

Summary of Submissions

MPI Discussion Paper No: 2019/08 – Proposed Animal Products Notice: Official Devices

Consultation opening date	Friday 25 October 2019
Consultation closing date	Friday 6 December 2019
Number of submissions received	11

General Comments	
Submissions	MPI response
<p>Submitters were generally supportive of a single amalgamated notice for all requirements including those for devices for live animal and germplasm export.</p> <p>One submitter emphasised the need to make it clear that the requirements supersede and replace all other documents and that all references to requirement are updated to reference the new notice. (GMF).</p>	<p>MPI thanks the submitters for their support and will proceed with the consolidated notice.</p> <p>One objective of this work is to clarify current requirements and hence we will endeavour to make sure the website and other references are updated appropriately.</p>
<p>One submitter points out that a number of Technical Briefs may be able to be revoked on the issue of this Notice and suggests that these are reviewed.</p>	<p>The Technical Briefs have been reviewed and on the issue of this notice the following briefs will be cancelled: 02/11, 02/026, 06/10, 02/012, 08/10, 03/31, 08/02, 02/01, 02/027</p>
<p>One submitter feels that the Notice is complex, confusing, prescriptive, and not risk based and thus is an example of a regulatory requirement that needs redesign as suggested by the 2013 Government enquiry into the Whey Protein Concentration contamination incident. They feel that the prescriptive nature means the requirements are not user-friendly for new or innovative technologies. The submitter goes on to propose that a wider, more outcome focused review of requirements be undertaken.</p>	<p>The intention of this revision of the Notice is to consolidate and clarify existing requirements. MPI has addressed specific points raised by this submitter.</p> <p>We are aware that current and emerging technologies used by the industry offer alternative identification and traceability methods and have in fact recognised this by removing the need for branding of meat for the domestic market.</p>

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

General Comments	
Submissions	MPI response
	<p>A level of prescription is required however to maintain control over MPI official devices and credibility with markets who operate and expect a prescriptive legislative framework.</p> <p>As our trading partners embrace new technologies and approaches we will look to further modify the export requirements for official devices.</p>
<p>One submitter notes that the Korean OMAR states “Official seals to be used on air freight containers” but there is no description for official seals in this notice. They suggest that one be included or that terminology be harmonised between this notice and OMARs.</p>	<p>The term “official seal” is used in OMARs to refer to the approved container seal therefore the definition of approved container seal in the Notice will be edited to note this.</p>

Definitions	
Submissions	MPI response
<p>Approved Carton Strapping One submitter suggests the definition of approved carton seal tape should be expanded to include approved carton strapping.</p>	<p>Carton strapping uses the reduced size legend and must therefore be referred to differently than those devices using the full size legend.</p>
<p>Official Assurance Legend One submitter points out that the reference to “class” should be removed as there is no longer any government oversight over the class of animals.</p> <p>The submitter also queries whether there is any “fitness for purpose” other than human consumption where the mark can be applied and whether the mark can be applied when there is only an am or pm inspection carried out and not both?</p>	<p>The definition will be altered to remove the reference to class and to specifically refer to “fitness for human consumption rather than “fitness for purpose” It will also be updated to reflect the fact that the term “inspection legend” continues to be used in OMARs.</p> <p>The official assurance legend may be applied where fitness for human consumption is confirmed in line with the requirements of the Animal Products Notice: Specifications for Products Intended for Human Consumption. In some cases post mortem is required but ante mortem is not e.g. for wild game. The Notice will be amended to make this clearer.</p>

Requirements for Use of Official Devices	
Submissions	MPI response
<p>Use of Official Assurance Legend Only one submitter answered the following question and they did not see any risks with the proposal.</p> <p>Do you see any risks in reverting back to use of the official assurance legend only where the product is derived from animal material that has been subjected to ante and/or post mortem examination and confirmed as fit for human consumption?</p>	<p>The requirements as proposed in the draft will be carried through to the final Notice.</p>

