

**Application Form FA14**

**Food Act Section 347 Exemption for Export**

This application form must be used when applying for a food for export exemption under [section 347](http://www.legislation.govt.nz/act/public/2014/0032/latest/DLM2996486.html) of the Food Act 2014.

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| [Note: contact Food Assurance regarding adding a country to a list for formulated supplementary foods for young children (FSFYC); not covered by this application form] | |
| **Steps required:** | 1. Complete all the relevant fields in this form. 2. Attach any additional supporting information as necessary. 3. Send this form by e-mail to [Food.Assurance@mpi.govt.nz](mailto:Food.Assurance@mpi.govt.nz) with “S347 Application” in the subject line. 4. MPI will acknowledge receipt by return email. 5. You may be asked to provide additional information as appropriate. |

**Part 1: General**

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| **1. Applicant details** | | | |
| **Application Date** |  |  |  |
| **Full Legal Name of Company/Operator** |  | **Registration Identification**  (e.g. for RMP, FCP, NP) |  |
| **Contact Person** |  | **Phone** |  |
| **Email** |  |

## **Complete this section for all applications**

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| **2. Product Details** | |
| **Product Name** |  |
| **Product Type /Description**  (e.g. FSFYC, infant formula, supplemented food for pregnant women, etc.) |  |
| **Exemption against which NZ Standard?**  (Food Standards Code – specify Standard, or Supplemented Food Standard) |  |
| **Intended Overseas Market (**first Importing Country and details of the Competent Authority) |  |
| **Intended Consumer** (and age range if applicable) |  |
| **Anticipated Date of first Manufacture and Export including Impact if not available by due date (**to assist in prioritisation) |  |

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| **3. Compliance Issue** (tick all those that apply and see further information requirements in Part 2 and Part 3) | |
| **Constituent1**  Complete Part 2 | **Labelling2**  Complete Part 3 |

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| **4. Essential Information for each product** (more information here assists understanding. Information can be provided in any format, not necessarily as a NIP or label |
| Nutrition Information Panel (full NIP if available) or draft nutritional information  List of ingredients  Product label (if available) or draft label  Alternative information e.g. product specification, table or other source |

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| 1. **Control and Verification Systems**   Describe the control and verification systems/procedures within the risk-based programme (RMP, FCP) to ensure that  distribution of exempted product is only to countries for which an exemption is granted |
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**Constituent** means food additive, ingredient or substance. It does not cover ratios

2 Note that for Dairy Products there is an existing exemption for labelling requirements in the Food Standard Code:[Animal Products (Exemption from Labelling Standards for Dairy Product and Dairy Material Intended for Export) Notice 2006](https://www.mpi.govt.nz/dmsdocument/1000-animal-products-exemption-from-labelling-standards-for-dairy-product-and-dairy-material-intended-for-export-notice-2006). However requirements for labelling of exported dairy products are set in:

1. [Animal Products (Export Requirements – Dairy Products) Notice 2005](https://www.mpi.govt.nz/dmsdocument/1001-animal-products-export-requirements-dairy-products-notice-2005)
2. [Labelling Requirements for Exports of Dairy Based Infant Formula Products and Formulated Supplementary Food for Young Children](https://www.mpi.govt.nz/dmsdocument/5041-labelling-requirements-for-exports-of-dairy-based-infant-formula-products-and-formulated-supplementary-food-for-young-children)

## **Part 2: Constituent Deviations from New Zealand Standards**

## For each constituent outside of the relevant New Zealand Standard, populate tables 1 to 4

## **(Provide additional rows as needed for multiple constituents)**

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| **1. Specifications** | | | | | |
| **Constituent3** | **Compliance Issue4** | **Product specification5** | **NZ Standard**  **Maximum/Minimum** | **Importing country specification**  **Maximum/Minimum** | **Exemption level being requested** |
|  |  |  |  |  | Product specification  Importing country levels |
|  |  |  |  |  | Product specification  Importing country levels |

