



Imported Food Notice 06/13

Producer must be declared for all imported foods- Implementation date extended

Issued: 26 September 2013

Supersedes: Imported Food Notice 05/13

Purpose

This notice advises that the implementation date for mandatory declaration of the producer, when lodging Full Import Declarations (FIDs) within the Integrated Cargo System (ICS), has been extended to 1 February 2014.

To advise that the Department of Agriculture continues to assist the importing industry to phase in a requirement for the overseas producer to be declared for all imported food that is lodged in a FID.

Amendments to previous IFN 05/13

This IFN has been issued to:

- Advise industry that the transition period for mandatory declaration of producers has been extended to 1 February 2014.
- Include a section on 'Tariff codes within the tariff chapters 2-22 for which the overseas producer does not need to be declared in a FID'.
- Include a section on 'How to search for existing producers in the ICS'.

Scope

This notice applies to the following:

- All goods for human consumption in a FID lodged under tariff chapters 2 - 22
- All FIDs lodged in the ICS from **20 May 2013** for consignments of imported food
- All importers that provide customs brokers with information about imported food
- All customs brokers and importers that are lodging FIDs in the ICS for imported food

Background

The overseas producer of an imported food must currently be declared for two categories of imported foods – 'risk' category foods and foods that are subject to a Holding Order. When a customs broker or importer lodges one of these foods in a FID, the ICS advises that the producer must be declared.

The Department of Agriculture, Imported Food contact details

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Declaring the producer of imported food

20 May 2013 - New requirement will commence

From 20 May 2013, customs brokers and importers should start declaring the producer for all imported food lodged in a FID, regardless of the food category.

20 May 2013 to September 2013 – The Department of Agriculture will monitor FIDs to assess compliance

The Department of Agriculture will review ICS data to identify FIDs with imported food that do not have the producer declared. The customs broker or importer that lodged these FIDs will be contacted by the Department of Agriculture and provided with the information on the requirement to declare the producer.

1 February 2014 – Requirement to declare the producer will be mandatory

Previous IFNs 03/13 and 05/13 advised stakeholders that from 1 October 2013 each line of imported food in a FID must include the producer. Given that there has been a good response by industry in the past couple of months to apply for producer codes, and the voluntary declaration of the producer in the ICS has been good, the mandating of this requirement will be postponed to 1 February 2014 to allow further time for this transition.

From **1 February 2014**, each line of imported food in a FID must include the producer. The ICS will return an error for each FID that does not have a producer declared for each line of imported food.

Benefits

Declaring the producer for all imported food in a FID will deliver the following benefits:

- Reduce the likelihood of food imports being incorrectly referred to The Department of Agriculture.
- Reduce the time required for the Department of Agriculture to assess your supporting documentation.
- Reduce the time required for the Department of Agriculture officers to inspect and sample your imported food.

How to declare the producer for goods other than food for human consumption

Most tariff codes within tariff chapters 2 – 22 are subject to the producer declaration requirement because they cover food for human consumption or ingredients for the production of food for human consumption.

The Department of Agriculture is aware that tariff chapters 2 – 22 may also cover goods for uses other than food for human consumption. Example – tariff code 18040000(05) Cocoa butter is used in the production of food for human consumption but can also be used in the production of cosmetic products. Similar examples exist for animal feed, therapeutic ingredients and industrial use.

Customs brokers lodging FIDs for goods within tariff chapters 2 – 22 that are for uses other than food for human consumption should use the producer details below:

Producer Code	Producer Name
00213492	GOODS OTHER THAN FOOD FOR HUMAN CONSUMPTION

Goods within tariff chapters 2 – 22 that are for uses other than food for human consumption may still be referred to the Imported Food Inspection Scheme (IFIS), as they have been prior to the introduction of the requirement to declare the producer. When this occurs, the importer can present evidence (a declaration, import permit etc) about the end use to the Department of Agriculture who may then release the goods from the IFIS without inspection or analysis.

