complies with all of the ESCAO assurance rules and standards.