



# Imported Food Regulations and Controls in New Zealand, and Export Regulations

**Rachelle Linwood**

**Manager Market Access Coordination**

**Market Access Directorate**

November 2014

*Growing and Protecting New Zealand*



[www.mpi.govt.nz](http://www.mpi.govt.nz)

# Imports and Exports

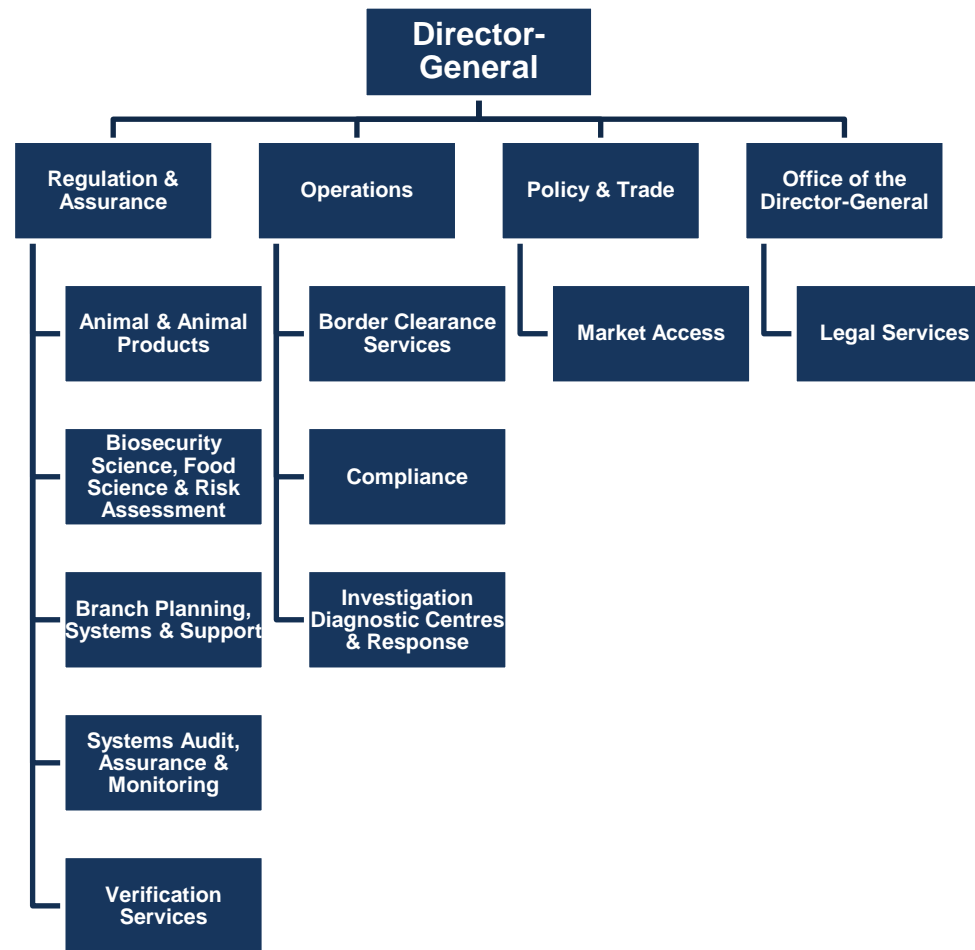
- Imported food legislation
- Export food legislation

# NZ food sector

- NZ total population 4.5 mil
- 85,000 regulated food premises
- Food exports \$NZ 47.2bil
- Food imports \$NZ 3.9bil



# High level MPI structure relevant to 'meat' matters



# Food safety system in NZ

- Farm to fork



- Food safety system



# Food Safety Regulations

- Prescription vs Outcome focused
- NZ legislation puts the primary focus on industry to present safe and suitable food
- Science basis for food safety decisions including risk analysis
- How this is met is based on HACCP (hazard analysis critical control points), is documented and independently verified

# Principals of the domestic food safety system

- Safe and suitable food
- All people to take responsibility
- Controls risk and science based, wherever possible
- Controls are efficient, flexible, cost effective
- Application of controls is consistent and fair across sectors and groups depending on factors such as risk

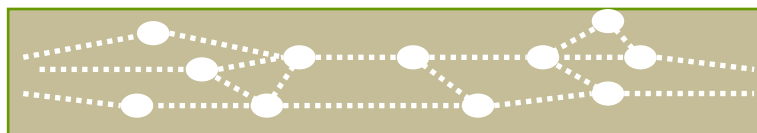
# Role of MPI

- Conducts investigations into food safety events
- Monitor and audit the food safety system
- Negotiate market access, issue official assurances
- Provide science and risk assessments
- Develop policy and standards, including International
- Verification and education



