

Report of the Meeting of WOAHA *ad hoc* Group on the revision of Chapters 5.4. to 5.7. of the *Terrestrial Code*

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13 to 15 June 2023
Paris

Table of Contents

1. Introduction	2
2. Adoption of the agenda, terms of reference and appointment of Chair and Rapporteur	2
3. Draft revised Chapters 5.4. to 5.7. of the <i>Terrestrial Code</i>	2
3.1. Proposed new Chapter 5.4. Measures and procedures applicable in the exportation of commodities	2
3.2. Proposed new Chapter 5.6. Measures and procedures applicable in the importation of commodities	5
3.3. Proposed new Chapter 5.5. and new Chapter 5.7.	6
4. Key Glossary definitions	6
4.1. Border post	7
4.2. Quarantine station	7
5. Consideration of the need to develop new definitions for the Glossary	7
6. Next steps	8

List of Annexes

Annex 1. Adopted Agenda	9
Annex 2. List of Participants	10
Annex 3. Terms of Reference	11



1. Introduction

This report covers the work of the WOAH *ad hoc* Group on the revision of Chapters 5.4. to 5.7. of the *Terrestrial Code* who met in-person at WOAH Headquarters in Paris from 13 to 15 June, 2023.

Dr Montserrat Arroyo, the WOAH Deputy Director General, International Standards and Science, welcomed members of the *ad hoc* Group and thanked them for their hard work in the preparation for this meeting, the second meeting of the *ad hoc* Group. Dr Arroyo extended her appreciation to the members' employing institutions and national governments. Dr Arroyo highlighted that the revised chapters should be practical and useful for all WOAH Members to achieve effective implementation.

2. Adoption of the agenda, terms of reference and appointment of Chair and Rapporteur

Dr Phillip Widders was appointed as Chair for the *ad hoc* Group and the WOAH Secretariat acted as rapporteurs. The *ad hoc* Group adopted the provisional agenda.

The agenda, list of participants and ToR are provided as [Annex I](#), [II](#) and [III](#), respectively.

3. Draft revised Chapters 5.4. to 5.7. of the *Terrestrial Code*

The *ad hoc* Group was informed that the Code Commission, at its February 2023 meeting, had considered the *ad hoc* Group's [first report](#) (November 2022) and supported the proposal to replace the four current chapters (Chapters 5.4., 5.5., 5.6. and 5.7.) with three new chapters that will provide recommendations on measures and procedures that are applicable during 1) 'exportation (from the origin to the exit of the exporting country)'; 2) 'transit'; and 3) 'importation (from arrival until clearance)'. The Commission also supported the proposal to develop a fourth chapter to address key facility requirements (e.g. border control/inspection posts, quarantine facilities). Furthermore, the *ad hoc* Group was informed that the Code Commission provided some feedback on the proposed structure for each new chapter and the proposed revision of some Glossary definitions.

The Secretariat updated the *ad hoc* Group that, in the Code Commission's February 2023 report, new Glossary definitions for 'animal products'¹ and 'germinal products'² and a revised Glossary definition for 'commodity'³ were circulated for comments. The *ad hoc* Group agreed to consider the definitions that were circulated for comments when drafting the four chapters.

3.1. Proposed new Chapter 5.4. Measures and procedures applicable in the exportation of commodities

The *ad hoc* Group drafted a new Chapter 5.4. Measures and procedures applicable in the exportation of commodities, based on the structure that was proposed at its first meeting, noting feedback from the Commission.

Below is a summary of the *ad hoc* Group's key discussions and conclusions as well as the rationales to justify those conclusions.

¹ **ANIMAL PRODUCTS** means any part of an *animal*, and raw or manufactured products containing any material derived from *animals*, excluding germinal products, biological products and *pathological material*. (definition proposed in February 2023 Code Commission report)

² **GERMINAL PRODUCTS** means animal semen, oocytes, embryos and *hatching eggs*. (definition proposed in February 2023 Code Commission report)

³ **COMMODITY** means live *animals*, animal products, germinal products, biological products and *pathological material*. (definition proposed in February 2023 Code Commission report)

