



Guideline for Dairy Export Containers
subject to Official Assurances Re-
opened by NZ Customs Service

January 2007

Amendment 1

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1 Purpose

This guideline sets out the background, principles, procedures and accountabilities when export containers of dairy product issued an NZFSA official assurance are officially opened prior to export by NZ Customs officers.

When a seal is broken any official assurance becomes invalid. Dairy product loaded into containers and sealed or resealed before dispatch for loading into a vessel or aircraft must be carried out in a premises operating with an NZFSA registered Risk Management Programme. The resealing of opened containers is to be managed under an approved Risk Management Programme.

Under current regimes, the responsibility for ensuring product and certification integrity is maintained rests with the exporter. There are real commercial imperatives in these circumstances, the integrity of the container is broken, the certificate details are no longer correct, the product condition and description may have been altered and the consignment cannot be exported until product and certification integrity is restored.

The Customs and Excise Act 1996 (Act) contains provisions for the examination of export goods when these are within a Customs controlled area. The Act also provides for the removal, and temporary removal, of goods from a Customs controlled area. The Border Security Bill amended the Act by providing for the examination at any place of those goods packed under a secure export partnership scheme (SEP). The Act also provides for the costs of the examination to be recovered from the exporter as duty.

If Customs elect to carry out an examination of goods in any container then it is most likely that the container will need to be devanned. NZFSA current requirements would therefore mean the container must be removed to an appropriate facility. Being a deliberate regulatory action, the costs will be borne by the exporter.

2 Scope

This guideline is provided to assist dairy exporters, RMP Operators, NZFSA, NZ Customs and Recognised Agencies in the event that export containers which have already been certified on an NZFSA official assurance are re-opened by NZ Customs.

3 References

The following references are applicable to this document:

Animal Products (Official Assurance Specifications – Dairy Products) Notice 2005

Animal Products (Export Requirements – Dairy Products) Notice 2005

Animal Products (Export Requirements for Branding, Marking and Security Devices) Notice 2006.

<http://www.nzfsa.govt.nz/dairy/publications/specifications/index.htm>

4 Guidelines

4.1 Principles

Implementation of the following principles is essential in the restoration of product and certification integrity at the time any container that is packed and sealed for export is subsequently opened for examination by NZ Customs:

- The exporter, or agent, must be present in all cases to verify product description and all relevant documentation
- Except in the case of a short visual check not requiring the removal of any packages, all examinations must take place in an appropriate environment
- In certain cases an Animal Products Officer or Recognised person acting in accordance with NZFSA export requirements may be present in cases where a container is opened and/or packages are removed from a container in a premises or place that is not recognised under legislation administered by NZFSA. This is in order to confirm the adequacy of the premises and advise on the continued eligibility for export to the intended market
- In cases where packages are removed from a container in a premises or place that is recognised under legislation administered by NZFSA, details relating to product integrity and container/seal description may be verified by an authorised Customs Officer. *This acknowledges that operations would be carried out in accordance with NZFSA requirements*
- A report of the intervention must be forwarded by the Recognised Agency (or NZFSA Compliance & Investigation Group) or Customs Officer to the NZFSA Export Standards Group Auckland Certification Unit confirming the integrity of the product and the details of altered information relevant to export certification. Upon receipt of this report, the exporter must request a replacement certificate.

4.2 Inspection and Resealing Environment

Elective opening of containers to remove products for inspection or consignment adjustment or consolidation must occur in an environment that is appropriate for the type of products. The hygienic environment must be appropriate to the nature of the product and its packaging and to the state of preservation of the product. Refrigerated environments are necessary for refrigerated goods.

It is normal commercial practice for those products that are the subject of official assurances to be handled and packed for export in places that are recognised in legislation administered by NZFSA. Under these conditions the appropriate hygiene and thermal environments are present and operators of such places are versed in the regulatory requirements. These activities and the environmental conditions are to be documented in the approved Risk Management Programme.

4.3 Supervision of Re-opening of Sealed Containers

Supervision of re-opening of a sealed container and inspection of the condition and contents of the container for which an official assurance has been issued must be carried out by an Animal Products Officer or Recognised person acting in accordance with NZFSA export requirements. In the case of dairy consignments, the activity of re-opening and sealing of containers is to be managed in a premises operating with an NZFSA registered RMP. The responsibility of sealing containers at the premises of final control lies with the RMP operator. It is the exporter's responsibility to provide NZFSA with the details of the premises of final control in sanitary export certificate applications.

New Zealand Customs Officers could, under certain circumstances, become a person duly recognised in NZFSA export requirements and act in the same manner as officers and other recognised people. In allowing NZ Customs Officers to act in this manner there would be a cost saving to industry in not calling out an NZFSA officer or other person.

NZ Customs Officers are not expected to be knowledgeable about hygienic practices, hygiene or thermal environmental controls or overseas market access requirements and they could only act in accordance with NZFSA export requirements where the operation occurred in places that were recognised in legislation administered by NZFSA.

4.4 Reporting

In every instance when a sealed container is opened the person supervising the operation must report to the NZFSA ESG Auckland Certification Unit where the original official assurance was issued so that the void certificate may be replaced. The report is to outline the following minimum criteria:

- The reason for breaking the seal and opening the container
- Confirmation of the contents of the container including the number of packages and product description
- Advise any variations in the content of the container from the initially declared contents from the exporter
- Advise any variations to the storage conditions, e.g. temperature
- Container number and original seal number
- The final container number, if product has been removed and placed into another container, and the new seal number
- Certify that the goods were under the direct supervision of the Customs Officer at all times the container was unsealed
- The name of the Customs Officer who carried out all the activities must sign off on the declaration
- Signed and dated report. If the communication is emailed a signature is not required.

The exporter must ensure the report is provided by the supervising officer to the NZFSA ESG Auckland Certification Unit to support the request for the replacement certificate.

4.5 Authorising Customs Officers

NZFSA agrees in principle that suitably skilled Customs Officers could be delegated responsibilities of NZFSA Animal Products Officers and Recognised persons in relation to container re-sealing activities outlined in this guideline.