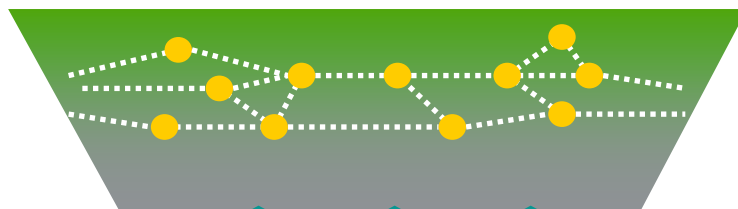
# Food Safety System

Consumers



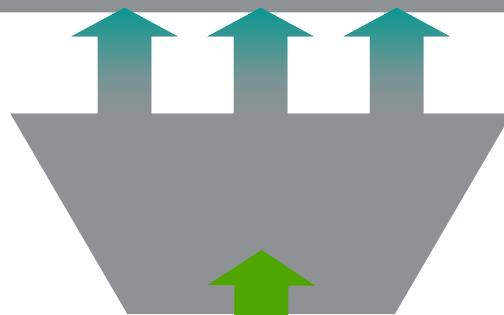
*Safe and suitable food  
to consumers*

Industry



*Meet regulatory requirements  
using risk-based measures*

Verifiers



*Independent audit*

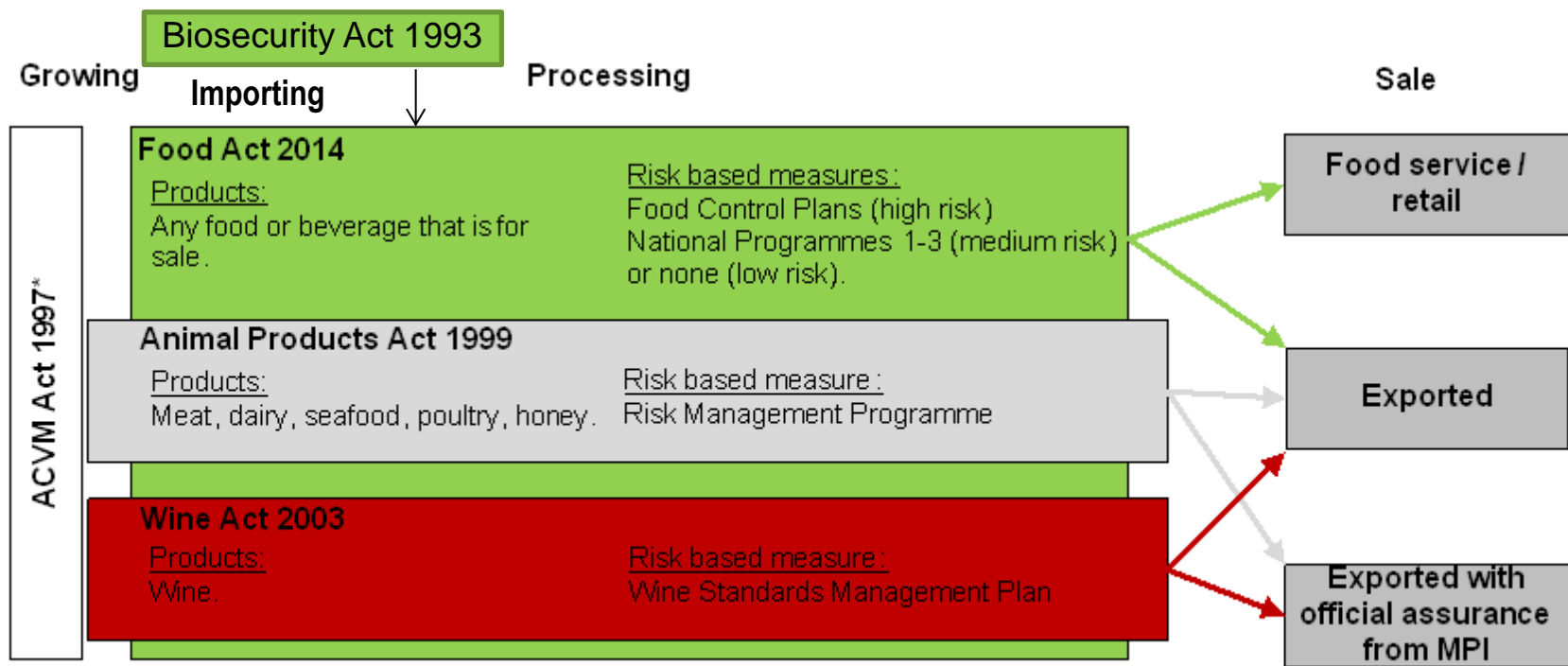
MPI (Regulator)

