



15 January 2019

(19-0213)

Page: 1/3

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1. Notifying Member: <u>AUSTRALIA</u> If applicable, name of local government involved:
2. Agency responsible: Australian Government Department of Agriculture and Water Resources
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): All imported foods
4. Regions or countries likely to be affected, to the extent relevant or practicable: <input checked="" type="checkbox"/> All trading partners <input type="checkbox"/> Specific regions or countries:
5. Title of the notified document: Remaking of the Imported Food Control Regulations, Exposure Draft of the Imported Food Control Regulations 2019, Exposure Draft of the Imported Food Control Regulations 2019 Explanatory Notes. Language(s): English. Number of pages: 2, 28, 11
6. Description of content: The Department of Agriculture and Water Resources (the department) is remaking the Imported Food Control Regulations (the Regulations). The Imported Food Control Regulations are made under the <i>Imported Food Control Act 1992</i> and are part of the legislative framework for the importation of food for commercial purposes into Australia. Currently the Regulations: <ul style="list-style-type: none">- establish and set out the operation of the Imported Food Inspection Scheme (the Scheme);- enable the Minister for Agriculture and Water Resources to make Orders that classify imported foods and determine how these foods are selected for inspection, or inspection and analysis under the Scheme;- set out provisions for application of:<ul style="list-style-type: none">o food control certificates;o defining when a food is a failing food;o chargeable service fees for assessing imported food at the border. Sunsetting changes to the Regulations Under Australian law, all regulations sunset which means they are automatically repealed and cease to be law. We have designed these draft changes to remake the Regulations so they continue to be law and to simplify the administration of the Scheme. These changes reflect best practice regulation, and will enable the Scheme to be more flexible and responsive to changing trade in food. Changes in the draft Regulations will:

- Permit the use of recognised quality assurance certificates for the importation of some risk-classified foods. This is an alternative to mandatory foreign government certification requirements;
- Amend weights and volumes of food for private consumption (exempt from the Scheme) to 1kg in weight or 1L in volume;
- Amend the allowance of prohibited plants and fungi for private consumption to 0kg, to manage risks to human health;
- Amend the inspection rate applied when food inspected at the reduced rate of 5% is identified as a failing food, the inspection rate returns to the tightened rate of 100%;
- Formalise the power of authorised officers to request information about a food so that the food can be correctly inspected or inspected and analysed under the Scheme.

Changes reflecting the Imported Food Control Amendment Act

The *Imported Food Control Amendment Act 2018* amended the *Imported Food Control Act 1992*. Under the amended law, Australia can better manage imported food safety risks and meet international trading obligations. A previous SPS notification on these changes was provided in March 2017 (G/SPS/N/AUS/416).

The drafted Regulations reflect the changes in the law, and will allow the department to:

- Require importers to provide a food safety management certificate, showing that producers have certified food safety controls to manage safety hazards (for certain foods). The department will consult with industry before imposing this requirement;
- Establish variable rates of inspection or inspection and analysis, where there is uncertainty about the safety of a particular food;
- Reduce the inspection rate for food imported from a country that has a food safety regulatory system recognised as equivalent to Australia's food safety system.

Read more about the Imported Food Control Amendment Act
(<http://www.agriculture.gov.au/import/goods/food/reform>).

7. Objective and rationale: food safety, animal health, plant protection, protect humans from animal/plant pest or disease, protect territory from other damage from pests.

8. Is there a relevant international standard? If so, identify the standard:

Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):

- CAC/GL 20-1995 Principles for Food Import and Export Inspection and Certification
- CAC/GL 47-2003 Guidelines for Food Import Control Systems

World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):

International Plant Protection Convention (e.g. ISPM number):

None

Does this proposed regulation conform to the relevant international standard?

Yes No

If no, describe, whenever possible, how and why it deviates from the international standard:

9. Other relevant documents and language(s) in which these are available: For further information on the Regulations changes please visit: <http://www.agriculture.gov.au/import/goods/food/imported-food-control-regulations> or contact the Australian SPS Notification Point at sps.contact@agriculture.gov.au.

10. Proposed date of adoption (dd/mm/yy): To be determined.

Proposed date of publication (dd/mm/yy): To be determined.

11. Proposed date of entry into force: [] Six months from date of publication, and/or (dd/mm/yy): Before October 2019.

[X] Trade facilitating measure The remake of the regulations will provide increased flexibility for industry to satisfy mandatory requirements for the importation of some risk-classified foods, by accepting non-government third-party certification in addition to government certification for affected risk foods.

12. Final date for comments: [] Sixty days from the date of circulation of the notification and/or (dd/mm/yy): Consultation will be for a period of 45 days to meet Australian legislative timeframes. Final comments to be received by 28 February 2019.

Agency or authority designated to handle comments: [X] National Notification Authority, [] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

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Fax: +(61 2) 6272 3678
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13. Text(s) available from: [X] National Notification Authority, [] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

For further information on the Regulations changes please visit: <http://www.agriculture.gov.au/import/goods/food/imported-food-control-regulations> or contact the Australian SPS Notification Point at sps.contact@agriculture.gov.au.

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