The producer declaration requirement is only for food regulated by the *Imported Food Control Act 1992*. This means it does not apply to therapeutic goods subject to the *Therapeutic Goods Act 1989* or animal feed and cosmetic ingredients.

Tariff codes within tariff chapter's 2 – 22 for which the overseas producer does not need to be declared

The below list of tariff codes within chapter's 2-22 will not require a producer code when lodging a FID in the ICS:

They are:

0301
0308
0407.1
04071100 31
04071900 32
0501.00.00 01
0502.10.00 02
0502.90.00 03
0505
0507
0508
0510
0511
All under chapter 6
1209
All under chapter 14
1505000 30
All under 1518
1520.00.00 35
1521
1521.10.00 30
1521.90.00 21
1522.00.00 32

Attachments

Attachment 1 – General information on the new requirement

Attachment 2 – Questions and Answers for Customs brokers and importers

Attachment 3 – Next steps and checklists for Customs brokers and importers

Attachment 4 – Guidance on how to determine the producer of an imported food

Attachment 1: General information on the new requirement

Why is the Department of Agriculture introducing the new requirement?

To reduce the number of FIDs incorrectly referred to the Imported Food Inspection Scheme (IFIS). A review of the Department of Agriculture records has found that many lines of imported food are incorrectly referred to the IFIS and the Department of Agriculture officers must still assess these incorrectly referred FIDs before releasing the consignment. The Department of Agriculture has investigated how this can be improved and has established that the number of incorrectly referred FIDs will reduce if the producer is declared for all imported food.

What is the scope of the new requirement?

The new requirement will be applied to imported foods lodged under tariff chapters 2 – 22 in FIDs only and will not be applied to other formats of import declarations such as a Self-Assessed Clearance (SAC).

What are the benefits of the new requirement?

Declaring the producer for all imported food will deliver benefits for customs brokers and importers in several stages of the import process:

Improved profiling and referral of FIDs

Customs brokers and importers will benefit from a more targeted profiling and referral process in the ICS for consignments of imported food, particularly for goods subject to a Holding Order. The Department of Agriculture expects a reduction in the number of FIDs that are incorrectly referred, which will expedite the Department of Agriculture IFIS border clearance processes.

Reduced time for FID and documentation assessment

Less time will be required for the Department of Agriculture officers to compare the information lodged in the FID with the supporting documentation for the consignment. Customs brokers and importers will receive Food Control Certificates quicker and can deal with foods that are not required to be inspected or analysed.

Reduced time for inspection and sampling

The Department of Agriculture authorised officers will have more information about the goods prior to inspection and this will reduce the time required for physical inspection and collection of samples for analysis.

How will the new requirement be implemented in the ICS?

Step 1 – 20 May 2013

The Department of Agriculture issues Imported Food Notice 02/13 advising customs brokers and importers to be aware of a new requirement to declare the producer for all imported food, but the requirement will not be mandatory in the ICS.

Step 2 – 20 May 2013 – September 2013

The Department of Agriculture conducts regular reviews of FID data to identify customs brokers or importers that are not declaring the producer for all imported food declared in a FID. These customs brokers will be contacted by the Department of Agriculture and provided with information on the new requirement.

Step 3 – September 2013

The Department of Agriculture reviewed the current uptake and voluntary declaration of the producer for all lines in food FIDs. A decision was made to post pone the original date for mandating the declaration of the producer. Imported Food Notice 06/13 advises customs brokers and importers that

from 1 February 2014 the ICS will return an error message for FIDs that do not have a producer declared for each line of imported food.

Step 4 - 1 February 2014

The new requirement will be applied to all tariff codes used to declare imported foods. The ICS will return an error message for FIDs that do not have a producer declared for each line of imported food.

Attachment 2: Questions and Answers for customs brokers and importers

Will this increase the number of FIDs that are referred to the Imported Food Inspection Scheme for inspection, or inspection and analysis?