Article 5.4.1. Purpose and scope

The *ad hoc* Group noted that the Glossary definition for ‘Veterinary Authority’ distinguishes the role of the Veterinary Authority as a single Competent Authority that has an overarching responsibility for implementation of WOAH standards. The *ad hoc* Group also noted the examples of the differentiated role for the Veterinary Authority, including demonstrating compliance with international standards for international trade or for demonstrating a disease free status, as explained in the Code Commission’s September 2021 report. Based on this understanding, the *ad hoc* Group considered that most of the recommendations described in the draft chapter relate to the Veterinary Authority, not Competent Authorities, of the exporting country. Nonetheless, it is understood that in performing that specific role, the Veterinary Authority may rely on inputs and contributions from other governmental or non-governmental individuals and organisations that perform activities to implement the standards of the *Terrestrial Code* as long as it is capable of having the necessary oversight and necessary coordination mechanisms.

Article 5.4.2. General considerations

The *ad hoc* Group agreed that this article lists generic points that should be considered by the Veterinary Authority or by relevant ‘operators’ in all procedures of exportation, including their roles and responsibilities.

The *ad hoc* Group agreed to use a term ‘operators’ as a generic term to cover all stakeholders involved in the production, processing, handling and exportation of commodities, such as farmers, personnel of slaughterhouse/abattoirs, personnel of semen collection centres, transporters and exporters, and agreed to be specific if necessary, considering the context. The *ad hoc* Group considered, for the purposes of this chapter (as well as the other three chapters), it sufficient and simpler to use this term when referring to any person or company that is, directly or indirectly, involved in the process from the business side. The *ad hoc* Group emphasised that operators should not hinder access by the Veterinary Authority to the commodities, the premises where they are located and the means by which they are transported, and that, during official controls for the exportation, operators should assist and cooperate with the Veterinary Authority and make available all information concerning the consignment. This draws on point 2 of Article 4.19.2., which states that veterinary legislation should include legal powers and structure of command and responsibilities, including responsible officials with defined authority, especially those with a right of entry to establishments or other related enterprises such as live animal markets, slaughterhouses/abattoirs and processing plants for animal products, for regulated purposes of surveillance and disease control actions, with the possibility of obliging owners or operators to assist.

The *ad hoc* Group agreed to use the Glossary definition for ‘Official Veterinarian’ when referring to veterinarians who issue the international veterinary certificate, noting that the Glossary definition fits this context, while recognising that the term ‘certifying veterinarian’ is used in Chapters 5.1., 5.2. and 5.11. The *ad hoc* Group considered that this was not contradictory and understandable in the context.

The *ad hoc* Group agreed to use the term ‘status of the commodities’ to describe the result of the combination of intrinsic factors inherent to the commodities and extrinsic factors that include sanitary measures taken for the certified commodities such as treatment, vaccination, isolation and testing. The *ad hoc* Group emphasised that the Veterinary Authority of the exporting country should take appropriate and necessary preventive measures to ensure that the status of the commodities is not jeopardised before and during transport.

Regarding the recommendation that the Veterinary Authority should have procedures for certification of the animal health status of the country, zone, compartment, or herd as well as of the disease situation in establishments and other premises, the *ad hoc* Group noted that, although similar recommendations are included in Chapters 5.2. Certification, 3.2. Quality of Veterinary Services and 3.4. Veterinary legislation, the *ad hoc* Group agreed to include these recommendations in this draft text as it considered that special attention should be paid when certifying such requirements (e.g. to require the exporter to submit additional documentary evidence to support that ‘a disease has not occurred within a 10 kilometre radius of a facility during a period’) in an international veterinary certificate. In this regard, the *ad hoc* Group emphasised that it was important to ensure that the certified animal health status of the country, zone, compartment, herds or animals, is based on appropriate surveillance and reporting in accordance with Chapter 1.4.

The *ad hoc* Group agreed to provide a general recommendation in this article, not only in Chapter 5.6., to highlight the importance of collaborative activities to control the risk posed by the illegal cross-border movement of commodities, i.e., the international movement of commodities done in a way to expressly and intentionally avoid official controls.

Article 5.4.3. General principles applicable to procedures for exportation

The *ad hoc* Group agreed to describe the general principles of the process for preparation for exportation of commodities, the process for verification and certification by Official Veterinarian, and the process for internal transportation within the exporting country after certification.

