
Importing - Import Clearance Procedure

Amendment 0

Introduction

The New Zealand Food Safety Authority (NZFSA) sets policies, criteria and procedures to monitor the safety of imported food for human consumption. This document describes the NZFSA's clearance procedures for all food imported into New Zealand. Importers should note the definition of food under the Food Act 1981 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](#)

In New Zealand, food for human consumption, is regulated under the Food Act 1981 and delegated legislation under that Act. 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.

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 Food Act, relevant regulations and applicable food standards. NZFSA 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 NZFSA website.

[Food standards](#)

[Import requirements for specific foods](#)

All importers of food for sale must list their contact details with NZFSA. 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 in New Zealand must be labelled according to Food Standards Code.

NZFSA importing procedures apply in addition to and after MAF Biosecurity New Zealand clearance. Importers should check requirements with MAF Biosecurity New Zealand.

[Import Health Standards Search - MAF Biosecurity New Zealand website](#)

This document has been prepared to assist importers of food and food related products in understanding the requirements set by NZFSA to ensure food coming into New Zealand is safe and suitable.

Importing food into New Zealand – who to contact

Central Clearing House (CCH)

CCH is the part of the NZFSA that carries out the imports operational procedures. CCH provides the initial point of contact for information to importers and customs brokers throughout New Zealand. 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 NZFSA, the importer will be referred to CCH to apply for a 'NZFSA single use permit'. The application form should be submitted to CCH via email to ensure efficient service, but may be via fax.

[NZFSA Single use permit application](#)

If the food is not of interest to NZFSA, it will undergo the normal clearance process of Customs and Biosecurity without reference to NZFSA. However in some circumstances either of these agencies may involve NZFSA if they have a concern with the food item being imported.

We strongly recommend that importers view the NZFSA website or contact CCH, to find out if the product they wish to import is a food of interest to NZFSA before importing it.

[Import requirements for specific foods](#)

Contact Details:

Central Clearing House

NZFSA Verification Agency

Level 1, 96 New North Road, Eden Terrace, Auckland

PO Box 3540, Eden Terrace, Auckland

Email: imported.food@nzfsa.govt.nz

Fax: 09 909 6208

Phone: 09 909 6210 or 09 909 6211

Food imported into New Zealand for sale

All food imported into New Zealand for sale must comply with the Food Act 1981 and any relevant regulations and food standards made under that Act. This includes labelling and compositional requirements of the Australia New Zealand Food Standards Code. It is the importer's responsibility to ensure that all legal requirements are met.

For more information about compositional and labelling requirements, see the Foods standards code.

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

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.

Importers are required to submit details such as their company's trading name and physical address, a contact person's name and postal address with NZFSA, for listing purposes.

They 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, see Food (Importer) Standards 2008.

[Food importer standards guidance](#)

All importers of food for sale must be listed with NZFSA before importing food into New Zealand.

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 NZFSA 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.

NZFSA 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 NZFSA website. Clearance options may include recognised assurances / certification or sampling and testing of the prescribed food.

[Import requirements for specific foods](#)

If the food is of interest to NZFSA, it will be stopped by Customs and the importer must apply to CCH for a 'NZFSA Single Use Permit'. The invoice for the consignment and any other relevant documentation, such as recognised certification, should be sent with the application. The **Single Use Permit** is the final NZFSA 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.

[NZFSA Single use permit application](#)

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. The individual IFRs for each prescribed food detail which option is available for the associated food.

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

Where a government to government pre-clearance arrangement exists, or NZFSA recognises specific overseas manufacturers, then approved assurances / certification may be accepted with imports of a prescribed food under that specific arrangement.

In all cases a valid assurance / certificate 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 / certification 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 / certification.

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 / certification

In the absence of approved assurance / certification, prescribed foods may be sampled and tested in New Zealand according to a NZFSA's sampling and testing protocol for imported prescribed foods. If foods have any additional requirements they are detailed in the specific IFR.

[NZFSA Sampling and testing protocol for imported prescribed foods](#)

FAO's employed by NZFSA are responsible for the inspection and sampling of imported prescribed foods, under the coordination of CCH.

Where sampling and testing is required, a copy of the NZFSA Conditional Release Permit is assigned electronically to the NZFSA Verification Agency office in the area where the holding facility is located. A FAO will contact the importer to make arrangements for the inspection and/or sampling and testing of the food. Inspection, testing and sampling will be at the importers own cost.

The issuing of the NZFSA 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 NZFSA 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 NZFSA.

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)

An MRP may be issued for imported foods that are:

- Inadvertently captured by the tariff codes monitored by the NZFSA, or
- From particular suppliers under an arrangement agreed to by the importer and NZFSA.

Inadvertent captures occur because the tariff classification system is not designed specifically around New Zealand's imported food controls.

Certain prescribed foods requiring approved assurances / certification may be eligible for an MRP and this will be specified in the IFR for that food. Documentation checks and inspections are a requirement of a MRP of this type. The MRP will specify the documentation and frequency of inspection. It is the importers responsibility to ensure these requirements are met.

