

General Technical Import Requirements Australia

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Pre-Embarkation

All shipments should have an International AirWaybill as well as a completed Commercial Invoice that covers each of the following: invoice terms (FOB, CIF, etc); currency (US dollars, AU dollars, etc); name and complete address of the consignor and consignee; complete description of the goods; country of origin of the goods; quantity of the goods, selling price of the goods to the buyer; labor costs incurred in packing the goods; value of the outside packages; amount of any royalties paid; amounts of any freight or insurance costs associated with the transport to Australia; any details that might affect the selling price such as discounts, rebates, compensation, etc. The customer is also responsible for securing any licenses and/or permits required for clearance of the goods as regulated by any other government agency(s).

All multiple piece shipments (MPS) require a commercial invoice detailing the contents of each individual package within the shipment.

There is no requirement for companies or individuals to hold an import license. However, depending on the nature of the commodity, and regardless of value, owners may need to obtain permits to facilitate clearance of goods.

Post-Embarkation

Shipping Documentation

All shipping documents must be presented to customs officials by the importer or their agent upon the entry of goods into Australia. The following documents are mandatory:

- Customs Entry or Informal Clearance Document (ICD)
- Air waybill (AWB) or bill of lading (BLAD).
- Commercial invoice
- Packing list
- Other documents relating to the importation and requested by the importer

Customs does not require the completion of a special form of invoice. Normal commercial invoices, bills of lading and receipts are acceptable. These documents should contain the following information:

- Invoice terms (e.g., FOB, CIF)
- Monetary unit referred to on invoice (e.g. AUD, US\$)
- Name and address of the seller of the goods (Consignor)
- Name and address of the buyer of the goods (Consignee)

- Complete description of the goods
- Name of the ship (or aircraft) on which the goods are to arrive in Australia
- Country of origin of the goods, including a declaration from the manufacturer where preferential rates of duty are being claimed
- Numbers of packages containing the goods and the marks and numbers on each package
- Quantity of the goods
- Selling price of the goods to the buyer of the goods
- Labor costs incurred in packing the goods into outside packages
- Value of outside packages
- Amount of royalties (if any) payable in respect of the goods
- Particulars of freight and insurance costs associated with the transport of the goods to Australia
- Particulars of all arrangements or undertakings that have, or might have, the effect of varying the selling price of the goods whether by way of discount, rebate, compensation or any other means

Importers are legally required to retain commercial documents relating to a transaction for five years from the date of entry. These documents might be required for Customs audit purposes. Failure to meet this requirement may incur a financial penalty.

Generally, all commercial imports require a formal entry to be lodged with the Australian Customs Service (ACS). This process can be undertaken either manually at a Customs office, or electronically through authorized access to ACS Commercial Systems (COMPILE). Entries may be lodged by importers or their customs agent. Importers are responsible for obtaining a formal customs clearance for goods above set value limits (currently \$250 for goods imported by sea and air cargo, and \$1,000 for goods imported through the postal system). Consignments valued at, or below, these amounts may be cleared through use of an approved Informal Clearance Document (ICD), available at Customs offices. Customs applies cost-recovery charges for the processing of entries. These costs depend on whether the entry is submitted as an electronic entry or as a documentary (manual) entry.

The Australian Customs Service has sole jurisdiction to clear imports. Local importers are responsible for obtaining formal Customs clearance for goods (<http://www.customs.gov.au/site/page4368.asp>).

Goods and Services Tax (GST), and/or additional charges: Customs duty rates vary and depend on a number of factors, such as type of goods and country of origin. Customs does not require companies or individuals to hold import licenses, but importers may need to obtain permits to clear the goods.

Further information on permits is contained in the import prohibitions and restrictions chapter of the useful "Customs Guide for Business," at: <http://www.customs.gov.au/site/page.cfm?u=4369> and <http://www.customs.gov.au/webdata/resources/files/busguide1.pdf>.

The minimum amount of documentation required for Customs clearance comprises a completed Customs Entry or Informal Clearance Document (ICD), an air waybill (AWB) or bill of lading (BLAD), as well as invoices and other documents relating to the importation. Customs does not require the completion of a special form of invoice. Normal commercial invoices, bills of lading, and receipts are acceptable. These documents should contain the following information:

- Invoice terms (e.g., FOB, CIF)
- Name and address of the seller of the goods (Consignor)
- Monetary unit referred to an invoice (e.g. AUD, USD)
- Country of origin

Import regulations and information on food law and policy in Australia can be obtained from the www.ausfoodnews.com.au website.

