

**NEW ZEALAND: REGULATORY FRAMEWORK AND PROCESS
FOR DEVELOPMENT AND ADOPTION OF SANITARY
AND PHYTOSANITARY MEASURES**

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Introduction

1. This paper sets out the principal features of New Zealand's sanitary and phytosanitary regulatory framework and describes, in general, the processes for development and adoption of sanitary and phytosanitary measures by New Zealand.

New Zealand Regulatory Framework

2. There are three agencies with responsibilities in the SPS area:

(i) The Ministry of Agriculture is responsible for administering regulations relating to:

- zoosanitary (i.e. animal health) and phytosanitary (i.e. plant health) measures for import and export of animals, plants and their products;
- sanitary (i.e. human health) measures for the export of primary products (e.g. meat, dairy, seafood, horticultural); and
- sanitary (i.e. human health) matters related to meat and dairy products sold on the domestic market whether domestically produced or imported.

These functions are administered by the Ministry's Regulatory Authority.

(ii) The Ministry of Health is responsible for administering regulations relating to:

- sanitary (i.e. human health) measures for imported food and domestically produced and consumed foods (other than meat and dairy products);
- labelling and composition standards for food sold on the New Zealand market; and
- sanitary measures to prevent or limit the entry, establishment or spread of human pests and/or disease vectors.

(iii) The Ministry of Forestry is responsible for administering regulations relating to phytosanitary (i.e. plant health) measures for imported and exported forest products.

The following describes, in general, the process used by the Ministry of Agriculture and Fisheries for developing and adopting sanitary and phytosanitary measures.

New Zealand's Agricultural Security System

3. New Zealand's system for protecting its agricultural industries from the introduction of new pests and diseases consists of the following key components:

- determination of the required SPS standards and measures;
- assessment of the exporting countries compliance with the required SPS standards and measures;
- compliance checks and inspections carried out upon entry to New Zealand, which may include a period of post-entry quarantine;
- surveillance systems to verify New Zealand's health status and detect the introduction of new pests and diseases; and
- response systems and strategies for eradicating (or containing) newly introduced pests and diseases.

Determination of SPS Standards and Measures for Entry of Animals, Plants and their Products

4. New Zealand has a strong commitment to international harmonization of SPS standards and adheres to these to the maximum extent possible consistent with national biosecurity. In general the New Zealand process for determining SPS standards and measures involves the following steps:

- (i) **Import proposal:** a process which involves the supply of information on the proposed import, which may include information on organisms associated with the vector/product proposed for import;
- (ii) **Risk assessment:** a process for identify/confirming the organisms associated with the proposed import and assessing these to determine which are of quarantine significance to New Zealand (i.e. those which are not present in New Zealand and which are of economic or environmental significance). This process also involves detailed assessment of the probability and consequences of entry of one or more of these organisms;
- (iii) **Designing the SPS standards and measures required:** a process for designing new SPS standards and/or measures that are necessary and justified to effectively manage the risks identified in step (ii), taking into account the provisions of appropriate international agreements (e.g. GATT: SPS Agreement), standards and guidelines;
- (iv) **Consultation:** a process which involves communication with interested and affected parties, both within New Zealand and internationally, on the proposed SPS standard(s) and/or measure(s); and
- (v) **Determining and publishing the required SPS standards and measures:** a process empowered by law for finally determining and publishing, by way of regulation or administrative instrument (e.g. approved standard, import protocol, import permit) the SPS standards and/or measures the proposed import must comply with.

Export Certification and Quality Assurance (SPS)

5. As a trading nation with a major reliance on exports of primary products, New Zealand has a vital interest in ensuring the SPS requirements of importing countries are complied with. The Ministry of Agriculture and the industries involved design, implement and monitor systems to ensure these requirements are met. Surveillance systems, risk analysis, Hazard Analysis Critical Control Point (HACCP) and quality management methodologies are widely used to ensure that these systems are the most effective and efficient and have the least possible impact on trade. Such methodologies are also used to produce the scientific information required to challenge an importing country's SPS requirements when these are considered unjustified.

Determination of SPS Standards for Imported Foods

6. The Ministry of Health's prime responsibility is the provision of safe food on the domestic market. The Ministry of Health and the industries involved design, implement and monitor systems to ensure the prime responsibility is met. Surveillance systems, risk analysis, HACCP and quality management methodologies are widely used to ensure that these systems are effective.

7. The Ministry of Health is also responsible for setting food standards and determining maximum residue limits (MRL's) for food sold for domestic consumption in New Zealand. The domestic food standard system is currently under review with a view to achieving a more streamlined system for development and promulgation of food standards. New Zealand is also involved in negotiations aimed at establishing a joint food standard setting system for Australia and New Zealand.