The *ad hoc* Group discussed whether this chapter should have an article to list risk mitigation measures (e.g. requirements on animal health status of countries, identification of commodities, treatment, vaccination, testing) taken at departure and the general principles of each measure. Given that, in the *Terrestrial Code*, there is no explanation that risk analysis for import commodities described in Chapter 2.1. Import risk analysis, leads to a requirement for risk mitigation measures in the international veterinary certificate, while the disease-specific chapters of the *Terrestrial Code* provide recommendations on such measures, but the *ad hoc* Group did not reach an agreement to include such an article in this chapter, and proposed that this point be discussed further by the Code Commission.

Article 5.4.4. Specific recommendations depending on commodities

The *ad hoc* Group agreed to provide recommendations for animals, germinal products and animal products, noting that Chapter 5.8. International transfer and laboratory containment of animal pathogenic agents, provides recommendations on international transfer of pathological material.

The *ad hoc* Group noted that the Glossary definitions for container⁴ and vehicles/vessels⁵ are defined in the context of the transportation of animals. The *ad hoc* Group proposed that the Code Commission consider revising these definitions to include other commodities. The *ad hoc* Group wished to note that the new draft chapters were developed based on this proposal.

With regard to recommendations for germinal products, the *ad hoc* Group agreed to differentiate recommendations for hatching eggs from those for other germinal products such as semen and embryos when considered relevant.

Article 5.4.5. Emergency plan

Given that the *ad hoc* Group plans to address emergencies that may occur within a border inspection post or quarantine centre in the new draft Chapter 5.7., and the plan to address emergencies regarding animal welfare during the transportation of animals is covered in Chapters 7.2. to 7.4., the *ad hoc* Group agreed that the emergency plan described in this article should only address emergencies in the process of exportation that may impact the status of the commodities, failure of transport arrangements, or rejection of the consignment by the transit or importing country.

The *ad hoc* Group agreed that the emergency plan should be addressed in two parts, the plan that the Veterinary Authority should develop, and the plan that the exporter should develop. Although the *ad hoc* Group recognised that an emergency for exporters would tend to immediately turn to an emergency for the Veterinary Authority, the *ad hoc* Group considered that it would be important to clarify the responsibilities in terms of developing the two plans.

⁴ **CONTAINER** means a non-self-propelled receptacle or other rigid structure for holding *animals* during a *journey* by one or several means of transport.

⁵ **VEHICLE/VESSEL** means any means of conveyance including train, truck, aircraft or ship that is used for carrying *animals*.

3.2. Proposed new Chapter 5.6. Measures and procedures applicable in the importation of commodities

The *ad hoc* Group drafted the new Chapter 5.6. Measures and procedures applicable in the importation of commodities, based on the structure that was proposed at its first meeting, noting feedback from the Commission.

Below is a summary of the *ad hoc* Group's key discussions and conclusions as well as the rationales to justify those conclusions.

Article 5.6.1. Purpose and scope

Unlike Chapter 5.4. (see Article 5.4.1. above), the *ad hoc* Group considered that most of the recommendations described in this chapter should be under the authority of the Veterinary Authority or other Competent Authorities of the importing country, noting that in some Member countries, other Competent Authorities (i.e. not the Veterinary Authority) implement official import controls at their borders.

Article 5.6.2. General considerations

The *ad hoc* Group agreed to list generic points that should be considered by Veterinary Authority or other Competent Authorities or by importers, including their roles and responsibilities, in the whole procedures of importation.

Similarly to Article 5.4.2., the *ad hoc* Group agreed to provide a general recommendation to highlight the importance of collaborative activities to control the risk posed by the illegal cross-border movement of commodities, i.e., the international movement of commodities done in a way to expressly and intentionally avoid official controls.

Article 5.6.3. General principles applicable to procedures for import control

The *ad hoc* Group considered that official import controls included processes of official inspection (documentary check, identity check, physical inspection), sampling and testing, sanitary measures at import (in addition to sanitary measures implemented in the exporting countries) and release of consignments (when the consignment is in compliant with the importing country requirements), and agreed to describe the general principles applicable to each of these processes.