See the Australian Quarantine and Inspection Service (AQIS) import conditions (ICON) database to identify whether your product is prohibited for entry into Australia:
http://www.aqis.gov.au/icon32/asp/ex_querycontent.asp.

Imports: Food Safety and Hygiene

To ensure successful importation and to avoid any delays with your shipment, there are two requirements that imported food must meet. The first is **quarantine** and the second is **food safety**.

Quarantine Requirements

All food imported into Australia must comply with Australia's quarantine laws in the Quarantine Act 1908. Importers must ensure that the consignment has cleared quarantine before undertaking any examination of their food for the Imported Food Inspection Scheme (IFIS).

Australia has strict controls on certain food products that require fumigation, treatment, etc., which might need previous import permits, attestations or export certificates from the exporting country authorities.

ICON is AQIS's quarantine import conditions database. ICON can be used to determine if a commodity intended for import to Australia requires a quarantine permit and/or treatment, or if there are any other quarantine conditions.

Food Safety Requirements

Once all quarantine requirements have been addressed, food must also comply with Australia's imported food laws in the **Imported Food Control Act 1992**.

<http://www.comlaw.gov.au/Details/C2011C00220>

The applicable standards for food under the *Imported Food Control Act 1992* are set down in the **Australia New Zealand Food Standards Code**. All imported food must meet the requirements of the Australia New Zealand Food Standards Code in its entirety, ensuring imported food complies with Australia's requirements is the responsibility of the importer.

Food Standards Australia New Zealand publishes **User Guides** that assist importers to understand the requirements of the Australia New Zealand Food Standards Code. Labeling is where most imported food fails to meet requirements.

For detailed information on the labeling and compositional requirements for food it is suggested that importers seek the advice of a consultant food technologist or obtain legal advice to ensure that their product complies with the Australia New Zealand Food Standards Code. AQIS does not review labels or provide advice on labeling or compositional requirements.

AQIS monitors compliance with the Australia New Zealand Food Standards Code by means of the **Imported Food Inspection Scheme (IFIS)**. Testing that may be applied under the IFIS is published in **Imported Food Notices**. Refer to these notices for tests that are applied to specific foods. There may also be **Bovine Spongiform Encephalopathy (BSE)** requirements for any beef product that is imported. Refer to the **BSE Notices** for further information on BSE requirements.

Labeling and Marking Requirements

(For more details, see General labeling requirements section on the site)

In general, goods imported in the packages in which they are customarily sold or offered for sale need to be marked with a true description of the goods and the country in which the goods were made. The trade description needs to be applied to the packages in prominent and legible characters. Any additional information applied and/or labeled on the packages must be true and may not contradict or obscure the information required as part of the trade description.

The quantity of a commodity sold in a package must be truly stated on the main display panel of the package, in units of the metric system. The word "net" should always be used when expressing quantity in mass.

The joint Australia New Zealand Food Standards Code requires all packaged food to be labeled with nutritional information on how much fat, protein, energy, carbohydrates, and salt is in the product. Labels must also show the percentage of key ingredients and all of the main ingredients that may cause allergies.

Information on the Food Standards Code (and a nutritional panel example) can be viewed on the website of Food Standards Australia New Zealand (FSANZ), <http://www.foodstandards.gov.au/thecode/>.

U.S. exporters should ask their Australian importer to ensure that their products comply with Australian Federal and State Government labeling regulations before shipping any product.

Nutrition Claims

Where a nutrition claim is made, the Nutrition Information Panel must include seven mandatory nutrients: Energy, Protein, Fat, Saturated fat, Carbohydrate, Sugars, and Sodium. See <http://www.comlaw.gov.au/Details/F2011C00537>.

Permitted Health Claims

Unless specifically permitted in Standard 1.1A.2, Transitional and Temporary Standard for Health Claims, health claims in food labels and advertisements are currently **prohibited** in Australia. Standard 1.1A.2 implements a pilot trial for the management of health claims in relation to folate only. The provisions in Standard 1.1A.2 are still in place.