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Requirements for Use of Official Devices	
Submissions	MPI response
<p>Carton seals and carton seal tape One submitter queries the need to have the seal Official Assurance (OAL) on the main panel as the purpose of the seal is to show tampering. They also point out that if carton strapping is used the OAL will not actually be on the panel.</p>	<p>The requirement for the OAL to appear on the main panel should only apply where the product has no other official marking as required by 2.2. Section 4.1 will be adjusted to reflect this.</p>
<p>One submitter points out that carton seals are currently also applied to casing casks as evidence of tamper evidence. They note that no containers other than cartons are covered in the Notice and suggest the Notice needs to also permit use on other container types.</p>	<p>The text in 4.1 and 4.2 (Tamper Evident Seals) will be edited to refer to transportation outers rather than cartons to address this.</p>
<p>One submitter points out that breaking a carton seal is only clear evidence that the carton has been tampered with and not the product.</p>	<p>Yes this is accurate, the text of 4.1 will be adjusted to reflect this.</p>
<p>Repacking One submitter requests that the heading of 4.1.1 be edited to make it clear that this section pertains only to repacking of officially marked products.</p>	<p>The heading will be altered to “Repacking transportation outers officially sealed for export”.</p>
<p>One submitter states that the requirement to notify the Official Assurance verifier (OA verifier) of any repacking is a new requirement, and suggests that given repacks are part of BAU there is no need to introduce this burden which is a layer of unnecessary compliance.</p>	<p>Manual 15 Section 3.4 sets out a requirement that the Technical Supervisor of the Verification Agency be advised of any repacking in advance where repacking is at other premises than the premises of origin. Section 4.1.1 of the Notice will be edited to reflect this requirement more accurately.</p>
<p>Removal / defacing OAL for the domestic market One submitter requests the logic for the defacing of OAL on products destined for the local market. They state that “If the product was assessed as adequate to receive an official assurance legend, this should be irrespective of market destination. The current requirement supports the myth that all the meat purchased on the local market is rejected export quality. Furthermore, there is no requirement to remove or deface the OAL when it is applied to a carcass.” They request this requirement be removed.</p>	<p>The official assurance legend is a visual indicator that the product has been processed under an RMP. If the product leaves the RMP chain e.g. to enter the domestic market the legend must be removed or defaced to reduce the risk that the product is exported with official assurance (e.g. in situations such as a supermarket returning the product).</p>

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Requirements for Use of Official Devices	
Submissions	MPI response
<p>Reduced size legend One submitter queries the application section 5.1(1) and points out that as written this means that the reduced size legend can be applied to product that has undergone an inspection and found not suitable for human consumption.</p>	<p>The application sections 5.1 and 3.1 will be modified to address this concern.</p>
<p>One submitter states: “The only difference in the Notice between the approved and the uncontrolled reduced size legends is the design. If there are different rules for the use and management of uncontrolled reduced size legends these should be set out in the Notice. Alternatively, the Notice could be simplified by providing the two options for design under 13.2 Approved specifications for the reduced sized legend.”</p>	<p>The uncontrolled reduced size legend is not an approved official device and therefore the design is not specified in section 13.2 and the use and management is not controlled in the same manner as the approved reduced size legend.</p>

Approved Manufacturers / Seal Distribution	
Submissions	MPI response
<p>Four submitters (including three current manufacturers of official devices) responded on and supported the need for annual verification of approved manufacturers and the proposed requirement for approvals to be renewed.</p>	<p>Annual verification of approved manufacturers of official devices will be required in the final notice.</p>
<p>Three submitters (including two current manufacturers of official devices) responded on and agreed that a timeframe of 6 months would be appropriate to allow approved manufactures to obtain an audit and reapply for approval.</p>	<p>Current manufacturers of official devices will be deemed to be approved until a date 6 months after the issue of the Notice.</p>

