



Import Clearance Procedure

April 2013

Introduction

This import clearance procedure describes the Ministry for Primary Industries (MPI) food safety clearance procedures for all food imported into New Zealand for sale for human consumption. This document has been prepared to assist importers of food and food related products in understanding the requirements set by MPI to ensure food coming into New Zealand is safe and suitable.

In New Zealand food for human consumption is regulated under the Food Act 1981 and subordinate legislation under that Act. Importers should note the definition of food is very broad and includes ingredients and anything intended to be mixed or added to any food (or food related products).

[Helpful terms and definitions](#)

Food cannot be sold that is unsafe, unfit for human consumption or contaminated. Under section 11C of the Food Act, the Minister for Food Safety has the power to issue food standards. It is the importer's responsibility to ensure that all legal requirements are met.

The Standards that apply to importers and imported food are the:

- Food (Prescribed Foods) Standard 2007
- Food (Importer Listing) Standard 2008
- Food (Importer General Requirements) Standard 2008
- Australia New Zealand Food Standards Code
- All other general food standards.

Some foods present a risk to consumers and are monitored for specific hazards; these are called 'Prescribed Foods'. Prescribed foods must not be imported into New Zealand unless the importer of those Prescribed Foods has satisfied a Food Act Officer (FAO) that the food complies with the applicable food standards. MPI has specific options and clearance procedures available for importers wishing to satisfy a FAO that the Prescribed Food is compliant. These procedures are known as Imported Food Requirements (IFR)



All importers of food for sale must list their contact details with MPI. They are also required to keep records that show how the products they import for sale comply with all applicable New Zealand legislation.

The Australia New Zealand Food Standards Code describes, among other things, the composition and labelling requirements for food sold in New Zealand. Food sold at retail in New Zealand must be labelled according to Food Standards Code.

Food Safety importing procedures apply in addition to, and after, Biosecurity clearance. Importers can check our Biosecurity requirements here:

[Import Health Standards Search](#)

Importing food into New Zealand – who to contact

Central Clearing House (CCH)

The CCH is the unit of MPI that carries out the clearance procedures for imported food. It facilitates the inspection and clearance of imported Prescribed Foods.

Importers, or their customs brokers, apply electronically for customs clearance. If the tariff code(s) entered is for food that is of interest to MPI, the importer will be referred to CCH to apply for a 'single use permit'. The application form should be submitted to CCH via email to ensure efficient service, but may be via fax. The following link displays the site of the application form:

[Single use permit for Prescribed Foods application form](#)

All food will need to undergo the clearance processes of Customs and Biosecurity (if applicable) and even if not a Prescribed Food either of these inspectors may involve Food Act Officers if they have a concern with the food item being imported.

We strongly recommend that importers view the MPI imported food website or contact CCH, to find out if the product they wish to import is of food safety concern before importing it. The following link describes the import requirements for specific foods, and in turn links to the Prescribed Foods:

[Importing specific foods](#)

Contact Details:

Central Clearing House
MPI Verification Services
Level 1, 96 New North Road, Eden Terrace, Auckland
PO Box 3540, Eden Terrace, Auckland



Email: imported.food@mpi.govt.nz

Fax: 09 909 6208

Phone: 09 909 6210 or 09 909 6211

Food Importer Standards

Importers of food for sale must comply with the Food Importer Standards. The standards are the Food (Importer Listing) Standard 2008, and the Food (Importer General Requirements) Standard 2008.

All importers of food for sale must be listed with MPI before importing food into New Zealand. Importers are required to submit details such as their company's trading name and physical address, a contact person's name and postal address. The following link takes you to the application form and information about how to become a listed importer:

[Listing as an Importer - Application Form](#)

Importers are also required to keep records that show how the products they import for sale comply with all applicable New Zealand legislation. These records must show how their food products have been produced, transported and stored safely, as well as purchase records and relevant supplier information. For more detailed information on the standards to be met see the Food Importer Standards Guidance, noting that the standards start to be explained from page 5:

[Food Importer Standards Guidance](#)

In addition to these MPI standards, the imported food must comply with the labelling and compositional food standards that apply in New Zealand. The following links will help:

[Guide to comply with labelling requirements](#)

[Food Standards Code User Guides - Food Standards Australia New Zealand website](#)

We strongly recommend that importers read and understand the Food Importer Standards Guidance before sourcing products to import.

Prescribed foods

Prescribed foods are foods of interest to MPI and are targeted at the border using tariff code(s).

Prescribed foods must not be imported into New Zealand unless the importer of those Prescribed Foods has satisfied a Food Act Officer (FAO) that the food complies with the Food Act, relevant regulations and applicable food standards.



MPI has specific options and clearance procedures available for importers wishing to satisfy a FAO that the Prescribed Food is compliant. These procedures are known as Imported Food Requirements (IFR) which can be viewed on the MPI food safety website. Clearance options may include recognised assurances / certification or sampling and testing of the Prescribed Food.

