



Animal Products that have Undergone Third Country Processing

IHS THIRDCOP.GEN

[Document Date]

Draft for
Consultation

TITLE

Import Health Standard: Animal Products that have Undergone Third Country Processing

COMMENCEMENT

This Import Health Standard comes into force on [Effective Date]

REVOCATION

This Import Health Standard revokes and replaces the following:

- a) *Import Health Standard for Animal Products that have Undergone Third Country Processing, ANIPROIC.ALL, 27 September 2011.*

ISSUING AUTHORITY

This Import Health Standard is issued under section 24A of the Biosecurity Act 1993.

Dated at Wellington,

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(acting under delegated authority of the Director-General)

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Introduction

This introduction is not part of the Import Health Standard (IHS), but is intended to indicate its general effect.

Purpose

This IHS specifies the minimum requirements that must be met when importing animal products that have undergone third country processing into New Zealand.

Third country processing is the processing of animal product where:

- (1) the animal product originates in New Zealand or a country eligible to export the animal product to New Zealand under an IHS; and
- (2) the animal product is subsequently processed in a third country that is not otherwise eligible to export the animal product to New Zealand.

Background

The Biosecurity Act 1993 (the Act) provides the legal basis for excluding, eradicating and effectively managing pests and unwanted organisms.

Import health standards issued under the Act set out requirements to be met to effectively manage biosecurity risks associated with importing goods. They include requirements that must be met in the exporting country, during transit, and during importation, before biosecurity clearance can be given.

Guidance boxes are included within this IHS for explanatory purposes. The guidance included in these boxes is for information only and has no legal effect.

A guidance document also accompanies this IHS providing information on how requirements may be met.

Who should read this Import Health Standard?

This IHS applies to importers of animal products that have undergone third country processing.

Why is this important?

It is the importer's responsibility to ensure the requirements of this IHS are met. Consignments that do not comply with the requirements of this IHS may not be cleared for entry into New Zealand and/or further information may be sought from importers. Consignments that do not comply with the requirements of this IHS may be re-shipped or destroyed under the Act or tested/treated in accordance with this IHS prior to biosecurity clearance. Importers are liable for all associated expenses.

The costs to MPI in performing functions relating to the importation of animal products that have undergone third country processing will be recovered in accordance with the Act and any regulations made under the Act. All costs involved with documentation, transport, storage and obtaining a biosecurity clearance must be covered by the importer or agent.

Equivalence

The Chief Technical Officer (CTO) may issue a direction under section 27(1)(d) of the Act that measures different from those set out in this IHS may be applied to effectively manage risks associated with the importation of these goods.

If an equivalent measure is approved, an import permit may be issued under section 24D(2) of the Act if the Director-General considers it appropriate to do so. The details of the CTO direction on equivalence will be included as notes in the special conditions section of the permit to inform the inspector's assessment of the commodity.

MPI's preference is that the exporting country's Competent Authority makes equivalence requests.

Equivalence requests can be lodged with animal.imports@mpi.govt.nz.

See guidance document for more information about Equivalence.

Biosecurity clearance

A biosecurity clearance, under section 26 of the Act, may be issued when the animal products that have undergone third country processing meet all the requirements of this IHS, provided the applicable requirements of section 27 in the Act are met.

Inspection

On arrival, all documentation accompanying the consignment will be verified by an inspector.

Document History

Refer to Schedule 1.

Other information

This is not an exhaustive list of compliance requirements and it is the importer's responsibility to be familiar with and comply with all New Zealand laws.

Food Act 2014 and Animal Products Act 1999

Consignments of food imported for sale into New Zealand for human consumption must comply with relevant requirements of the Food Act 2014, including the Australia New Zealand Food Standards Code, and the Animal Products Act 1999.

See guidance document for more information about the Food Act 2014 and Animal Products Act 1999.

Import Health Standards

Other relevant IHSs must also be complied with before biosecurity clearance will be issued. These may include but are not limited to the following:

- (1) Containers made of timber must meet the requirements of the following: [*IHS: Wood Packaging Material from All Countries*](#).

Part 1: Requirements

1.1 Application

- (1) This Import Health Standard (IHS) applies to all imports of animal products that have undergone third country processing.
- (2) If a specific IHS exists for an animal product, the specific IHS or this IHS may apply to that animal product.

See guidance document for more information about application.

1.2 Incorporation by reference

- (1) The following international standards are incorporated by reference in this IHS under section 142M of the Act:
 - a) The OIE *Terrestrial Animal Health Code* (the *Code*), available at the OIE Website: <http://www.oie.int/international-standard-setting/terrestrial-code/access-online/>.
- (2) Under section 142O(3) of the Act it is declared that section 142O(1) does not apply. That is, a notice under section 142O(2) of the Act is not required to be published before any amendments to or replacements of the material incorporated under clauses 1.2(1) above has legal effect as part of this IHS.