With regard to the process for the documentary check, the *ad hoc* Group agreed to use the term 'digital equivalent(s)' to mean a digital/electronic format of the original international veterinary certificate. The *ad hoc* Group considered that the documents that should be checked during the documentary check are not necessarily original documents (i.e. hard copy) of certificates, and may include digital/electronic forms of original documents (e.g. pdf file, jpg file) of the signed original documents that are securely sent electronically to the Veterinary Authority or other Competent Authorities in the importing country, recognising that such digital format documents have been frequently used since the COVID crisis. In this regard, the *ad hoc* Group agreed to avoid using terms 'electronic equivalents' or 'electronic certificates' as it considered that Members might confuse these terms with electronic certification that means certification for which integrity is supported by a secure system as described in Article 5.2.4. of Chapter 5.2. Certification procedures. Given that work to revise Article 5.2.4. on electronic certification is on the Code Commission's work programme, the *ad hoc* Group suggested that the revision of Article 5.2.4. should also consider the relationship with Article 5.6.3. as well as Chapter 5.6. and the wording 'digital equivalents' might need to be fine-tuned.

The *ad hoc* Group considered that the sampling and testing should not be systematic, but should follow a risk-based sampling plan, rather than a monitoring plan, given the Glossary definition for monitoring.

With regard to the process for the release of consignments, the *ad hoc* Group discussed whether the recommendations for this process should explicitly mention documentation issued by the Veterinary Authority or other Competent Authorities confirming that the consignment complies with the importing country requirements. In this regard, the *ad hoc* Group considered that the draft recommendations address this point, i.e. 'notify the importer (of the decision that the consignment complies with the importing country requirements)', based on the understanding that 'notify' means an official process, rather than a general communication.

Article 5.6.4. Further action for non-compliant commodities

The *ad hoc* Group agreed to describe the actions and procedures that should be carried out for commodities identified as non-compliant following the import controls described in Article 5.6.3.

Article 5.6.5. Emergency plan

Taking into consideration the agreed approach for Article 5.4.5. (see above), the *ad hoc* Group agreed that the emergency plan described in this article should address emergencies that may impact the status of the commodities being imported (e.g. the occurrence, within the exporting country after the commodities have been exported, of a listed disease or a disease referred to in the importing country requirements), and non-compliant commodities described in Article 5.6.4. Furthermore, the *ad hoc* Group considered that the Veterinary Authority or other Competent Authorities of an importing country may also develop a plan to address the occurrence of disease within the importing country before the animals have been released.

The *ad hoc* Group agreed to follow the same approach as agreed for Article 5.4.5., i.e. address the emergency plan in two parts, i.e. the plan that the Veterinary Authority or Other Competent Authorities should develop, and the plan that the importer should develop.

Article 5.6.6. General recommendations applicable to vehicles/vessels and containers that transported infected animals

The *ad hoc* Group agreed to develop this article based on the current text in Article 5.7.5.

Article 5.6.7. General principles applicable to disposal of international catering waste

The *ad hoc* Group agreed that this article should include general statements that international catering waste is a high-risk category of product and therefore should be subject to strict controls and adequate disposal.

Article 5.6.8. General recommendations on measures to address identified illegal movement of commodities at border inspection posts

The *ad hoc* Group agreed to include text to highlight the importance of coordination between the Veterinary Authority or other Competent Authorities and the Customs Authority to control the risks posed by illegal cross-border movement at border inspection posts.

Article 5.6.9. General recommendations on measures to address identified illegal movement of commodities outside of border inspection posts

The *ad hoc* Group agreed that this article should include general statements to highlight the importance of coordination between the Veterinary Authority or other Competent Authorities and other border authorities such as police, customs, transport and immigration, in controlling the risks posed by illegal cross-border movement of commodities outside of border inspection posts.

3.3. Proposed new Chapter 5.5. and new Chapter 5.7.

The *ad hoc* Group started preparations to draft a new Chapter 5.5. Measures and procedures applicable in the transit of commodities and a new Chapter 5.7. Facilities. However, due to time limitations, the *ad hoc* Group could not finalise these two chapters.

4. Key Glossary definitions

The *ad hoc* Group considered the Code Commission's feedback on its revised Glossary definitions for the terms 'border post' and 'quarantine station'.

4.1. Border post

As discussed in the *ad hoc* Group's first meeting, the Group noted that 'border posts', from a trade perspective, were defined by Customs in most countries and, while there may be many border posts in a given country, only some of them were designated by the Veterinary Authority or other Competent Authorities as facilities where veterinary inspections are performed for certain animal commodities. The *ad hoc* Group agreed that the term 'border post' should be replaced by 'border inspection post' in the Glossary to provide clarity regarding its function, and to refer specifically to the facilities where veterinary inspections are performed for internationally traded commodities.