[Imported Food Requirements for specific foods](#)

If the food is of interest to MPI for food safety reasons, it will be stopped by Customs and the importer must apply to CCH for a 'Single Use Permit'. The invoice for the consignment and any other relevant documentation, such as recognised certification, should be sent with the application. Once issued, the **Single Use Permit** is the final MPI clearance and permits full release to the domestic market. A Single Use Permit will be issued if a FAO has been satisfied by the importer that the Prescribed Food complies with the Food Act. The following link displays the site of the application form for a Single Use Permit:

[Single use permit for Prescribed Foods application form](#)

If sampling and testing (or other evidence) is required, a **Conditional Release Permit** will be issued to allow the Prescribed Food to be moved to a holding facility. The condition of the release is that the Prescribed Food must be held until a FAO is satisfied that the Prescribed Food complies with the Food Act. This may include provision of documentation, sampling and testing or inspection.

The costs of inspections, clearances and issuing the Single Use Permit are met by the importer. These charges are listed in the Food (Fees and Charges) Regulations 1997.

[Food \(Fees and Charges\) Regulations 1997 – New Zealand Legislation website](#)

The following three options may be available to importers when they are aiming to satisfy a FAO that the Prescribed Food complies with the Food Act and can therefore be cleared. Each IFR details which options are available for the specific food.

1. Pre-clearance arrangement (acceptance of recognised assurances / certification)

Where a government to government pre-clearance arrangement exists, or MPI recognises specific overseas manufacturers, then approved assurances may be accepted with imports of a Prescribed Food under that specific arrangement.

In all cases a valid assurance is required for each food type which is:

- conveyed by the same means of transport
- consigned by a single consigner



- originates from the same exporting country or territory.

Importers should check specific assurance requirements in the appropriate IFR prior to importing a Prescribed Food.

In addition to the document check, a food type imported under a specific pre-clearance arrangement is required to be inspected (physical inspection or sampling and testing) at intervals to verify assurance.

The standard inspection rate used to verify certification under a specific arrangement may be:

- 1 in every 20 where imports of that food type under a specific certification arrangement are more frequent than 20 in a six-month period; or
- 1 every 6 months where imports of that food type under a specific pre-clearance arrangement are less than 20 in a six-month period.

Specific IFRs identify the type of inspection applicable to each country arrangement (e.g. sampling and testing, and physical inspection including container seal checks, inventory checks and identity checks) and inspection rates if different from the standard rate outlined above.

2. Clearance without assurances

In the absence of approved assurances, Prescribed Foods may be sampled and tested in New Zealand according to a MPI Food Safety sampling and testing protocol for imported Prescribed Foods. If foods have any additional requirements they are detailed in the specific IFR. The following document links the sampling and testing protocol:

[Sampling and testing protocol for imported Prescribed Foods](#)

FAOs are responsible for the inspection and sampling of imported Prescribed Foods, under the coordination of the CCH.

Where sampling and testing is required, a copy of the Conditional Release Permit is assigned electronically to MPI Verification Service office in the area where the holding facility is located. Importers should make arrangements for the inspection and/or sampling and testing of the food directly with the FAO. Inspection, testing and sampling will be at the importers own cost.



The issuing of the Conditional Release Permit only allows the Prescribed Food to be moved to a holding facility. ***The Conditional Release Permit does not release the Prescribed Food for sale.***

Prescribed foods must not be moved from the premises, distributed or sold prior to final clearance by MPI and a Single Use Permit has been issued.

Importers should store Prescribed Foods separately and/or clearly label that the consignment of food must not be distributed until fully cleared by MPI.

Prescribed foods must be clearly labelled in English so that the Food Act Officer is able to identify the product.

3. Multiple Release Permit (MRP)

A Multiple Release Permit (MRP) is a permit number that is allocated to a frequent importer of food. The MRP allows importers to import Prescribed Foods in New Zealand without obtaining a Single Use Permit for every consignment.

The importer must be listed as an importer with MPI and must ensure compliance with the Food (Importer General Requirements) Standard 2008.

A MRP may be issued at the discretion of MPI and upon application for importers who frequently import Prescribed Foods (5 or more import consignments within 6 months) and who have demonstrated that they manage risks appropriately and have good performance.

Some Prescribed Foods require sampling and testing and this will be specified in the IFR for that food. Sampling and testing will continue to be a requirement of a MRP. However, it will not require a MPI -Verification Services Food Officer but will be the responsibility of the importer to arrange. The MRP will specify the frequency of sampling and testing.

The MRP will also specify the documentation requirements and frequency of inspection for any Prescribed Foods requiring approved assurances in the applicable IFR. It is the importers responsibility to ensure these requirements continue to be met.

All Multiple Release Permits are subject to an annual review by MPI -Verification Services at the importers cost.

[Multiple Release Permit Application Form](#)

Importers wishing to apply for a MRP should contact the Systems, Support and ACVM Directorate to discuss their situation.



Contact:

Systems, Support and ACVM Directorate

Email: approvals@mpi.govt.nz

Management of non-compliant consignments

When clearance cannot be given all determinations on disposition of non-complying consignments will be made in full consultation with MPI. This will facilitate appropriate corrective action and communication with relevant entities.