3 list the constituent in need of exemption (e.g. Vitamin A or fat level)

4 describe how the constituent in need of exemption does not comply with NZ Standards (exceeds maximum, not a permitted additive, etc)

Note: all columns not necessarily applicable e.g. ‘NZ Standard Maximum/Minimum’ for ‘not permitted’ constituents

**Note: ingredients** (e.g. dairy based nutritional powder) do not have to meet constituent levels of the intended finished product. **Exemption only required where ‘not permitted’ constituents**

**are added**

5 Maximums/minimums should be given in units used as in the relevant NZ standard and the importing country regulations to allow for comparison (these are often not the same)

[Food Act s347 (2)(b)]

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| **2. Purpose and Rationale for Deviation from the New Zealand Standard**  Please indicate below, all reasons for adding the constituent(s) and provide detail for each reason selected |
| Technical reason  Nutritional need in Importing Country  Same formulation to multiple countries  Need to meet compositional requirements in more than one country  Formulated to Importing Country standard  Other………………………………………………………………… (specify, e.g. customer formulation requirements) |

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| **3. Evidence of Compliance with each Importing Country**  Please indicate all documents attached to this application issued by the competent authority or other relevant government authority of the importing country, that provide evidence that the constituent in need of exemption is acceptable to that authority  For each constituent (in need of exemption), you need to highlight the area in the document that specifically indicates that the constituent, and its level, is acceptable to the importing country  The more specific evidence you can provide the better. Documents must be made available in English  Repeat the document set for each importing country |
| Product or food standard, or other relevant specifications issued by the importing country’s competent authority or other relevant government authority (**Note**: importing country may accept another country’s requirements, such as US, EU requirements)  Product registration / approval certificate from the importing country’s competent authority or other relevant government authority  Document from the importing country’s competent authority or other relevant government authority indicating acceptance of the Codex standard’s explicit numerical levels for constituent  Other …………………………………………………………………………………… (specify) |

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| **4. Further Evidence on Safety and Suitability to support application where appropriate**  (This section is especially important where there are no clear maximum / minimum requirements in the importing country / market)  Please indicate which documents attached to this application provide evidence of safety and suitability of each constituent in need of exemption  For each constituent (in need of exemption), you need to highlight the area in the document that specifically indicates that the constituent and its level is acceptable to the importing country  There is no need to include the general nutritional role of the nutrient in the diet or toxicity symptoms |
| Codex standard supporting constituent  EU regulation  US regulation  ☐Other …………………………………………………………………………………… (specify, e.g. published scientific opinion). Also consider:   * source of constituent (naturally occurring in ingredient or added) * degradation of nutrient during shelf life, testing variance, etc that explains the overage compared to label amount |

## **Part 3: Labelling Deviations from New Zealand Standards**

## For each labelling component outside of the relevant New Zealand Standard please populate boxes 1 to 3

## **(Provide additional rows as needed for multiple components)**

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| **1. Labelling Non-Compliance** | | |
| **LabelComponent6** | **Compliance Issue7** | **NZ Standard8** |
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6 details of the labelling component in need of exemption (e.g. language, ingredient description, prescribed name)

7 details of how the component in need of exemption does not comply with NZ Standards

8 the detail of the NZ Standard. Please indicate Standard and section of the Standard.

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| **2. Purpose and Rationale for Deviation from the New Zealand Standard**  Describe the reasons for the labelling variation |
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| **3. Evidence of Compliance with each Importing Country**  Please indicate all documents attached to this application which provide evidence that the component in need of exemption is acceptable to the importing country. Please provide the Importing Country labelling standard if available. The more evidence you can provide the better. Documents must be made available in English  Repeat this box for each importing country |
| Importing country product or food standards, or other relevant specifications issued by a competent authority or other relevant government authority  Competent authority product registration / approval certificate  Competent authority label / artwork acceptance  Document from a competent authority or other relevant government authority  Other …………………………………………………………………………………… (specify)  Im |