



Import Health Standard

Fresh Dates (*Phoenix dactylifera*) for Human Consumption

DATES-IHS.FP

Draft for
Consultation

TITLE

Import Health Standard: Fresh Dates (*Phoenix dactylifera*) for Human Consumption

COMMENCEMENT

This Import Health Standard comes into force on date of signing.

ISSUING AUTHORITY

This Import Health Standard is issued under section 24A of the Biosecurity Act 1993.

Dated at Wellington,

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(acting under delegated authority of the Director-General)

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Introduction

This introduction is not part of the **Import Health Standard (IHS)**, but is intended to indicate its general effect.

Purpose

An **IHS** specifies the requirements for **importing risk goods** into New Zealand. This **IHS** specifies the requirements that must be met when **importing fresh dates** into New Zealand.

Background

An **IHS** issued under the New Zealand **Biosecurity Act 1993 (the Act)** specifies the requirements to be met to effectively manage biosecurity risks associated with **importing risk goods**, including the risks from **incidentally imported new organisms**. **IHSs** include measures that must be applied in the exporting country before the **risk goods** are exported. **IHSs** also include requirements that must be met by **importers** during **importation**, including while the **risk goods** are **in transit** to New Zealand and held in a **transitional facility**, before **biosecurity clearance** can be given.

Post-**clearance** conditions may also be specified in an **IHS**.

Who should read this?

This **IHS** should be read by anyone involved in the process of **importing fresh dates** into New Zealand (or who has an interest in **importing fresh dates**).

Why is this important?

It is the responsibility of the **importer** to ensure that **risk goods** (i.e. **fresh dates**) comply with the requirements of the relevant **IHS**. **Risk goods** that do not comply with the requirements of an **IHS** may not be **cleared** for **entry** into New Zealand and may be directed for **treatment**, re-shipment, destruction or further action deemed appropriate by a **Chief Technical Officer (CTO)**. The **pathway** may be suspended if certain types of **viable regulated pests** or weed seeds are **intercepted** on the **consignment**.

Importers are liable for all associated expenses.

Equivalence

A **CTO** may consider an application for an **equivalent phytosanitary measure** to be approved, different from that provided for in this **IHS**, to maintain at least the same level of protection assured by the current measure(s).

Equivalence will be considered with reference to the **International Standard for Phytosanitary Measures ISPM 24. Guidelines for the determination and recognition of equivalence of phytosanitary measures**.

Document History

This **IHS** replaces the following schedule in the revoked **Import Health Standard 152.02: Importation and Clearance of Fresh Fruit and Vegetables into New Zealand**:

- Dates (fresh), *Phoenix dactylifera*, United States of America

Version Date	Section Changed	Change(s) Description
XX July 2019	All	New document

Other information

Guidance boxes are included within this **IHS** for explanatory purposes. The guidance included in these boxes is for information only and has no legal effect.

Guidance Document: *Import of Fresh Fruit and Vegetables for Human Consumption* provides information to assist with meeting the requirements of an **IHS** for **fresh fruits and vegetables** and should be read in conjunction with this **IHS**. **Biosecurity clearance of fresh fruits and vegetables** will be covered by a separate draft document titled *Clearance Process for Fresh Fruit and Vegetables for Human Consumption*.

Within this **IHS**, terms printed in bold have the same meaning as that set out and defined in **ISPM 5**. *Glossary of phytosanitary terms*, **the Act** or in this **IHS**.

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Part 1: General Requirements

1.1 Application

- (1) This **Import Health Standard (IHS)** applies to **fresh dates** fruit (*Phoenix dactylifera*) **imported** for human consumption ('**fresh dates**').

Guidance

- Hybrids between species can be **imported** but only when each species is an approved **commodity**, i.e. an **IHS** exists for each species. The hybrid should meet the requirements specified in the **IHS** for each species in the hybrid. For example, pluots (*Prunus domestica* x *P. armeniaca*) should meet the requirements specified in the **IHS** for plum (*P. domestica*) and apricot (*P. armeniaca*).
- Some **fresh commodities** (commercially manufactured and processed **fruits and vegetables** of specific commercial brands that have undergone pre export assessment by the Ministry for Primary Industries (MPI)) can be found on the MPI website in "[Processed](#)" [Fresh Commodities](#). These **commodities** are not considered to be **risk goods** and do not need to comply with the requirements of this **IHS**. To apply to have a processed **fresh commodity** assessed to be listed, contact Plantimports@mpi.govt.nz.
- Frozen, cooked, pickled, pureed or dried **commodities** for human consumption are covered by **Import Health Standard: [Stored Plant Products for Human Consumption](#)**.
- **Import** requirements for trade samples for evaluation are covered by **Import Health Standard: [Fresh Fruit and Vegetable Trade Samples for Evaluation](#)**.
- **Import** requirements for **importing** private consignments for **fresh fruits and vegetables** are covered by **Import Health Standard: [Private Consignments of Fresh Fruits and Vegetables for Human Consumption](#)**.