Guidance for incorporation by reference

- Incorporation by reference means that standards, guidelines or lists are incorporated into the IHS and they form part of the requirements.
- Where the IHS states that section 142O(1) of the Act does not apply, this means that importers need to refer to the most recent version of any standards, guidelines or lists that are incorporated by reference in the IHS.

1.3 Definitions

- (1) For the purposes of this IHS and the associated guidance, terms used that are defined in the Act have the meanings set out there. The Act is available at the following website: <http://www.legislation.govt.nz/>.
- (2) See Schedule 2 for additional definitions that apply.

1.4 Requirements for clearance

- (1) In order to obtain biosecurity clearance, animal products that have undergone third country processing must:
 - a) Be imported from a country that the CTO is satisfied meets the export country systems and certification requirements of clause 1.5; and
 - b) Meet the requirements of clauses 1.6 and 1.7 of Part 1; and
 - c) Be accompanied by an import permit where required by clause 1.8; and

- d) Be accompanied by a veterinary certificate that meets the requirements of clause 1.9, has been agreed by the CTO, and details the measures in Part 1.6 and 1.7 that the importing country will meet.

1.5 Exporting country systems and certification

- (1) Importers may import animal products that have undergone third country processing only if a Chief Technical Officer (CTO) is satisfied, on the basis of evidence, that the Competent Authority of the exporting country (the country processing and exporting the third country-processed animal product) is capable of ensuring that the commodity can meet the requirements of this IHS.
- (2) The evidence must include details about all of the following, that the CTO considers applicable to the commodity from the exporting country:
 - a) The ability of the exporting country's Competent Authority to verify the animal health status of the relevant animal populations in the exporting country, zone or compartment, with respect to risk organisms of concern, when relevant to the animal product.
 - b) The adequacy of the national systems and/or programmes and standards in the exporting country for regulatory oversight of the processing facilities that undertake third country processing.
 - c) The capabilities of the exporting country's Competent Authority to support the issuance of export certificates under this IHS.
- (3) Importers may not import from a country where the CTO has determined that the Competent Authority of the exporting country is no longer capable of ensuring that animal products that have undergone third country processing imported from that country can meet the requirements of this IHS.

Guidance for 1.4.(2)

- The evidence will be obtained during evaluation of the Competent Authority of the exporting country in accordance with section 3 of the *Code*.
- Once the CTO is satisfied with the exporting country's evidence for exporting systems and certification, MPI and the Competent Authority may commence negotiation of the country-specific and commodity-specific export certificate.
- In order to be satisfied with the evidence provided, an in-country or desk-top audit may be carried out at any time, including prior to the first shipment of commodity.
- See guidance document for more information about exporting country systems and certification, and for a list of currently approved countries and country-specific and commodity-specific export certificates.

1.6 Processing, packaging and transport

- (1) Animal products that have undergone third country processing must be commercially prepared and packaged in sealed, leak-proof packaging.
- (2) Animal products that have undergone third country processing must be stored and subsequently transported in a hygienic manner and be kept free of contaminants.
- (3) Consignments of animal products that have undergone third country processing must be clearly identified and the identifier must be stated on the export certificate.
- (4) Packaging containing animal products that have undergone third country processing must be clean, secure, and free of any organic contaminants.
- (5) Product for export to New Zealand must be sealed at the time of manufacture in tamper-proof packaging.

1.7 Official Biosecurity Programme (OBP)

- (1) Third country processed animal products may only be imported to New Zealand if processed in a country where an Official Biosecurity Programme (OBP) has been agreed between the Competent Authority of the exporting country and MPI.
- (2) The OBP must describe how the Competent Authority of the exporting country, or an agency recognised by the Competent Authority of the exporting country, approves and oversees processing facilities under the OBP.
- (3) The OBP must ensure that facilities approved and overseen under the OBP have systems or programmes in place to demonstrate the following:
 - a) Quality management systems [e.g. Good Manufacturing Practice (GMP) and Hazard Analysis and Critical Control Point (HACCP)] for processing, packaging, storage and transport that occur in the exporting country to prevent cross-contamination; and
 - b) Integrity of product separation from all other products not eligible for export to New Zealand; and
 - c) Prevention of product substitution; and
 - d) Product traceability; and
 - e) If applicable, the application of processing steps that are disease specific, as specified in an existing IHS.

See guidance document for more information about the Official Biosecurity Programme.

1.8 Import permit

- (1) An import permit under section 24D of the Act is required if a CTO has issued a direction under section 27(1)(d) prior to import, for a measure that is different from that set in this IHS that may be applied to effectively manage risks.
- (2) An import permit is not required where a CTO has issued a direction under section 27(1)(d) for a measure that is different from that set in this IHS during negotiation of a country-specific veterinary certificate and the equivalent measure is incorporated into that certificate.