No. Imported foods will continue to be referred to the Imported Food Inspection Scheme at the rates specified in the *Imported Food Control Regulations 1993*. These rates of referral are 100% of risk foods, 100% of foods subject to a Holding Order and 5% of surveillance foods.

How will the Department of Agriculture assist industry through the implementation phase?

The Department of Agriculture will conduct weekly reviews of FID data to identify customs brokers or importers that are not aware of the requirement to declare the producer for imported food. These customs brokers will be contacted by the Department of Agriculture and provided with information on the new requirement. This approach will ensure that customs brokers and importers are aware of the new requirement before it is implemented in the ICS on 1 February 2014.

I lodge my FIDs using 3rd-party software, will I need a software upgrade?

No. The profile changes will be communicated to your 3rd-party software via the regular EDI reference file update process. Contact your 3rd-party software provider if you are unsure of where to declare the producer in a FID.

I lodge my FIDs using Customs Interactive, does the change affect me?

Yes. Organisations who use Customs Interactive (the web-based component of the ICS), or who use the services of a bureau will also need to declare the producer for all imported food. Contact Customs if you are unsure where to declare the producer when lodging a FID in Customs Interactive.

What happens if I lodge a FID using Customs Interactive after 1 February 2014 with no producer?

Customs Interactive will send a message to advise that producer details are required.

What happens if I lodge a FID using 3rd-party software after 1 February 2014 with no producer?

The FID will be rejected by the ICS and all information in the FID will need to be lodged again.

What happens if I declare the incorrect producer in a FID?

The FID may be incorrectly referred to the Department of Agriculture and will need to be assessed before the goods can be released. For risk category foods, the Department of Agriculture system will not apply the correct rate of inspection and the importer's goods may be subject to unnecessary inspection and analytical testing of samples.

What happens if at an inspection the producer on the labelling is found to be different to the producer in a FID?

Risk category foods - The Department of Agriculture officer will cease the inspection and advise the importer or agent that the producer must be amended in the FID. The FID must be amended before a reinspection of the goods can occur.

Holding Order foods (Foods referred under a Holding Order) - The Department of Agriculture officer will conduct a visual and label inspection and advise the importer or agent that the producer needs to be declared correctly in future FIDs.

Surveillance category foods - The Department of Agriculture officer will complete the inspection and advise the importer or agent that the producer needs to be declared correctly in future FIDs.

Attachment 3: Next steps and checklist for importers and customs brokers

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What do I need to do as an importer from 20 May 2013?

Importers should contact their overseas suppliers and ensure that the producer is clearly identified on the commercial documentation for each type of imported food in a consignment.

Importers are responsible for providing the customs broker with sufficient information to accurately declare the producer of the food being imported.

Importers should provide details of the producers they source imported food from and request their customs broker to ensure these producers are registered in the ICS.

Checklist for importers

- ✓ Provide your overseas suppliers with a copy of this Imported Food Notice
- ✓ Ensure that the producer is clearly identified on the commercial documentation
- ✓ Provide your customs broker with details of the producers of the foods you import
- ✓ Ensure that your customs broker registers your producers in the ICS
- ✓ Subscribe to receive e-mail updates from the Imported Food Program

What do I need to do as a customs broker from 20 May 2013?

Commence declaring the producer for all imported food that is declared in a FID.

Customs brokers should ensure that importers provide sufficient information to accurately declare the producer of all imported food.

Customs brokers should request their clients to provide details of the producers they source imported food from and ensure these producers are registered in the ICS.

Checklist for customs brokers

- ✓ Provide your clients that import food with a copy of this Imported Food Notice
- ✓ Request your clients to provide details of the producers of the foods they import
- ✓ Check to ensure that all of your client's producers are registered in the ICS
- ✓ Complete the Application to Add a Producer in the ICS form to register producers
- ✓ Subscribe to receive e-mail updates from the Imported Food Program

How to search for existing producers in the ICS

1. Go to the 'producer code function' in the ICS (ICS>Reference>AQIS Reference files>Producer Code)
2. Select the 'Name' combination as the search criteria.
3. Enter the complete name or the first few letters of that name with an asterisk (*) symbol at the end and hit 'search'. The ICS will display all producers containing the information used in the search criteria.