MRPs are specific to importer, broker, food type and supplier, and may be issued for a defined time period and are reviewed on an annual basis for compliance.

Importers wishing to apply for a MRP should contact the NZFSA Approvals Group to discuss their situation.

Contact:

Advisor (Food Service, Sale and Import)

Approvals and ACVM Group

Phone: (04) 894 2500

Email: approvals.fssi@nzfsa.govt.nz

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. NZFSA does not have an interest in most foods imported into New Zealand for private consumption. Personal imports are consumed at importers own risk and 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 NZFSA 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 eg, 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 eg, 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.

Food imported for trade samples

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

Food imported for export

Food imported into New Zealand for further processing or re-packing before being exported is subject to the same requirements as imported food for sale.

Additional requirements apply for animal products. Animal products imported for export are subject to an Import Health Standard (IHS) issued by Biosecurity New Zealand and Overseas Market Access Requirement (OMAR) 01/172 issued by NZFSA under the Animal Products Act 1999.

[Overseas Market Access Requirement \(OMAR\) 01/172](#)

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

Once cleared by Biosecurity New Zealand, the food is controlled by NZFSA. For the entire period in New Zealand these foods must only be stored, handled, processed or packaged in NZFSA-approved export establishments. Provided these requirements are met and products comply with all relevant animal product standards, NZFSA will issue an export health certificate. See Animal products.

[Animal products](#)

Returned New Zealand exports (rejected New Zealand exports)

All exporters are legally obliged to notify NZFSA should their export be rejected from an importing country or export is turned around during transit. For more information about returned animal products see the Exporter obligations under the APA: Information Pamphlet

[Exporter obligations under the APA: information pamphlet](#)

Following Biosecurity New Zealand 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 NZFSA 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 (APO from NZFSA Verification Agency) 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 material / product will differ depending on the reason for the return and intended use when re-imported into New Zealand. The exporter/importer should contact the Programme Manager (Verification) to discuss (on +64 4 894 2416) or email alisa.bradley@nzfsa.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 NZFSA Verification office and disposition determined in consultation with NZFSAVA Wellington.

Other requirements

Biosecurity New Zealand

Biosecurity NZ is the lead agency in New Zealand's biosecurity system. '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. Established in November 2004 (replacing MAF Biosecurity), it has been tasked with a 'whole of system' leadership role, encompassing economic, environmental, social and cultural outcomes. Importers should contact Biosecurity NZ directly to check their requirements.

[Biosecurity New Zealand website](#)

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.

The New Zealand Customs Service Working Tariff document is a commodity coding system used to identify and describe goods. Formal rulings on the Tariff classification of goods are available from the New Zealand Customs Service's Wellington based National Tariff Advisory Unit (NTAU).

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

Commerce Commission

The Fair Trading Act 1986 encourages competition and protects consumers from misleading and deceptive conduct and unfair trading practices. The Fair Trading Act applies to all aspects of the promotion and sale of goods and services, from advertising and pricing to sales techniques and consumer information. When making claims about products you manufacture or sell, you must remember that your audience will include some people who are more easily misled than others.

[Overview - Commerce Commission website](#)

Environmental Risk Management Authority (ERMA)

The Environmental Risk Management Authority (ERMA) makes decisions on applications to introduce hazardous substances (HS) or new organisms (NO) including genetically modified organisms (GMO's).

[Environmental Risk Management Authority \(ERMA\) website](#)

The Agricultural Compounds and Veterinary Medicines Group - NZFSA

The ACVM group within NZFSA implements the Agricultural Compounds and Veterinary Medicines (ACVM) Act 1997 which regulates the importation, manufacture, sale and use of agricultural compounds. An agricultural compound could be anything from a fertiliser or animal feed to a plant compound or veterinary medicine.

[Agricultural compounds and veterinary medicines](#)

Helpful terms and definitions

Clearance: The accomplishment of border formalities necessary to allow goods to enter New Zealand. NZFSA clearance may occur prior to importation (pre-clearance arrangement with exporting country) through to post-border clearance (product released to the importer by NZFSA with conditions). NZFSA is in effect providing a 'Clearance' for the product to be sold, not a clearance to enter the country as occurs with Customs and Biosecurity.

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:

- 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:

-
- d. The owner of any goods; or
 - e. Entitled to the procession of any goods; or
 - f. 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.

NZFSA means the department of state known as the New Zealand Food Safety Authority.

NZFSA Permit: NZFSA issues two types of permits for imported prescribed foods:

- Single Use Permit – final NZFSA clearance for full release of a prescribed food to the domestic market,
- Conditional Release Permit – prescribed food can be moved to a holding facility with the condition that the prescribed food must be held until a FAO is satisfied that the prescribed food complies with the Food Act.

Sale is defined in the Food Act 1981 and without being a substitute for that 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.

Updated July 2009