Food imported for private consumption

Prior to importing food to New Zealand, people should check the Biosecurity New Zealand requirements for the foods they intend to import. MPI does not have an interest in most foods imported into New Zealand for private consumption. Personal food imports are consumed at the importers own risk. It is illegal to sell a personal import that is also a Prescribed Food.

Imports for personal use may be captured by Customs as part of the import entry process. If the food is a Prescribed Food, the consignment may need to be assessed by CCH on a case-by-case basis as to whether it is being imported for personal use.

The case-by-case determination may depend on many factors such as:

- the quantity of the food;
- the type of product (the nature of the food);
- the behaviour of the importer; and
- past behaviour of the importer.

As a guideline, the following amounts are considered by MPI as appropriate for personal use:

- For food in liquid form: up to 10 Litres.
- For food not in liquid form: up to 10 Kilograms.
- For concentrated liquid food (however packed), which are used in the preparation of other food or are not usually consumed unless as part of a prepared food: not more than 2 Litres e.g., fruit juice concentrate.
- For moisture reduced food (however packed), other than liquid food, which are used in the preparation of other food or are not usually consumed unless as part of a prepared food: not more than 2 Kilograms net weight e.g., a powdered drink base, etc.



- For spices (however packed) which are used in the preparation of other food or are not usually consumed unless as part of a prepared food: not more than 1 Kilogram.

Where CCH believes an import of Prescribed Food is not intended for personal consumption (irrespective of the quantity) it may be treated as a commercial entry.

The food will be subject to the same requirements as Prescribed Food imported for sale, and will include costs associated with issuing a Single Use Permit, and may include sampling and testing. People who are importing high risk (prescribed) foods will be required to sign a declaration that the products are for personal use and that they understand it is an offence for the food to be sold.

Food imported for trade samples

Trade samples are subject to the same requirements as imported food for sale unless there is sufficient evidence that the samples will not be consumed.

Returned New Zealand exports (rejected New Zealand exports)

All exporters are legally obliged to notify MPI should their export be rejected from an importing country or export is turned around during transit.

Following Biosecurity clearance all returned New Zealand foods (i.e. originally exported from New Zealand) which have been rejected from an importing country or turned around in transit are subject to specific MPI import requirements as follows:

- Returned animal products (excluding dairy) are regulated under the Animal Products Act 1999 and associated requirements under OMAR 01/172. An Animal Products Officer is responsible for assessing the returned food. Should the food be intended for sale on the domestic market, the APO must seek confirmation from a Food Act Officer prior to releasing the food.

Note: Although outside the scope of this document, OMAR 01/172 also applies to returned animal products for animal consumption or industrial/technical uses.

- Returned dairy products are regulated under the Animal Products Act 1999. The requirements for returned dairy product will differ depending on the reason for the return and intended use when re-imported into New Zealand. The exporter/importer should email full details to: food.assurance@mpi.govt.nz **before** product is returned.
- Returned 'other' foods (excluding animal and dairy) – food is assessed on a case-by-case basis by a Food Act Officer at the local MPI Verification Service office to determine disposition.



Food recalls and alerts

In some circumstances, an importer may have to recall product from sale. This may be due to complaints or illness found in the New Zealand or overseas market.

A food recall involves the isolation and removal of unsafe or unsuitable food which has been released from manufacturers' direct control, and is under the control of others in the storage, distribution, retail, and consumer chain. A recall procedure will help manage a food recall in the event of needing to remove food from the market. Information to help develop a recall policy is available online at the following, and co-located, webpage:

[About Food Recalls](#)

Importers are encouraged to monitor overseas recalls. MPI publishes importer alerts about developing risks and food recalls identified overseas.

[Importer alerts](#)

Other requirements

Biosecurity

Biosecurity is the protection of New Zealand's economy, environment and people's health from pests and diseases. It includes trying to prevent new pests and diseases arriving. Importers should check MPI Biosecurity requirement at:

[Import Health Standards Search](#)

New Zealand Customs Service

New Zealand Customs Service (Customs) protects our community by enforcing controls and requirements, and by assessing the risk of what crosses our borders. New Zealand Customs conducts formalities at the point of entry into New Zealand by screening out items harmful to New Zealand's interest and enforcing the prohibition on the importation of some goods.

[Importers - New Zealand Customs Service website](#)

Helpful terms and definitions

Food is defined in the Food Act 1981 to mean anything that is used or represented for use as food or drink for human beings; and includes:



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- a. Any ingredient or nutrient or other constituent of any food or drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and
 - b. Anything that is or is intended to be mixed with or added to any food or drink; and
 - c. Chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum.

Importer is defined in the Food Act 1981 to mean any person by or for whom any goods are imported; and includes the consignee of any goods; and also includes any person who is or becomes:

- a. The owner of any goods; or
- b. Entitled to the possession of any goods; or
- c. Beneficially interested in any goods – on or at any time after the importation of these goods and before they have ceased to be subject to the control of Customs in accordance with the Customs and Excise Act 1996.

Sale is defined in the Food Act 1981 and without being a substitute for the full definition, 'for sale' generally means selling for human consumption or use and includes selling for resale for human consumption or use. The term 'use' means any use in connection with the preparation or packing of food for human consumption.