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

<p>Two submitters responded to and agreed with the proposal to allow subcontracting of container seals and production materials for branding tools that do not include any official assurance legend.</p> <p>One submitter indicating that the requirements should be on the quality of the finished product rather than restricting the business model of the manufacturers.</p> <p>One submitter felt subcontracting should not be endorsed due to the risk of copycat seal manufacturers being used for supply.</p>	<p>Subcontracting of container seals and production materials for branding tools that do not include any official assurance legend will be permitted.</p>
<p>One submitter raised a concern about disallowing the practice of official container seals being supplied directly from National Stores to the RMP operator (for bulk orders). They are concerned that if this practice ceases and the recognised agency (RA) is required to handle seal distribution there will be additional resource required and cost to the industry. They request clarity to manage resources.</p>	<p>MPI does not intend to disallow the practice of official container seals being sent directly from National Stores to the RMP operator (for bulk orders). Section 10.3.5 (1)(c)(i) of the draft notice allows approved manufacturers to dispatch to persons authorised by MPI Verification Services.</p>
<p>One submitter requested corrections to their address.</p>	<p>The corrections will be made.</p>
Verification / Verifiers	
Submissions	MPI response
<p>Three submitters responded to and agreed with the proposal to align verification requirements with the Export Verification Requirements and the Official Assurance Specifications.</p>	<p>The verification requirements as proposed will be retained in the final notice.</p>
<p>One submitter raised a concern that the proposal to cease operator seal use in conjunction with Official Assurances with the consequent increase in use of MPI official container seals would:</p> <ul style="list-style-type: none"> • increase the workload of Recognised Agencies beyond resource available. • Result in logistical challengers for MPI and the verifier with regards to sourcing and distribution of the increased number of MPI seals. (Of particular concern to multi-site operators who currently distribute operator seals internally between premises). 	<p>MPI is further reviewing options around operator and container seal use and will include consideration of this in that review. A further consultation round will be undertaken related to container and operator seals.</p>

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

<p>One submitter notes that the Notice makes OA verifiers responsible for activities undertaken by the RMP operator and suggests that this is not consistent with other activities completed under the APA, where the RMP operator retains responsibilities for their actions. They request further guidance regarding MPIs expectations of OA verifiers and RMP operators.</p>	<p>The split between the roles of the verifier and the operator vary considerably between the meat and dairy sector. Historically verifiers in the red meat sector have held more responsibilities with regards the control of official devices as this is expected by export markets. This is especially the case where the OA verifier is on site in a full time capacity.</p> <p>To recognise this clause 8.4(2) permits these responsibilities to be transferred to the onsite premises supervisor. Note also that text will be changed to clearly indicate that the responsibility for the requirements is transferred from the OA verifier to the premises supervisor.</p>
<p>One submitter notes that 8.5(3) would require dairy manufacturers and storage premises commencing use of official seals to be verified on an initial step of monthly. They suggest that if operator seals are removed and replaced by official seals then a number of RMP premises will need to be verified at this initial step which will impact on cost and verifier resources. They recommend MPI consider a transitional provision to address this and request early clarity to manage resources.</p> <p>They also suggest that as some operators may not export between the monthly verifications provisions should be made for the verification activities to be based on audits of EDs or other remote options to limit the impact on the business.</p>	<p>MPI notes this concern.</p> <p>MPI is further reviewing the options around operator and container seal use and will undertake a further round of consultation in regards to this.</p>

Security at premises	
Submissions	MPI response
<p>Requirements of operators</p> <p>One submitter requests clarification as to whether in 8.2 1(a) it is the person's name that is required or just the position title.</p>	<p>The expectation is that the RMP would specify the position title.</p>
<p>One submitter seeks clarification as to the meaning of the term familiar used in 8.2.</p>	<p>The expectation would be that persons responsible for using official devices are aware of the requirements either directly from the Notice or as per procedures which accurately reflect the requirements of the Notice.</p>

