



21 March 2017

(17-1561)

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Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1. Notifying Member: AUSTRALIA 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 food
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: Imported Food Control Amendment Bill 20XX and Imported Food Control Amendment Regulations 20XX. Language(s): English. Number of pages: 73
6. Description of content: The Australian Government is developing amendments to improve the Imported Food Control Act 1992 (the Act) and its subordinate legislation. The amendments contained in the notified documents are designed to better protect the health of Australian consumers through enabling the Australian Government to strengthen the management of imported food safety risks, while meeting our international trading obligations. Copies of the documents are available from the following website: http://www.agriculture.gov.au/imported-food-reform-consultation . A previous SPS notification on these reforms was provided during the regulatory impact statement phase in August 2016 (G/SPS/N/AUS/394). Currently the Act has a strong emphasis on inspecting and, where relevant, testing food at the border to assess the safety of imported foods. The ability to test food at the border is an important part of a food safety system, though it has its limitations when not part of a broader approach to food safety. The amendments seek to strengthen the current risk-based management system by increasing importer accountability and improving responsiveness of food safety risks. It also realigns the Act to be more consistent with current international and domestic approaches to food safety; while reducing the regulatory burden on compliant importers. The amendments are consistent with the Codex Alimentarius Guidelines for Food Import Control Systems and address inconsistencies between Australia's imported and domestic food legislation. Imported food will continue to be required to meet the same food safety standards as food produced in Australia. The following outlines the amendments to be made to the Act: – Food safety management certificates Recognition of foreign government certification or recognised non-government certificates to improve supply chain assurance of particular foods and reduce at the border inspections.

- Holding orders
Minor amendment to ensure a proportionate response is achievable to an imported food safety incident.
- Classification of food
Technical amendment to address current limitations when responding to new and emerging food safety risks. It enables the Minister to classify foods into particular categories and subjecting these to appropriate rates of inspection proportionate to the risk they impose.
- Recognition of foreign country's food safety system
Allows a foreign country's food safety system to be recognised where there is equivalence with Australia's food safety system; reducing at the border inspection and testing of imported foods.
- Enforcement
Modernises enforcement provisions to be consistent with the Regulatory Powers (Standard Provisions) Act 2014 that underpins Australia's compliance approach; and to realign with domestic legislation provisions for food safety.
- Record keeping
A realignment to be more consistent with domestic food safety legislation, importers will need to maintain records one step forward and one step backwards to improve the traceability of imported food.
- Making of orders of determinations
To allow for holding orders to be targeted to a particular characteristic of a food in order to avoid unnecessary or inappropriate inspection and analysis of other foods.
- Use and disclosure of information
Modernises the approach to information to meet Australia's domestic and international obligations as well as enabling effective and efficient operation of the Australian food safety management system.
- Minor amendments
Technical amendments to enhance the operation of the Act and improve harmonisation with existing Commonwealth legislation.

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:

Please go to <http://www.agriculture.gov.au/imported-food-reform-consultation> to download the Imported Food Control Amendment Bill 20XX and Imported Food Control Amendment Regulations 20XX. Also available for download is the supplementary guidance notes that assist in interpreting the amendments in relation to the Imported Food Control Act 1992.

<p>For further information regarding the imported food reforms please visit http://www.agriculture.gov.au/imported-food-reform or contact the Australian SPS Notification Point at sps.contact@agriculture.gov.au.</p>	
10.	<p>Proposed date of adoption (dd/mm/yy): To be determined.</p> <p>Proposed date of publication (dd/mm/yy): To be determined.</p>
11.	<p>Proposed date of entry into force: [] Six months from date of publication, and/or (dd/mm/yy): To be determined.</p> <p>[X] Trade facilitating measure The amendments will allow for the authority to recognise foreign country equivalence, exempting food imports from border intervention except where there is evidence of non-compliance or a food safety risk.</p>
12.	<p>Final date for comments: [] Sixty days from the date of circulation of the notification and/or (dd/mm/yy): 4 May 2017</p> <p>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:</p> <p>The Australian SPS Notification Authority GPO Box 858 Canberra ACT 2601 Australia Fax: +(61 2) 6272 3678 E-mail: sps.contact@agriculture.gov.au</p>
13.	<p>Text(s) available from: [X] National Notification Authority, [] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>Notified documents and explanatory notes are available from the following web address, or alternatively, from the Australian SPS Notification Authority http://www.agriculture.gov.au/imported-food-reform</p> <p>The Australian SPS Notification Authority GPO Box 858 Canberra ACT 2601 Australia Fax: +(61 2) 6272 3678 E-mail: sps.contact@agriculture.gov.au</p>