Words and Expressions

The use of certain words and expressions are restricted. Words such as polyunsaturated, 'pure', 'natural', 'organic', 'low alcohol', 'non-alcoholic', 'health', 'vitamin enriched,' etc. are restricted and guidance should be sought from the relevant product standard and from the ACCC guidelines.

Pictures and Designs

Manufacturers should ensure that their pictorial representations do not give a misleading overall impression about their products.

Prohibited and Restricted Imports

Australia has stringent prohibitions and quarantines against a number of products, particularly those considered to be of potential public danger and agricultural products that are considered to have the potential to introduce pests or disease (see section below).

Sanitary and Phytosanitary Restrictions Affecting Imports

Australia has very strict sanitary and phytosanitary restrictions affecting imports of fresh fruit and vegetables and imports of meat and poultry products. Under Australia's quarantine and inspection process, foreign-grown agricultural commodities must undergo an import risk analysis (IRA) process before they can enter the country. An IRA to determine how and if the risk can be managed can take an average of two years to complete. Australia's "acceptable level of protection" is considered extremely restrictive, making access to the Australian market often difficult, expensive, time-consuming, and in some cases, virtually impossible.

All produce should have an Australian import permit and a U.S. phytosanitary certificate. The import permit can be requested from the Department of Agriculture, Fisheries and Forestry Australia in Canberra, or from the appropriate State Departments of Agriculture, located in the respective state capitals. The permit may specify additional import requirements.

When applying for import permits, as much detail as possible should be provided as to where the product is grown and how it is processed, so that the appropriate advice on treatments can be given without having to request additional information from the U.S. exporter. All meat and poultry products must be accompanied by an Australian Import Permit and appropriate USDA Animal Health Certificate, and must originate from a plant approved for export to Australia.

The Australian Quarantine and Inspection Service (AQIS) maintains a detailed database on their website of import conditions for most agricultural products. Called ICON, the website is: http://www.aqis.gov.au/icon32/asp/ex_querycontent.asp. If a product is not listed in ICON it is highly likely that that product is not permitted entry to Australia at this time. AQIS also maintains a website which provides checklists of the information that is required to accompany permit applications to import biological products (this includes food products). The website is:

<http://www.daff.gov.au/aqis/import/biological/checklist>. Those websites are currently undergoing updates/reviews so it is important that exporters check the websites regularly to be sure to have the most up-to-date information. It is very important that Lebanese exporters rely on these websites only for general information regarding import regulations. Exporters must work with their Australian importer to ensure that ALL requirements are met. The import permit will set out the exact requirements for entry; this can differ markedly from country-to-country and from commodity-to-commodity and even from different regions within a country.

Additional information on Australian requirements for imported packaged food, requirements for animals and animal products, documents for public comment (including import risk analyses), fee schedules, on-line forms, WTO Sanitary & Phytosanitary notifications, etc. is also available on the AQIS website (<http://www.aqis.gov.au>). This information is updated regularly. Please note: In addition to quarantine requirements, all commercial consignments of imported food must comply with Australia's food laws including the **Imported Food Control Act 1992**. See: <http://www.comlaw.gov.au/Details/C2011C00220>.

The applicable food standards under the Imported Food Control Act 1992 are set down in the Australia New Zealand Food Standards Code at: <http://www.foodstandards.gov.au/foodstandards> developed by Food Standards Australia New Zealand. Please refer to the **AQIS Food** web page for further information.

Food Additives

(For more information, see Reg and stds: <http://www.comlaw.gov.au/Details/F2011C00892>)

A food additive may be used only where permitted by Standard 1.3.1 and only where it performs a technological function. These functions are listed in Schedule 5 of the standard. The following criteria

are guiding principles that FSANZ uses in assessing whether a food additive is listed in Standard 1.3.1 and therefore is permitted for use in foods, i.e. that:

- It poses no unacceptable risk to health when used in amounts up to the specified permitted limits
- There is a demonstrable need for the substance and it fulfills a technological function that benefits consumers
- It is used in any food only up to the level that achieves the technological function, even if higher levels might pose no threat to health

Food additives should always be used in accordance with Good Manufacturing Practice (GMP). Manufacturers are responsible for justifying the use of additives, and the level of additive used. The Codex Alimentarius Commissions Procedural Manual sets out the following relevant criteria for use in assessing compliance with GMP:

- The quantity of additive added to food shall be limited to the lowest possible level necessary to accomplish its desired effect
- The quantity of the additive that becomes a component of food as a result of its use in the manufacture, processing or packaging of a food and which is not intended to accomplish any physical, or other technical effect in the food itself, is reduced to the extent reasonably possible
- The additive is prepared and handled in the same way as a food ingredient

Specifications for food additives are listed in the schedules of Standard 1.3.1. Schedule 1 contains information on the permitted uses of food additives by food type; Schedule 2 contains miscellaneous additives permitted to GMP in processed foods specified in Schedule 1; Schedule 3 contains colors permitted to GMP in processed foods specified in Schedule 1; Schedule 4 contains colors permitted to specified levels in processed foods specified in Schedule 1; and, Schedule 5 contains technological functions which may be performed by food additives.

For the purposes of ingredient labeling, food additives are treated the same as other ingredients in a food. Schedule 1 of Standard 1.2.4 lists about twenty class names for additives based on their technical function. Schedule 2 of Standard 1.2.4 lists all permitted additives by their prescribed name and code number. An additive must be declared in the ingredient list in its correct place by using its appropriate class name (from Schedule 1), followed by the additive's specific name or code number (from Schedule 2). One exception to this rule is that enzymes need only be declared by the class name 'enzyme' and not by specifically declaring the name of the enzyme.

Where a food additive is capable of being classified in more than one class, the class name used must be the class name that best reflects the function of the additive in the food. A food additive that cannot be classified in one of the classes specified in Schedule 1 must be declared by using its prescribed name (from Schedule 2). Special note should be taken for additives that are genetically modified.

Pesticides and Other Contaminants

The Australian Pesticide & Veterinary Medicines Authority (APVMA)—www.apvma.gov.au—is the Australian government authority responsible for the assessment and registration of pesticides and veterinary medicines for use in Australia and for their regulation up to and including the point of retail sale and for establishing Maximum Residue Limits (MRLs) in food for those chemicals it registers. The APVMA administers the National Registration Scheme for Agricultural and Veterinary Chemicals (NRS) in partnership with the States and Territories and with the active involvement of other Australian government agencies.

MRLs for food in Australia are regulated by FSANZ. For chemicals not currently registered for use in Australia by AVPMA, FSANZ is able to set a MRL tolerance for food. For example, if a chemical is being used in agricultural production in other countries, FSANZ carries out their own research using information from CODEX and other sources and establishes a tolerance that is then listed in the Food Standards Code. All MRLs (those set by either APVMA or FSANZ) must be adopted into the Food Standards Code before they apply. If a MRL is not listed in the Food Standards Code, then the tolerance is zero.

Standard 1.4.2 <http://www.comlaw.gov.au/Series/F2008B00619> lists the maximum permissible limits for agricultural and veterinary chemical residues present in food. Schedule 1 lists all of the agricultural and veterinary chemical limits in particular foods. If a maximum residue limit for an agricultural or veterinary chemical in a food is not listed in Schedule 1, there must be no detectable residues of that agricultural or veterinary chemical in that food. Schedule 2 lists all extraneous agricultural chemical limits in particular foods. If an extraneous residue limit for an agricultural chemical in a food is not listed in Schedule 2, there must be no detectable residues of that agricultural chemical in that food. Schedule 3 groups certain agricultural or veterinary chemicals according to their chemical groups. Commodity and commodity groups that are referred to in this Standard are listed in Schedule 4. Schedule 4 also specifies the part of the commodity to which the maximum or extraneous residue limit refers.

Maximum residue limits are constantly being reviewed and updated. As noted above, Australia has its own system of setting MRLs. It should also be noted that Australia does not automatically default to CODEX MRLs if a tolerance is not listed in the Food Standards Code.

Foods Requiring Pre-Market Clearance

Novel Foods

(See standard 1.5.1 <http://www.comlaw.gov.au/Details/F2011C00564>)

This Standard regulates the sale of novel food and novel food ingredients. This Standard prohibits the sale of these foods unless they are listed in the Table to Clause 2 of the Standard, and comply with any special conditions of use in that Table. The specific permission may impose conditions relating to matters such as the need for preparation or cooking instructions, warning statements or other advice, or the need to meet specific requirements of composition or purity.