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Security at premises	
Submissions	MPI response
One submitter proposes 8.2 1(g) be modified to require reconciliation of monthly rather than daily use of official devices against production records given the volume of seals used.	It is essential that control is maintained over official devices and that if any are misplaced this is identified in a timely manner. Monthly reconciliation is insufficient to ensure this.
<p>Responsible parties</p> <p>One submitter queries why the responsible party needs to be an OA verifier for carton and container seals. Especially when:</p> <ul style="list-style-type: none"> • verification systems are, or can be, put in place to monitor requirements are met • it is acceptable to have meat premises supervisor as the responsible party for branding tools in boning operations • the meat premises can be trusted to real time print carton seals in 15.1 (2) • where there is no full-time veterinary presence, RMP premises supervisors can be delegated the responsibility -refer 8.4 (2) • there is the added assurance of E-Cert for control of product <p>The submitter request that for carton and container seals meat premises supervisors be permitted to be the responsible party.</p>	<p>It is the expectation of key markets that control and distribution of official devices is managed by MPI as the competent authority. MPI balances this expectation with the need for practicality by permitting the responsible party to approve an onsite supervisor to undertake some functions in situations where there is no full-time veterinary presence 8.4 (2).</p> <p>This effectively means that for many premises most of the tasks required by the responsible party for official devices including carton and container seals may be undertaken by the premises supervisor. This includes ensuring official devices are secure until required, releasing official devices to operational staff and maintaining the register of official devices.</p>
One submitter asked why responsibilities for storage and security of official devices may be delegated to the EAP or RMP premises supervisor for premises where the responsible party is not on site in a full time capacity (8.4(2) but not in situations where they are. They suggested it would be better to have a level playing field.	
One submitter suggested that in 8.3 line 3 column C of the table the “Official Assessor” should also be added as the responsible party for carton seals. To cover situations where an abattoir may have less than full time OA verifier supervision.	

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Security at premises	
Submissions	MPI response
One submitter points out that the table in 8.3 does not include carton tape or strapping.	The table will be updated to include carton seal tape. As carton strapping uses the reduced size legend this would be covered by line 10 of the current table.
One submitter suggests that low step/poor performing plants should not have responsibility for carton seal and container seal inventory.	This approach is not considered appropriate as it may not be the case that such premises are non-compliant with regards to the control of official devices. Where this is the case the standard processes around corrective actions and review of the frequency of verification should address any concerns.
One submitter suggests that MPI make the RMP operator responsible for returning brands and seals to VS and for destroying any legend material stored (evidence to be supplied to verifier) where a premises ceases to operator or has not operated for 12 months. Procedures with regarding this to be maintained. (Ref Tech Brief 06-10)	MPI agrees that this is appropriate, Technical Brief 06-10 has highlighted this concern previously. The Notice will be updated to include this.
Requirements for Responsible Parties One submitter suggested that inventory management system reporting of official devices should be permitted as an alternative to a register. This is due to the volume of seals used.	The Notice will be amended to reflect that an inventory management system that covers the details listed in 8.4(1)(a) is acceptable.
One submitter suggested that as an alternative to returning defective devices to the responsible party operators could provide evidence of their destruction satisfactory to the responsible party.	MPI does not believe there is a practically robust way of giving the responsible party confidence that all devices have been destroyed. For example where 100s of carton seals require destruction.
One submitter suggested that the release of carton seals to operators should be in quantities which can be securely held by the operational staff rather than in quantities required for scheduled production or load out. They suggested that the operator's storage of issued devices can them be audited at an appropriate frequency.	The submitter has not outlined any problems with the current requirement. MPI believes that the requirements as written are quite permissive. The release of seals to operational staff is permitted in quantities required for scheduled production or load out with consideration of the responsible parties' ongoing availability.
One submitter suggests that 8.6(2)(b) should be modified to require checking of a sample of devices rather than all devices which they consider unnecessary.	The Notice will be updated in line with this suggestion.