Guidance for import permit

- Completed applications can be submitted to Animal Imports animal.imports@mpi.govt.nz
- Application forms can be found on the MPI website at:
<http://www.mpi.govt.nz/dmsdocument/5101-permit-to-import-animal-products>

1.9 The documentation that must accompany goods

- (1) The consignment must arrive in New Zealand with the documentation that is specified in, and meets the requirements of clauses 1.9.1 to 1.9.2 below.
- (2) All documentation that is required by this clause 1.9 to accompany animal products that have undergone third country processing must, unless otherwise stated:
 - a) Be original.
 - b) Accompany the imported goods.
 - c) Be in English or have an English translation that is clear and legible.
 - d) Be endorsed on every page by an Official or Official Veterinarian of the Competent Authority with their original stamp, signature and date or be endorsed in the space allocated and all pages have paper based alternative security features.

1.9.1 Import permit (if required by clause 1.8)

- (1) An import permit issued by MPI (copy acceptable). The importer must apply to the Director-General for an import permit.

Guidance for documentation for import permit

- Completed applications can be submitted to Animal Imports animal.imports@mpi.govt.nz
- Application forms can be found on the MPI website at:
<http://www.mpi.govt.nz/dmsdocument/5101-permit-to-import-animal-products>
- The importer should complete all information requested on the application form.

1.9.2 Export certificate

- (1) An export certificate from the exporting country's Official or Official Veterinarian. The export certificate must include the following:
 - a) A unique consignment identifier.
 - b) The description, source species, and amount of product.
 - c) Name and address of the importer (consignee) and exporter (consignor).
 - d) Name, signature and contact details of the Official or Official Veterinarian.
 - e) Certification and endorsement by the Official or Official Veterinarian that the requirements outlined in this IHS have been met.
 - f) Serial numbers of the certificate(s) for animal product that was imported into the exporting country from New Zealand, or countries eligible to directly export to New Zealand under an IHS.
- (2) Copy(ies) of the original health certificate for animal products that:
 - a) were imported into the exporting country (where third country processing occurs) from countries eligible to directly export to New Zealand under an existing IHS, and
 - b) meet all requirements of that existing IHS; or
- (3) If the animal product originates from New Zealand, copy(ies) of the health certificate from New Zealand.
- (4) The Official or Official Veterinarian of the exporting country where third country processing occurs must sign and endorse the copies as "certified copy of original".

Guidance for export certificate

- Where equivalent measures have been negotiated and agreed with MPI, and a CTO has issued, prior to import, a direction under section 27(1)(d) of the Act that is different from those in this standard in the form of a negotiated veterinary certificate, a country-specific veterinary certificate must accompany the consignment.
- See guidance document for more information about equivalence and country-specific and commodity-specific export certificates.

Schedule 1 – Document History

Date First Issued	Title	Shortcode
27 September 2011	Import Health Standard: Animal Products that have Undergone Third Country Processing	ANIPROIC.ALL
Date of Issued Amendments	Title	Shortcode
TBA	Import Health Standard: Animal Products that have Undergone Third Country Processing	THIRDCOP.GEN

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Schedule 2 – Definitions

Competent Authority

The Veterinary or other Governmental Authority of an OIE Member, that has the responsibility and competence for ensuring or supervising the implementation of animal health and welfare measures, international veterinary certification and other standards and recommendations in the *Code* in the whole territory.

Cross-contamination

The process by which potential risk organisms are transferred between the animal product intended to be exported to New Zealand and other animal products not intended to be exported to New Zealand.

Export Certificate

A health certificate or official declaration, issued in conformity with the provisions of the *Code* Chapter for certification procedures, describing the requirements which are fulfilled by the exported commodities.

Hazard Analysis and Critical Control Point (HACCP)

A system which identifies, evaluates, and controls hazards which are significant for food safety.

MPI

Ministry for Primary Industries, New Zealand.

Official or Official Veterinarian

A person, or veterinarian, authorised by the Competent Authority of the country to perform certain designated official tasks associated with animal health and/or public health and inspections of commodities and, when appropriate, to certify in conformity with the provisions of the OIE *Code* Chapter for certification procedures.

The Code

The OIE *Terrestrial Animal Health Code* (the *Code*), available at the OIE Website:
<http://www.oie.int/international-standard-setting/terrestrial-code/access-online/>

Third Country Processing

The processing of animal products where:

- a) the animal product originates in New Zealand or a country eligible to export the animal product to New Zealand under an IHS; and
- b) the animal product is subsequently processed in a third country that is not otherwise eligible to export the animal product to New Zealand.