Genetically Modified Foods (Standard 1.5.2)

Division 1 of this Standard addresses health and safety requirements, regulating the sale of food produced using gene technology, other than additives and processing aids. The Standard prohibits the sale and use of these foods unless they are included in the Table to Clause 2 and comply with any special conditions in that Table.

Food Irradiation (Standard 1.5.3)

This Standard prohibits the irradiation of food, or ingredients or components of food, unless a specific permission is given. The specific permission may impose conditions relating to matters such as dose, packaging materials, approved premises or facilities.

Even where this Standard permits irradiation, food should only be processed by irradiation where such processing fulfils a technological need or is necessary for a purpose associated with food safety. Food should not be processed by irradiation as a substituted procedure for good manufacturing practices.

The absorbed radiation dose applied for the purpose of irradiating food should be the minimum that is reasonably commensurate with the technological and public health purposes to be achieved. It should also be in accordance with good radiation processing practice.

Organic Certification

Australia has been proactive on organic certification. The country has had national standards for organic and biodynamic products since 1992. It is also one of the countries approved to export organic food products to the European Union.

However, the term organic has been used a bit freely for both domestic and imported products that are not certified organic. This may have created some ambivalence towards the term organic but it has strengthened the importance of the certification logo. To export Organic Products to Australia it is recommended to be certified by a NOP (National Organic Program) approved certifier.

The importer should be certified by an Australian Certification body accredited by AQIS. As part of this certification, the importer will need to remain informed on any new requirements of their certifier and AQIS regarding imported organic food products.

Labeling and Marking

(FSANZ) <http://www.foodstandards.gov.au/foodstandards/> has responsibility for the administration of the Australia New Zealand Food Standards Code (ANZFSC), which is subject to frequent amendment. The labeling requirements stated below are subject to change, so the ANZFSC should be consulted for definitive information on current food labeling requirements. The most up-to-date version of the ANZFSC is available on the FSANZ website at: <http://www.foodstandards.gov.au/foodstandards/foodstandardscode/>

FSANZ has also developed 'User Guides' for various parts of the ANZFSC to assist with interpretation and provide examples. Where a User Guide is available for a standard, a link has been provided from this report. The User Guides, unlike the ANZFSC itself, are not legally binding. If in any doubt about interpreting the standards, you should seek independent legal advice.

Storage Requirements

Manufacturers must include storage information where specific storage conditions are required in order for the product to remain safe until its 'Use-by' date. Any products that must be kept at low temperature must be clearly indicated.

Australia is a signatory to the GATT/WTO Standards Code. Use of quality standards, such as the ISO 9000 series, is common and increasing. Standards Australia, the national standards body, has a Quality Assessment division and can provide a list of companies adhering to the ISO 9000 series.

Australia still has in place various standards that can affect product entry, and while these may require product modifications, they are not insurmountable obstacles to U.S. companies.

Standards Australia, a non-profit organization, is Australia's leading standards development organization. While not a government agency, through a Memorandum of Understanding with the Commonwealth Government, Standards Australia is recognized as the leading, non-government, standards development body in Australia. In partnership with SAI Global Ltd., an information services company, it delivers standards and related products to industry.

Imported consumer products, such as food products, must comply with state government packaging regulations. Australian states agree that any non-farm product, including imports, meeting the legal requirements of one state, may be sold in all other states and territories. State agricultural quarantines prohibit interstate trade of some items.

American exporters of food products to Australia will find their product falling under the Australia New Zealand Food Standards Code (<http://www.foodstandards.gov.au/>). Food Standards Australia New Zealand (FSANZ) developed the code's standards. This is a bi-national independent statutory authority that develops food standards for composition, labeling and contaminants, including microbiological limits, that apply to all foods produced or imported for sale in Australia and New Zealand. In Australia, FSANZ develops standards to cover the entire supply chain for food, from primary producers through manufacturing and processing to delivery and point of sale.

Australian Quarantine and Inspection Service (AQIS) is responsible for enforcing the Standards Code for imported foods.

Both Standards Australia (<http://www.standards.org.au/>) and the National Institute of Standards and Technology (NIST), (<http://www.nist.gov/>) have current information on Australian standards.

Useful Links

<http://www.foodstandards.gov.au/>

ICON Data base - Import Conditions - DAFF

<http://www.daff.gov.au/aqis/import/icon-icd>