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Specifications for Devices	
Submissions	MPI response
<p>Level of Detail in Specifications One submitter requests that MPI make the specifications for security devices more generic to allow a wider number of suppliers the ability to tender for supply. They request that:</p> <ul style="list-style-type: none"> • the colour of the MPI Bolt Seal be specified as green rather than green and white. • no PMS details are used to specify the green colour for bolt seals and plastic strap seals. • the reference to a green cap on the metal strap seal be removed 	<p>Given government procurement expectations the specifications must be set in a manner that allows alternative suppliers to tender for the business however this needs to be balanced with careful management where any change in appearance of devices occurs.</p> <p>The Notice will be updated to remove the PMS details specifying green the green colour but reference to the actual colour of devices will be retained. PMS details will be specified in supply contracts.</p>
<p>One submitter requested that the bright green colour for the MPI Bolt seal be specified as Pantone 342C and that the green cap on the Metal Strap Seal and Plastic Strap Seal be specified as Pantone 3292 U.</p>	
<p>Oval Brand One submitter suggests that requiring the ink to be chocolate brown is prescriptive and that this requirement should be reworded to be more outcome based. e.g. “the colour of the ink should be such so that the brand can be clearly seen against the background to which it is applied”.</p>	<p>A single colour ink gives visual consistency and confidence for inspectors in export markets.</p>
<p>One submitter suggests that the word “applied” with respect to branding be used consistently throughout the document rather than the word “stamping”.</p>	<p>The word stamp or stamping will only be used in the document with regards marking the branding tool with the unique identifier or applying the text “MPI or “NZMPI” to an official device. The word applied will be used with regards branding.</p>
<p>One submitter points out that as written 13.3(2) implies that “yearling” can be stamped on a young ovine animal, however a yearling applies to a young cattle animal. Furthermore, they query why these two terms can be used on the brand. If these are acceptable is it also acceptable to include other terms such as; Prime, Bull, Angus, Organic, Grass Fed, etc.</p>	<p>This is an existing requirement in Manual 15 8.2.2.2 which will be carried over. The term yearling may be used generically for any animal between the ages of 1 and 2.</p> <p>It is not possible to widen the terms used on the brand to claims such as Organic or Grass Fed without further robust verification regimes to support this.</p>

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Specifications for Devices	
Submissions	MPI response
The submitter suggest that this is actually guidance rather than a requirement and they point out that if strapping is permitted then it may be necessary to permit these terms beside the oval.	
One submitter suggests that the word “oval” be removed from the document as the only brand is now oval.	The word “brand” rather than “oval brand” will be used in the Notice.
One submitter suggests the Notice could be simplified by deleting the use of the term brand throughout and just referring to the Official Assurance Legend (OAL)	The specifications for the official assurance legend and the approved brand are different. The specification for the brand includes the detail of the ink that must be used and additional words permitted. If we just specify the oval brand then it would be challenging to then specify the detail of official devices which incorporate the official assurance legend image.
Official Assurance Legend One submitter suggests that clause 13.1 (Approved Specification for official assurance legend) is surplus to requirements and suggests that this just be incorporated into the specification for the oval brand (Clause 13.3).	
One submitter queries the need for specific dimensions for the official assurance legend and the justification for 65mm x 45 mm as they suggest this restricts options for alternative seals such as strapping.	The size of the official assurance legend does not limit options such as strapping as, should such a device be approved, a reduced size legend could be used.
Approved Branding Tool One submitter suggests that the term “approved branding tool” is effectively defined by 13.3 but that it is not used in the Notice so it could be deleted, or if needed moved to the definitions.	Clause 3.2(2)(b) requires that a brand is created using an “approved branding tool” It is important to control the manufacture and distribution of the tool to apply the brand separately to control of the brand itself and therefore this term will be retained in the Notice. As suggested however the definition will be moved to the part 1.2.
Carton Seals / Tape One submitter queried the need for unique seal numbers on carton seals and tape as these are not used on official documents but only for stock control purposes only.	Section 158(1) of the Animal Product Act allows for the Director General to approve systems and devices not only for supporting requirements in relation to official assurances but also to facilitate the management and auditing of risks in relation to animal material and animal products. In line with this the unique seal number on carton seals facilitates, if necessary, traceability and validation of authenticity of product.