The *ad hoc* Group made minor amendments to the definition, as proposed by the Commission, agreed to propose the definition as below and drafted the chapters aligned with the amended definition.

"BORDER INSPECTION POST

means any ~~airport, or any port, railway station or road check point~~ international point of entry for commodities open to international trade of commodities, and associated facilities, where ~~import~~ veterinary inspections can be is performed."

The *ad hoc* Group considered the use of these terms throughout the *Terrestrial Code* and suggested that 'border posts' should be replaced by 'border inspection post' throughout the *Terrestrial Code*.

4.2. Quarantine station

The *ad hoc* Group agreed with the amendments proposed by the Commission, including an amendment to change 'quarantine facility' (that had been originally proposed in the first meeting) to 'quarantine centre' given that it would be easier to translate to French and Spanish. The *ad hoc* Group agreed to propose the definition as below and drafted the chapters aligned with the amended definition.

"QUARANTINE-STATION CENTRE

means an *establishment* under the control of the *Veterinary Authority* where *animals* are maintained in isolation for observation during a specified length of time under biosecurity to with no direct or indirect ensure no contact with other animals and vectors when relevant, to ensure so that there is no transmission of specified pathogenic agents outside into nor out of the establishment while the animals are undergoing observation for a specified length of time and, if appropriate, testing or treatment."

The *ad hoc* Group considered the use of these terms throughout the *Terrestrial Code* and suggested that 'quarantine station' should be replaced by 'quarantine centre' throughout the *Terrestrial Code*.

5. Consideration of the need to develop new definitions for the Glossary

As proposed in the *ad hoc* Group's first meeting, the Group considered that it was relevant to develop a new Glossary definition for a term 'point of exit' to refer specifically to the place from where commodities effectively leave the exporting country (or transit country) and might be used in the revised Chapters 5.4. and 5.5. The *ad hoc* Group noted that while in some cases commodities leave the country directly from the 'border inspection post' where they have been inspected, sometimes this is not the case and there is value in differentiating the two facilities for clarity as some recommendations may be provided for the time/space between them. Taking into consideration the Commission's feedback on this point, the *ad hoc* Group agreed to propose the definition as below.

"POINT OF EXIT means any point from where *commodities* leave the territory of the *exporting country*."

As described above, the *ad hoc* Group noted that the current Glossary definitions for container and vehicles/vessels are defined in the context of transportation of animals. The *ad hoc* Group proposed that the Code Commission consider revising these definitions to include other commodities, and wished to note that the new draft chapters were developed based on this proposal.

6. Next steps

The Secretariat informed the *ad hoc* Group that its report, once validated by the WOAHA Director General, will be presented to the Code Commission for consideration at its September 2023 meeting, and that the Code Commission will review the draft new Chapters 5.4. and 5.6. proposed by the *ad hoc* Group and consider whether they should be circulated for comment.

The Secretariat informed the *ad hoc* Group that a third meeting will be convened in November 2023 to progress the draft new Chapter 5.5. and new Chapter 5.7., and any additional requests from the Code Commission. The members confirmed its availability to continue this work.

.../Annexes

Annex 1. Adopted Agenda

MEETING OF WOAH *AD HOC* GROUP ON THE REVISION OF CHAPTERS 5.4. TO 5.7. OF THE *TERRESTRIAL CODE*

Paris, 13-15 June 2023

1. Welcome and opening of meeting
 2. Adoption of the Agenda
 3. Brief update from Secretariat
 4. Review of Chapters 5.4. to 5.7. of the *Terrestrial Code*
 5. Review of the key Glossary definitions
 6. Consideration of the need to develop new definitions for the Glossary
 7. Proposal for amendments to other chapters of the *Terrestrial Code* to align the use of relevant terms with the proposed new or revised Glossary definitions
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Annex 2. List of Participants

MEETING OF WOA *AD HOC* GROUP ON THE REVISION OF CHAPTERS 5.4. TO 5.7. OF THE *TERRESTRIAL CODE*

Paris, 13-15 June 2023

MEMBERS OF THE *AD HOC* GROUP

Dr Phillip Widders (Chair)
Formerly Chief Quarantine Officer
/ Principal Veterinary Officer of
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Dr Bruno Saimour
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Annex 3. Terms of Reference