*Set regulatory requirements  
Verify and provide official  
assurances*

*Undertake compliance activities  
Monitor and audit the system*

[www.mpi.govt.nz](http://www.mpi.govt.nz) • 9

# Food Safety Legislative Framework



\* = Agricultural Compounds and Veterinary Medicines Act 1997

# Imported food

- Food imported into New Zealand requires three clearances

1. Customs
2. Biosecurity, and
3. Food Safety

This talk focuses mainly on Food Safety clearances

# Biosecurity Act 1993

In the course of developing the version of the standard for recommendation to the Director-General, the officer—

(a) must have regard to the matters raised by the persons consulted; and

(b) must *have* regard to the following matters in relation to goods of the class or description proposed for coverage by the standard:

(i) the likelihood that the goods will import organisms:

(ii) the nature of the organisms that the goods may import:

(iii) the possible effect on **human health**, the New Zealand environment, and the New Zealand economy of the organisms that the goods may import:

(iv) New Zealand's obligations under international agreements other than the SPS Agreement; and

(c) must be satisfied that the requirements proposed for inclusion in the standard are **consistent with New Zealand's obligations under the SPS Agreement**

# Food Legislation

- Imported food regime underpinned by following legislation:
  - Food Act 2014 (1981);
  - Food (Importer General Requirements) Standard 2008
  - Food (Importer Listing) Standard 2008
  - Food (Prescribed Foods) Standard 2007
  - Food Standards Code

# Importer Registration and Duties

- Only a registered importer, or an agent who is a registered importer may import food for sale into New Zealand.
- An importer must be legally resident in New Zealand to register with MPI.
- Importers must also have procedures and documentation around (Importer General Requirements):
  - Product origin and safety
  - Product identity
  - Traceability
  - Storage and transport
  - Non conformance
- Once food is cleared, it is managed by the domestic food regime

# Food Act 2014 (1981)

- New Food Act 2014
  - MPI developing new regulations
  - Fully into force March 2016, when the 1981 Food Act will then be revoked
  - Provides for multiple risk-based measures depending on the level of risk
  - All food safe and suitable

# Food Act 2014

## High risk activities

- Food Control Plans

E.g. prepares and sells meals



## Medium risk

- National Programmes

E.g. confectionery manufacturer



## Low risk -

E.g. home stay providing shelf stable food





# Food Standards Code



The screenshot shows the homepage of the Food Standards Australia New Zealand website. The browser address bar displays <http://www.foodstandards.govt.nz/Pages/default.aspx>. The website features a green and blue header with the agency's logo and navigation links: Media centre, Publications, Careers, Useful links, and Contact us. A search bar is also present. Below the header, a blue navigation bar contains links to Food Standards Code, Industry, Consumer, Our science, and About us. The main content area is divided into several sections. On the left, the 'Food Standards Australia New Zealand' section includes a description of the agency's role as a bi-national Government agency responsible for the Australia New Zealand Food Standards Code. To the right, the 'Labelling review' section features an image of hands holding a product and text stating that FSANZ is progressing work on recommendations from an independent review. Below these, there are three columns of featured content: 'Food standards' with links to the work plan, code, and public comment documents; 'Consumer information' with links to food complaints, labelling, and recalls; and 'Our Science' with links to science publications, strategy, and risk analysis. A pagination bar at the bottom of the 'Labelling review' section shows links 1 through 5, with '2' being the active page, and a 'pause' button. The Windows taskbar at the bottom indicates the system time as 10:17 p.m. on 19/11/2014.

**Food Standards Australia New Zealand**

We are a bi-national Government agency. We develop and administer the [Australia New Zealand Food Standards Code](#), which lists requirements for foods such as additives, food safety, labelling and GM foods. Enforcement and interpretation of the Code is the responsibility of state and territory departments and food agencies within [Australia and New Zealand](#).