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Specifications for Devices	
Submissions	MPI response
One submitter notes that the requirements for carton seal and tape colour, dimensions and text are very prescriptive and request that these be written in line with MPI's philosophy of outcome-based regulation. They point to 13.4.3 as an example of more outcome-based terminology.	It is important that the format of carton seals is standardised (and hence requirements are prescriptive) in order that importing countries have confidence in the authenticity of the seal.
Tamper Evident Seals One submitter questions why the MPI logo is used on this seal as opposed to the coat of arms.	The MPI logo used on the Tamper-Evident Seal includes the coat of arms. As the Tamper-Evident seal is not specific to a premises it is appropriate that the design be differentiated from seals which are.
Carton Strapping One submitter requests that a carton strapping specification should be included, allowing for the straps similar to those used in the EU in lieu of carton seals (9mm strap with EC Health Mark)	The Notice will be updated to permit carton strapping as a method by which the reduced size legend may be applied to the packaging. Market specific requirements will be dealt with in OMARs.
Container Seals One submitter asked if it is necessary to require container seals to be flameproof. They stated that you wouldn't be able to see the seal number if these were burnt / melted. While another submitter suggested that "flameproof" should be replaced by "have a heat distortion of at least 130 degrees Celsius."	The specification for container seals should ensure that they are fit for purpose and hence they should be flameproof so that in the event of a fire the risk for tampering with the product is not increased. The detail of heat distortion proposed is very prescriptive and is not considered necessary.
One submitter suggests that the requirement that approved container seals component parts must be difficult to counterfeit or substitute is a very subjective requirement especially given technologies available today. They suggest deleting this requirement.	MPI agrees this is a subjective requirement and will remove it from the Notice.
One submitter suggests that it unnecessary to require container seals to be packed in a manner that they are readily accessible in strict sequential numbering because the specification does not require sequential numbering. They suggest deleting this requirement.	Accessing container numbers sequentially assists with the following requirements: <ul style="list-style-type: none"> • The Director General to issue devices in batches of sequentially numbered devices (section 8.6) • Approved manufacturers to maintain inventory or production and supply including reference starting and finishing numbers of devices.

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Specifications for Devices	
Submissions	MPI response
One submitter recommends MPI consider the use of RFID technology and if possible future proof the specifications for high security seals to allow for RFID seals.	As the scope of this review was to consolidate and clarify existing requirements this will not be investigated at this time.
Bolt and Cable Seal One submitter suggests that this device be completely removed as this specification is not required to meet any ISO or other overseas standards and the device design increases the cost and time to apply/install.	The Bolt and Cable Seal is approved by MPI as it is the container seal approved and used under the Customs Secure Export Scheme (SES).
One submitter indicates that while the bolt part of this seal is compliant with ISO17712:2013 the 2.4mm thick cable is an additional feature (to the ISO compliant bolt) to simply identify tampering of the second door of the shipping container.	The need for the cable to be ISO17712:2013 will be removed from the specification.
Metal Strap Seal One submitter suggests that MPI consider alternatives to the metal strap seal which they state is potentially unsafe to handle and is not able to be recycled. They request MPI consider alternative products such as recyclable plastic seals or mini bolt seals	As the scope of this review was to consolidate and clarify existing requirements this will not be investigated at this time.
One submitter points out that metal strap seals are used on sea-freight containers and requests that these be permitted.	The Notice (part 6.2) will be updated to allow the metal strap seal as specified in part 14.3.1 of the Notice.

Container Seals	
Submissions	MPI response
One submitter requests clarification regarding which containers seals are high security seals and asks if 6.2(3) should refer to high security seals.	Part 14 of the Notice outlines the specifications for the container seals and indicates which seals are high security and which security. To assist the reader this will also be explained in the guidance box in Part 6.

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Container Seals	
Submissions	MPI response
	Part 6 will be updated to indicate that both the metal strap seal (security seal) or a MPI bolt or MPI bolt and cable seal (high security seals) may be used on sea freight containers.
One submitter requests clarification on whether or not official devices may be used on sea freight containers transported between premises within NZ. (Guidance box page 16)	Part 6 will be updated to make it clear that approved high security container seals may not be used however approved security seals (metal strap seals) may be.
One submitters suggest that MPI work with NZ Customs to explore options for a common effective and efficient “whole of government” approach for export seal devices that works for NZ, competent authorities in key markets and the NZ industry.	<p>MPI recognises the benefit of working across government agencies and has worked with NZ Customs previously to ensure there is a container seal which is acceptable for both Official Assurance purposes and the Customs SES scheme. This is the MPI -Bolt and Cable seal.</p> <p>MPI will also work with NZ Customs to consider whether there are other options for increasing efficiency such as the possibility of a single verification to support approval of a manufacturer of devices for both MPI and NZ Customs.</p>
One submitter suggests that Customs Secure Export Scheme (SES) and seals used in accordance with the SES (SEP seals) should be considered as official devices by MPI and permitted to be listed in the field for seal numbers on an Official Assurance. One of the submitters pointing out that under the SES control over the supply chain from point of pack to load out provides assurance to overseas Customs agencies that the exporter has adequate protocols in their supply chain.	Customs / SES recognises the MPI Bolt and Cable seal. MPI does not have sufficient visibility and control over other seals used in the Customs SES so is unable to currently recognise these as MPI official devices.
Two submitters explain that the concerns regarding non-compliance with supply and use of container seals (raised in section 3.6 of the discussion paper) are not valid for many of their (or their members) operator seals.	MPI’s initial analysis of what would be required to put in place a robust and credible model for the use of operator seal model across all Animal Product sectors suggested that this would require a lot of complexity for little benefit. Therefore it was