1.2 Incorporation by reference

- (1) The following documents are incorporated by reference under section 142M of **the Act**:
- a) **ISPM 4. Requirements for the establishment of pest free areas**. Rome, IPPC, FAO.
 - b) **ISPM 5. Glossary of phytosanitary terms**. Rome, IPPC, FAO.
 - c) **ISPM 7. Phytosanitary certification system**. Rome, IPPC, FAO.
 - d) **ISPM 12. Phytosanitary certificates**. Rome, IPPC, FAO.
 - e) **ISPM 23. Guidelines for inspection**. Rome, IPPC, FAO.
 - f) **ISPM 26. Establishment of pest free areas for fruit flies (*Tephritidae*)**. Rome, IPPC, FAO.
 - g) **ISPM 31. Methodologies for sampling of consignments**. Rome, IPPC, FAO.
 - h) **MPI Biosecurity Organisms Register for Imported Commodities (BORIC)**. Wellington, MPI.
 - i) **MPI Schedule of Regulated (Quarantine) Weed Seeds**. Wellington, MPI.
- (2) Under section 142O(3) of **the Act** it is declared that section 142O(1) does not apply, that is, a notice under section 142O(2) of **the Act** is not required to be published before material that amends or replaces any material incorporated by reference has legal effect as part of those documents.

1.3 Definitions

- (1) Definitions are listed in Schedule 1.

1.4 General requirements for fresh dates

- (1) **Importers** may only **import fresh dates** from a country where:
 - a) the **NPPO** has provided evidence to the satisfaction of a **CTO** that the exporting country has a **phytosanitary certification** system that complies with **ISPM 7. Phytosanitary certification system**. The **phytosanitary certification** system (including programmes and standards) must demonstrate the process used to provide export assurance; and
 - b) an **Export Plan** has been approved by a **CTO**.
- (2) **Consignments** of **fresh dates imported** into New Zealand must:
 - a) meet the specific requirements in Part 2 *Specific Requirements*;
 - b) be **free from contamination** and other extraneous material;
 - c) be **packaged** in clean and either new or refurbished material;
 - d) be secured in a manner to prevent **contamination**; and
 - e) be accompanied by documentation that meets the requirements of Part 3 *Inspection, Verification and Documentation Requirements*.
- (3) A **consignment** of **fresh dates** may receive a **biosecurity clearance** if the **fresh dates** meets the requirements of this **IHS**.

Guidance

- Countries that meet the requirements in 1.4 (1) and are approved to trade **fresh dates** are listed in an [online pest database](#).
- A list of **pests** associated with **fresh dates** can be found in the [online pest database](#).
- The full list of **regulated** and non-**regulated pests** for New Zealand can be found in [BORIC](#) and the [Schedule of regulated \(quarantine\) weed seeds](#). These databases can be found on the MPI website.

1.5 Transitional arrangements

- (1) If a Bilateral Quarantine Arrangement (BQA), Official Assurance Programme (OAP) or other approved government to government arrangement exists on [date of issue] :
 - a) An **Export Plan** is not required during the **transitional period**; and,
 - b) The **phytosanitary certificate** must include the **additional declarations** specified in Schedule 2 that are relevant to the exporting country (instead of the **additional declaration** required by 3.3).
- (2) Clause 1.5 (1) expires on the date that an **Export Plan** for the relevant country is approved by a **CTO** or 3 years after [date of issue] , whichever is earlier ('**transitional period**').

Guidance

- MPI is replacing all current BQAs, OAPs and other approved government to government arrangements with **Export Plans**. An **Export Plan** is not required during the transitional period identified in 1.5 (2) because BQAs, OAPs and other approved government to government arrangements are considered equivalent to an **Export Plan** during the transitional period.

Part 2: Specific Requirements

2.1 Basic Measures

- (1) **Fresh dates** must be sourced from a **production site** that uses standard **commercial production** methods.