What if my producer is not registered in the ICS?

Complete the Application to Add a Producer in the ICS form and send to the Department of Agriculture for processing.

Attachment 4: Guidance on how to determine the producer of a food

What does the term 'producer' mean?

For the purposes of lodging a FID for imported food, the producer of an imported food is the commercial or individual's premises or area in the country of origin where the goods were grown, caught, manufactured or processed. The producer may also be referred to as the manufacturer, processor, packer or establishment.

How do I determine the producer of the food?

Generally, the producer will conduct the final processing or packaging of the food and their name and contact details will appear on the final bulk or retail packaging.

Is the producer the same as the exporter/supplier?

The producer of the food MAY be the same as the exporter/supplier. However, the producer is NOT a third party premises where finished food products are consolidated for export, such as a warehouse or freight forwarder.

What if my overseas supplier does not provide the details of the producer, for commercial or other reasons?

The overseas supplier should be registered as a producer in the ICS and declared as the producer.

Do I need to declare the producer of each ingredient in a processed food?

No. Where a food consists of ingredients from multiple sources, the producer that should be declared is the commercial or individual's premises that completed the processing of the finished food product.

How do I apply the principles above to different types of imported food?

Meat, seafood, seaweed, fruit, vegetables, eggs, nuts, seeds and coconut

Raw/unprocessed meat, seafood, seaweed, fruit, vegetables, eggs, nuts, seeds and coconut

The producer is the commercial or individual's premises where the goods are packed into the final bulk or retail packaging.

Example

Raw/unprocessed meat, seafood, seaweed, fruit, vegetables, eggs, nuts, seeds or coconut is packed into the final bulk or retail packaging at Premises A. Premises A should be declared as the producer and the name and contact details for Premises A can appear on the final bulk or retail packaging.

Processed meat, seafood, seaweed, fruit, vegetables, eggs, nuts, seeds and coconut products

The producer is the commercial or individual's premises where the goods were processed into the finished product and packed into the final bulk or retail packaging.

Example

Raw/unprocessed meat, seafood, seaweed, fruit, vegetables, eggs, nuts, seeds or coconut is sourced from Premises A and sent to Premises B for processing into finished products. Premises B should be declared as the producer and the name and contact details for Premises B can appear on the final bulk or retail packaging.

Cheese and curd

The producer is the premises where the goods receive the final processing and are packed into the final bulk or retail packaging. The name and contact details for the producer can appear on the final bulk or retail packaging.

Coffee, tea, herbs, spices, rice, cereals, flour, malt, sugar, cocoa, salt, oils etc

The producer is the premises where the goods receive the final processing and are packed into the final bulk or retail packaging. The name and contact details for the producer can appear on the final bulk or retail packaging.

Example

Coffee, tea, herbs, spices, rice, cereals, flour, malt, sugar, cocoa, salt, oils etc is sourced from one or more sources and packed into the final bulk or retail packaging at Premises A. Premises A should be declared as the producer and the name and contact details for Premises A can appear on the final bulk or retail packaging.

Processed foods and beverages including chocolate, confectionery, honey and alcohol

A processed food or beverage may consist of ingredients from multiple sources. The producer is the commercial or individual's premises where the goods were processed into a finished product and packed into the final bulk or retail packaging.

Example

Ingredients for a processed food or beverage are sourced from Premises A, Premises B and Premises C for processing into finished products by Premises D. Premises D should be declared as the producer and the name and contact details for Premises D can appear on the final bulk or retail packaging.

Gift hampers that contain multiple foods from multiple producers

The producer is the premises where the goods are packed into the final bulk or retail packaging.

Foods that are not specified above

The producer is the commercial or individual's premises where the goods were processed into a finished product and packed into the final bulk or retail packaging.