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Container Seals	
Submissions	MPI response
One of the submitters indicated that they believe any noncompliance could easily be improved by enforcement of the current requirements for operator seals and possible minor changes to permit operator seal use to continue.	considered that the most efficient and effective solution was to move to MPI seals where a container seal is required by OMAR.
Two submitters highlighted the fact that the MPI SEP seals are significantly more expensive than the current operator sourced seals while one submitter also outlined that additional overheads would be passed on by the Recognised Agency for managing the sourcing of these seals. These submitters considered these costs unjustifiable.	The feedback received during consultation however suggests that this may not be the case and therefore MPI is considering allowing operator seals while increasing the controls around these. This is effectively implementing a model similar to option 2 consulted on early 2019. See Ensuring Appropriate Controls around Container Seals to Support Official Assurances .
Two submitters raise concerns about the fact that the official seal would not be permitted to be used unless an Official Assurance is required or the OMAR specifies its use. They believe this requirement will require operators that are part of the SES to effectively manage 3 types of seals (MPI Bolt, MPI SEP and Operator SEP) increasing complexity and impacting the ability to negotiate price for higher volumes of an individual seal.	Further consultation will be undertaken around inclusion of operator seals in the Official Devices Notice.
Two submitters request a minimum transition period of 12 months if operator seals are no longer permitted with Official Assurances. This is due to the need to carry 20 weeks of seals and the need to allow for depletion of stocks.	
Two submitters point out issues with MPI SES seals where they are allocated across multiple users. They are concerned that issues may arise where numbers are input manually and transcribed incorrectly resulting in problems in electronic system checks for the legitimate user of that seal number. They propose having dedicated number blocks allocated to reduce the possibility of this type of error.	AP E-Cert does not prevent a seal number which has been used previously being used again. A warning is given however if the company has correctly applied and documented the seal then no change will be required.
Seal number display on official assurances One submitter expressed concern about the fact that only MPI official container seals would be permitted to be referenced in the official information on the Official Assurance. The submitter pointed out that information such a container	MPI is further reviewing options around operator and container seal use and will include consideration of this in that review.

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety

Container Seals	
Submissions	MPI response
<p>numbers are currently listed in the official fields on the Official Assurance and yet these numbers are not controlled by MPI. They also expressed concerns about the impact of this with regards</p> <ul style="list-style-type: none"> • increased cost (electronic system changes) • confusion of which seal number relates to which container in a consignment • rejections at the border in countries such as China and South East Asian markets. 	<p>A further round of consultation specific to the use of operator and container seals will be undertaken.</p>
<p>One submitter is concerned that the container seal number (if not official) is not permitted on the Official Assurance indicating that many banks require this information to be available and consistent across documents in order to help identify the consignment.</p>	
<p>One submitter stated that they were only aware of one market (Fiji) that would accept the operator SEP Seals in the unofficial commercial information field. They requested clarification from MPI as to whether this proposal has been discussed with the authorities of our major export markets (e.g. China, Australia, Malaysia) and if so whether implementation of the proposed measures would provide any benefit to these authorities.</p>	

Food & Live Animal Assurance Team
Assurance Directorate
New Zealand Food Safety