2.2 MPI-Specified Measures

- (1) The following **pest(s)** require *MPI-Specified Measures*:
 - a) Fruit flies of economic importance, including:
 - i) *Anastrepha ludens*
 - ii) *Bactrocera cucurbitae*
 - iii) *Bactrocera dorsalis*
 - iv) *Ceratitis capitata*
- (2) At least one of the following *MPI-Specified Measures* must be applied in relation to **fresh dates** to manage each of the **pest(s)** listed in 2.2 (1):
 - a) **Country Freedom**: a country has country freedom status in accordance with **ISPM 4. Requirements for the establishment of pest free areas** in relation to the **pest**.
 - b) **Pest Free Area**: the **fresh dates** is sourced from a **pest free area** established in accordance with **ISPM 4. Requirements for the establishment of pest free areas** and, if applicable, **ISPM 26. Establishment of pest free areas for fruit flies (Tephritidae)**.

Guidance

- New Zealand is **free from all economically important fruit fly** species which are recognised as **quarantine pests**. **Economically important fruit fly** species will be added to the **pest** list for **fresh dates** as and when they are identified.

Part 3: Inspection, Verification and Documentation Requirements

3.1 Phytosanitary inspection

- (1) A sample unit for the purpose of this IHS is an individual **fresh dates** fruit.
- (2) The **NPPO** of the exporting country must:
 - a) sample each homogeneous grower **lot** of **fresh dates**. The minimum sample size for **inspection** must be based on a 95% confidence level that not more than 0.5% of the units in the **lot** are **infested** as set out in **ISPM 31. Methodologies for sampling of consignments** Appendix 2;
 - b) visually **inspect** each sample unit according to **official phytosanitary procedures** in accordance with **ISPM 23. Guidelines for inspection** and **ISPM 31. Methodologies for sampling of consignments** for all **regulated pests** required by New Zealand;
 - c) verify that the **consignment** is free from defects such as rot and damage;
 - d) verify that the *Basic Measures* and *MPI-Specified Measures* have been applied as outlined in Part 2 *Specific Requirements*;
 - e) reconcile that the number of packages presented for **inspection** is consistent with documentation;
 - f) verify that traceability labelling is complete; and
 - g) verify that **phytosanitary security** is maintained for the **consignment**.
- (3) The **NPPO** must contact MPI to establish the regulatory status of any **pests** not listed in **BORIC** and found during an **inspection**.

3.2 Phytosanitary certification

- (1) Each **consignment** must meet the requirements set out in Part 3 *Inspection, Verification and Documentation Requirements* and be accompanied by a **phytosanitary certificate** issued by the **NPPO** in accordance with **ISPM 12. Phytosanitary certificates**.
- (2) The **phytosanitary certificate** must include the following where applicable:
 - a) Sufficient detail to enable identification of the **consignment** and its component parts. Information must include country/place of origin.
 - b) The scientific name of **fresh dates** (*Phoenix dactylifera*).
 - c) The following certifying statement, or a variation that is compliant with **ISPM 12. Phytosanitary certificates** and has been approved by a **CTO**:
 - i) “*This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.*”
- (3) If a **consignment** of **fresh dates** is opened, split up or has its **packaging** changed prior to when it **arrives in New Zealand**, a **phytosanitary certificate** for **re-export** is required from the transiting country, in accordance with **ISPM 12. Phytosanitary certificates**, and must accompany each **consignment**.

Guidance

- If **viable regulated pests** are detected, a **phytosanitary certificate** should not be issued unless appropriate **phytosanitary measures** have been applied.

3.3 Additional declarations

- (1) Unless Country Freedom 2.2 (2) (a) applies to all **pests** listed in 2.2 (1), the **phytosanitary certificate** must also include the following **additional declarations** when *MPI-Specified Measures* are required:
- a) “This consignment was produced and prepared for export in accordance with the agreed Export Plan.”
- AND**
- b) “This consignment [insert name of approved measure] for [name of pest].”
- (2) The **additional declaration** 3.3 (1) b) must be repeated for each **pest** listed in 2.2 (1) and its approved measure as outlined in the **Export Plan**.

Guidance

- Refer to 1.5 (1) b) for the transitional arrangements for **additional declarations**.
- Examples of the **additional declaration** 3.3 (1) (b) are as follows: This consignment was irradiated for *Bactrocera cucumis*, or This consignment has non-host status (varietal/maturity) for *Bactrocera cucumis*.

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Schedule 1: Definitions

Definitions have the same meaning as defined in **ISPM 5. Glossary of phytosanitary terms** or **the Act** unless set out below. Derived forms of terms set out in the aforementioned sources, e.g. *inspect* from *inspection*, are considered to have the same meaning as the defined term.