MEETING OF WOA *AD HOC* GROUP ON THE REVISION OF CHAPTERS 5.4. TO 5.7. OF THE *TERRESTRIAL CODE*

Paris, 13-15 June 2023

Purpose

The purpose of the *ad hoc* Group on the Revision of Chapters 5.4. to 5.7. of the *Terrestrial Code* is to revise and update Chapters 5.4. Animal health measures applicable before and at departure, 5.5. Animal health measures applicable during transit from the place of departure in the exporting country to the place of arrival in the importing country, 5.6. Border posts and quarantine stations in the importing country and 5.7. Animal health measures applicable on arrival.

Background

The Terrestrial Animal Health Standards Commission (the Code Commission) added the review of Section 5 Trade measures, import/export procedures and veterinary certification of the *Terrestrial Code* to its work programme because most of the chapters in this section have not been updated for some time and some are not adequate to support Members in managing the risks of introduction of diseases through the importation of commodities.

Taking into consideration previous discussions and comments received from Members, the Code Commission, at its September 2021 meeting, agreed that a revision of Chapters 5.4. to 5.7. should be given priority over other chapters in Section 5 and requested that an *ad hoc* Group be convened to undertake this work.

In November 2022, the *ad hoc* Group met for the first time to propose a structure of the revised chapters as well as the scope and high-level contents of each chapter for the Code Commission's consideration.

At its February 2023 meeting, the Code Commission supported the *ad hoc* Group's proposal to replace the current Chapters 5.4., 5.5., 5.6. and 5.7. with the development of three new chapters that provide recommendations on measures and procedures that are applicable in the 'exportation (from the origin to the exit of the exporting country)', 'transit' and 'importation (from arrival until clearance)', respectively, as well as a fourth chapter to address key facilities required. The Commission also discussed the proposed structure for each chapter and the proposed revision of some Glossary definitions and provided some feedback on these proposals.

Specific issues to be addressed

Following the Code Commission's February 2023 meeting, the Group is reconvened to address the Commission's recommendations and to draft the revised chapters.

Actions to deliver

In this second meeting, the *ad hoc* Group should:

1. consider the recommendation of the Code Commission;
2. develop draft texts for each chapter;
3. review the Glossary of the *Terrestrial Code* for 'border post' and 'quarantine station' in the context of the *Terrestrial Code*;
4. consider the need to develop new definitions for the Glossary for any other key terms used in the

revised chapters, and propose draft definitions, if relevant;

5. If needed, propose amendments to other chapters of the *Terrestrial Code* to align the use of relevant terms with the proposed new or revised Glossary definitions.

Considerations

When developing this work, the *ad hoc* Group should consider:

1. the general structure and content of the *Terrestrial Code*; in particular chapters in Section 5 of the current edition, as well as recommendations for importation of commodities in the disease-specific chapters (Volume II) of the *Terrestrial Code*;
2. the use of Glossary definitions in the *Terrestrial Code*;
3. the recommendations from the Code Commission (February 2023);
4. the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary measures (especially Article 8 and Annex C), the WTO Agreement on Trade Facilitation, the Codex Alimentarius Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995) Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Certification Systems (CAC/GL 26-1997) (to be provided in the Working Documents);
5. the relevance to all WOAHA Members (as relevant for the *Terrestrial Code*), regardless of the geographical diversity of terrestrial animal disease and species worldwide given the different environments for implementation; and
6. all relevant material provided by the Code Commission's Secretariat.

Expectations

Ad hoc Group members should:

- be familiar with the structure of the *Terrestrial Code* and the use of Glossary definitions;
- have read and considered Chapters 5.4. to 5.7. of the *Terrestrial Code*;
- have read all working documents provided by the Code Commission's Secretariat;
- contribute to discussions; and
- contribute to drafting text for the revised chapters and the report.

Deliverables

1. the draft revised chapters
2. the revised definitions for 'border post' and 'quarantine station' and any other draft new proposed definitions (if relevant)
3. If needed, the proposed amendments to other chapters of the *Terrestrial Code* to align the use of relevant terms with the proposed new or revised Glossary definitions.
4. a report that contains the rationale for decisions and proposals

Reporting / timeline

The *ad hoc* Group will finalise its deliverables within 5 weeks after the completion of the meeting.
