

MAF Biosecurity New Zealand Import Health Standard – Sea Containers

Changes implemented on 1 March 2010

Frequently Asked Questions

1. Why is MAF Biosecurity New Zealand (MAFBNZ) changing their requirements for importing sea containers into New Zealand?

MAFBNZ reviews import health standards periodically to ensure these continue to meet our biosecurity requirements at the border. The changes, which come into effect on 1 March this year, will ensure the current import health standard is feasible and fair and will ensure the effective and efficient management of biosecurity pests and contamination associated with the increasing number of sea containers crossing our border.

2. Where can I find out more about these changes?

The MAFBNZ website contains the new Import Health Standard for sea containers; the associated Guidance Document as well as a fact sheet which contains more detail around the changes; <http://www.biosecurity.govt.nz/imports/non-organic/standards/seaco.htm>

3. When will the new changes take effect?

The new standard was formally introduced on 1 October 2009. However, the majority of the standard will be fully implemented from 1 March 2010. The new '12 hour rule, for submission of import container information, introduced in the standard, will be phased in to avoid disruption to the supply chain.

4. How will the changes affect importers?

Importers, Customs Brokers and Freight Forwarders need to be aware of the impact the three major changes in the new Import Health Standard will have on the way they work. The changes are related to quarantine declaration compliance, the timing of submission of container and cargo information and transshipment requirements. These are explained in more detail below.

5. What is the '12 hour rule' for submission of container information?

Imported sea container information must be received by MAFBNZ at least 12 hours prior to vessel arrival. This lodgement of information is currently undertaken via New Zealand Customs Service import entries for full containers - this information is also used by MAFBNZ. FAK and LCL container information must still be submitted via MAFBNZ application.

6. What does the phased implementation of the '12 hour container information rule' mean?

MAFBNZ are seeking high levels of voluntary industry compliance with the 12 hour rule through March 2010. Levels of voluntary compliance with the 12 hour rule will be reviewed by MAFBNZ after 31 March 2010 before a decision is made on the next steps to deal with any non compliance.

7. What happens if I do not comply?

You will need to apply to MAFBNZ for a BACC to allow your container to be moved (refer to question 11 also). Failure to comply with the new rules may mean delays in the release of containers and/or additional compliance costs from MAFBNZ and container demurrage and move

costs from Port companies where Quarantine Declarations, associated with sea containers, are absent or erroneous.

8. How will MAFBNZ apply the 12 hour rule to vessel arrival?

MAFBNZ have defined vessel arrival as the best known vessel estimated time of arrival (ETA) at the port of discharge i.e. if a port are informed a vessel is due to berth at 3pm on the 12th and no changes are made to the ETA prior to 3pm on 12th, MAF will apply the 12 hour rule as 3am 12th (i.e. 12 hours prior). Any changes made to an ETA after 3pm 12th will be ignored for the purposes of applying the 12 hour rule (as all import entries should have already been lodged using the best known ETA). MAFBNZ will use the vessel ETA shown on the port of discharge website.

9. If containers are transhipping from the first port of discharge to another New Zealand port, which discharge port should I list in my import entry?

The first port of discharge should be listed in the import entry whereby containers are transhipping. (This is also a New Zealand Customs requirement). The 12 hour rule will apply from the first discharge port.

10. If a vessel calls at several New Zealand ports, to discharge containers, will the 12 hour rule apply to all containers on board the vessel at the first New Zealand port of call?

The 12 hour rule at the first port of call will only apply to those containers being discharged at the first port. If containers are not being discharged until the second or third port, the 12 hours will be prior to vessel ETA at those ports.

11. If containers do not comply with the 12 hour rule will these be classed as of 'High Regulatory' interest requiring a MAF inspection?

Importers who have not met the 12 hour rule will not require a MAF container inspection unless subject to an existing MAFBNZ container risk profile (e.g. from a high risk country or with cargo of MAFBNZ interest).

During the period of voluntary compliance to the 12 hour rule (at this stage March 2010) MAFBNZ will not require Importers/Customs Brokers to apply for an additional MAFBNZ clearance where importers have not complied with the 12 hour rule.

When the voluntary compliance period concludes MAFBNZ will ask that port authorities automatically apply a 'stop' to containers that have not met the 12 hour rule.

Customs Brokers will then be required to apply to MAFBNZ (through current process) for a MAFBNZ clearance to release the stop. MAFBNZ will further contact industry to confirm any such arrangements in April 2010.

It is essential that Custom Brokers check port container tracking systems to ensure that container stops have been released prior to arranging container transport.

12. What will MAFBNZ charge?

The standard MAFBNZ hourly rate will apply to additional administrative functions associated with the generation of MAFBNZ clearances for containers that have not met the 12 hour information submission rule. These will come into effect when the voluntary compliance period concludes.

The standard MAFBNZ hourly rate will apply to any inspections of containers where an erroneous quarantine declaration or no quarantine declaration has been presented.

13. What instruction has MAF given to all ports in relation to releasing containers?

MAFBNZ has asked that ports better control the movement of transshipping containers. Ports will (and currently are) required to send an inter-port notification (messaging) of any transshipping containers that have not received a MAFBNZ/Customs clearance, and hold these at the subsequent port of discharge. Evidence of MAFBNZ clearance would then need to be presented at the subsequent discharge port before container release is given (a BACC or Customs Delivery Order).

When the voluntary compliance period concludes MAFBNZ will ask that port authorities automatically apply a 'stop' to containers that have not met the 12 hour rule.

Customs Brokers will then be required to apply to MAFBNZ (through current process) for a MAFBNZ clearance to release the stop. MAFBNZ will further contact industry to confirm any such arrangements in April 2010.

14. Can containers that are transshipping from one New Zealand port to another move without an import entry having been lodged if their 'dwell time' on the first port is 12 hours or less?

A window of 12 hours has been allowed for in the import health standard for sea containers at the request of industry to facilitate movement of containers through the supply chain. If compliance with the '12 hour rule', for container information submission, is met then any transshipping containers should move without restrictions (i.e. the container dwell times become irrelevant). If containers are to be transshipped where their dwell times exceed 12 hours, they will be held at the first discharge port when an import entry has not been received.

15. How is MAF recognising or capturing information on high risk countries as part of this process?

MAFBNZ uses Customs import entries and inspection results to apply profiles to certain fields of interest i.e. country of origin. Customs Brokers have a legal requirement to submit accurate container and cargo information, and MAFBNZ regularly audits this process. Customs Brokers should have information on the origin (stuffing point) of containers and MAFBNZ also apply profiles to this data field to capture containers hubbing through multiple overseas ports.

16. Is there still a practice at some ports whereby a specific number of import containers from different load ports are stopped and held for MAFBNZ door inspections?

MAFBNZ no longer require the generic door inspection of imported Full container load (FCL) sea containers. However, from time to time there may be unique circumstances that necessitate the need for a door inspection to be undertaken at a port i.e. one off imports of oversized cargo etc.

17. Are flat rack and open top containers stopped for MAFBNZ inspection on discharge?

MAFBNZ ceased wharf inspections of such specific container types in late 2009.

ENDS