Additional declaration

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Arrive in New Zealand

Definition as per **the Act**.

Biosecurity clearance (including clearance/cleared)

Definition as per **the Act**.

Biosecurity Organism Register for Imported Commodities (BORIC)

MPI database which identifies the **quarantine** status for an **organism** as either **regulated** or **non-regulated** for New Zealand. **BORIC** is available at:

<https://www.mpi.govt.nz/news-and-resources/resources/registers-and-lists/biosecurity-organisms-register-for-imported-commodities/>

Chief Technical Officer (CTO)

Definition as per **the Act**.

Commercial production

Process (system) where activities, such as in-field monitoring, in-field **pest control activities**, harvesting, cleaning, sorting, and grading have been undertaken to produce a **commodity** that is free from defects such as broken skin, rot and damage. Depending on the systems in place, these activities can be undertaken at any stage from the point of planting to the point of export.

Commodity

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Consignment

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Contamination

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Economically important fruit flies

Those regulated fruit flies which, on **entry** into New Zealand, would cause a major disruption to market access for a wide range of New Zealand **commodities** and/or have significant economic impacts on their production and/or have significant economic impacts on the environment.

Entry (of a consignment)

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Entry (of a pest)

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Equivalence

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Export Plan

An **Export Plan** is a document negotiated between MPI and the **NPPO** of the exporting country that details how the exporting country will meet the **import** requirements (*Targeted Measures* and/or *MPI-Specified Measures*) for New Zealand.

FAO

Food and Agriculture Organization of the United Nations.

Free from (of a consignment, field or place of production)

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Fresh

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Fruits and vegetables

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Import

Definition as per **the Act**.

Import health standard (IHS)

Definition as per **the Act**.

Importation

Definition as per **the Act**.

Importer

Definition as per **the Act**.

In transit

Refers to **risk goods (consignments)** in the process of being shipped to New Zealand, for example **risk goods** in sea containers on board a vessel. These **risk goods** or **consignments** may have **treatments** applied (for example, cold **treatment**) while the **risk goods** are en route to New Zealand.

Incidentally imported new organism

Definition as per **the Act**.

Infestation

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Inspection

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Interception (of a pest)

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

International Standard for Phytosanitary Measures (ISPM)

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*. The list of **ISPMs** are available from:
<https://www.ippc.int/en/core-activities/standards-setting/ispms/>.

IPPC

International Plant Protection Convention.

Lot

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

National Plant Protection Organisation (NPPO)

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Official

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Online pest database

MPI database that lists which countries are approved to export a specific **commodity** to New Zealand, the **pests** associated with specific country:**commodity** combinations and the **phytosanitary measures** that have been agreed between MPI and the **NPPO** of the exporting country to manage those **pests**. The **online pest database** is available at: <https://www.mpi.govt.nz/importing/food/fresh-fruit-and-vegetables/requirements/epest>

Organism

Definition as per **the Act**

Packaging

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Pathway

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Pest

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Pest control activities

Activities such as cultural, chemical, biological, physical, genetic, behavioural for the purpose of **pest** control including **phytosanitary measures** such as **pest free area**, in-field pest controls, phytosanitary **treatment**.

Pest free area

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Phytosanitary certificate

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Phytosanitary certification

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Phytosanitary measure

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Phytosanitary procedure

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Phytosanitary security

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Place of production

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Plants

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Production site

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Quarantine

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Quarantine pest

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Re-export (consignment)

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Regulated pest

A **pest** that is identified as a **regulated pest** in **BORIC** or the Schedule of regulated (quarantine) weed seeds.

Risk goods

Definition as per **the Act**.

Seeds

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Transitional facility

Definition as per **the Act**.

Treatment (including treated)

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Viable (regulated pest)

Any **regulated pest** that is capable of reproduction and development, including insects, **plants**, **seeds** and other **organisms**.

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Schedule 2: Transitional period – Additional declarations

Table 1 specifies the **additional declarations**, relevant to the exporting country, which must be used instead of the **additional declarations** required by 3.3 during the **transitional period** identified in 1.5 (2).

Table 1: Additional declarations relevant to the exporting country.

Country	Additional declaration
United States of America	The fresh dates in this consignment have been treated in accordance with Appendix 1 of the Arrangement between the New Zealand Ministry for Primary Industries and the United States Department of Agriculture, Animal and Plant Health Inspection Service concerning the access of host material of fruit fly species of economic significance into New Zealand from the United States of America.

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