**Labelling review**

FSANZ is progressing work on a number of recommendations that came out of an independent review of labelling. [Read our web page on the labelling review.](#)

1 2 3 4 5 pause

**Food standards**

Find more about the code

- Work plan
- Food Standards Code
- Documents for public comment

**Consumer information**

Your portal for information

- Food complaints
- Labelling
- Recalls

**Our Science**

Feature articles

- Science publications
- Science strategy
- Risk analysis

# Food Standards Code

- Food Treaty commits New Zealand and Australia to having the same composition and labelling standards, in addition;
  - Micro-organism limits in products
  - Chemical limits in products
  - Use of Additives and Processing Aids
- Reduces compliance costs for industries
- Reduces regulatory barriers in food trade
- Maximise joint use of scientific capabilities

# Current regime: In practice

- **What food can be imported into New Zealand?**
  - Any food that complies with NZ food legislation can be imported
  - Other legislation (Biosecurity Act 1993 and Customs and Excise Act 1996)

# Food Act Clearance of imported food at the border

- Currently two categories – prescribed and non-prescribed
- Only prescribed food is specifically targeted for inspection at the border, non-prescribed food does not get specifically inspected
- Conditions for importing prescribed food are documented in a 'Imported Food Requirement'
- Clearance of prescribed food is at the discretion of a Food Act Officer (an MPI official)

# Examples of Prescribed Foods

- Dairy, fish, meat, nuts, seafood, processed foods (for example dessicated coconut) and nuts

Dairy	Hazard
Raw milk products	Pathogenic organisms
Soft cheese	<i>Listeria monocytogenes</i>
Fish	
Fish – species susceptible to production of histamine	Histamine
Fish – manufactured fish products (surimi and marinara mix)	<i>Listeria monocytogenes</i>
Fish – smoked (vacuum packed)	<i>Listeria monocytogenes</i> and <i>Clostridium botulinum</i> Type E

# Clearance of a prescribed food

- **Clearance of imported food at the border**
  - A Food Act Officer may do all or any of the following before clearing a prescribed food:
    - Sampling and testing;
    - Consider agreed official assurance or certification;
    - Consider the importer's system and compliance history;
    - Consider the exporter's system and compliance history;

# Exporting from New Zealand

# Exports of Animal Products from New Zealand - key concepts

## New Zealand features

- manage risks
- appropriate regulation
- separation of roles
- recover costs
- links to foreign markets
- Government provides no support to farmers or industry
- 'animal products' includes fish, non-food items



# NZ Style

## New Zealand regulatory model

- Government sets standards
- independent verification
- industry meets standards
  - using risk based management plans
- full consultation to ensure standards
  - are understood
  - will work in practice

# How do we do it?

- Animal Products Act 1999  
and  
risk management programmes

# Animal Products Act 1999

- Object of the Act
  - manage risks to human and animal health from animal material and products
  - facilitate market access
- Scope
  - all animal products
  - primary processing of animal products

# APA core functions

## Risk management system

- risk management programmes
- regulated control schemes
  - national programmes for monitoring, control  
e.g. chemical residues or  
microbiological contamination
- official assurances
  - export certificates
- duties and offences
  - including exporters (traders)

# What is a RMP?

A programme designed to identify and control:

- hazards to human health
  - food safety
- hazards to animal health
  - “quarantine”, biosecurity
- wholesomeness
  - offensive / unexpected – consumer perception
- false or misleading labelling

like HACCP, but more

# National Chemical Residues Programme

- ‘whole of chain’ approach to control of residues and contaminants in animal products and food
- all aspects are under regulatory control and subject to verification
- three components
  - monitoring (random)
  - surveillance (targeted)
  - survey (information gathering)

# Agricultural compounds, veterinary medicines

MPI regulates:

- importation, manufacture, sale and use
- assessment, approval and registration
- conditions on registrations
  - (label conditions, restrictions on sale or use, withholding periods)
- maximum residue limits (MRLs) for compounds
  - under the Food Act

# Export Requirements

## Under the APA

- registration of exporters
- official assurances – export certificates
- labelling
- reporting
- evaluation and verification of export requirements
- market specific export requirements



# The official assurance

MPI (NZFSA) has developed e-cert

- international standard for SPS certification
  - electronic database
- tracks product eligibility through processes
  - from eg slaughter to cutting to store
- secure
- immediate
- minimises opportunities for fraud
- prints out paper in interim
- can go fully paperless

# Accountability

- MPI is the “competent authority”
- ensures products conform
  - performs assessment (“inspection”) on behalf of overseas counterparts
- MPI issues export health certificates
  - our assurance that agreed systems for delivering safe food have been properly followed
- MPI is responsible – if there are issues, we need to know

xiè xie n ĭ



**For more information on our Exports**  
<http://www.foodsafety.govt.nz/industry/exporting>