Ministry for Primary Industries
Manatū Ahu Matua

Import Health Standard

Sea Containers from All Countries

SEACO

19 August 2022

Issued under the Biosecurity Act 1993

New Zealand Government

TITLE

Import Health Standard: Sea Containers from All Countries

COMMENCEMENT

This consolidated Import Health Standard comes into force on 19 August 2022.

This Import Health Standard amends the import health standard: *Sea Containers from All Countries*, which came into force on 31 August 2020, and consolidates all amendments up to the commencement of this standard.

The amendment history to this Import Health Standard is set out in "Schedule 1: Document History".

ISSUING AUTHORITY

This Import Health Standard is issued under section 24A of the Biosecurity Act 1993 and incorporates amendments made in accordance with section 24B(1)(a) of that Act.

Dated at Wellington, 19 August 2022

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Introduction

This introduction is not part of this Import Health Standard (IHS) but is intended to indicate its general effect.

Purpose

This Standard specifies the minimum requirements that must be met when sea containers are imported into New Zealand to manage the biosecurity risks associated with them.

Background

The Biosecurity Act 1993 (the Act) provides the legal basis for excluding, eradication and effectively managing pests and unwanted organisms.

Import health standards issued under the Act set out requirements to be met to effectively manage biosecurity risks associated with importing goods. They include requirements that must be met in the exporting country, during transit, and before biosecurity clearance can be given.

Who should read this Import Health Standard?

All importers and exporters of sea containers entering New Zealand (from any country) should be familiar with this Standard.

Why is this important?

It is the importer's responsibility to ensure the requirements of this Standard are met. Consignments that do not comply with the requirements of this IHS may not be cleared for entry into New Zealand, and/or MPI may seek further information from importers. Consignments that do not comply with the requirements of this Standard may be reshipped or destroyed under the Act or tested/treated in accordance with MPI Standards before being released or equivalence determined. Importers are liable for all associated expenses.

The costs to MPI in performing functions relating to the importation of sea containers will be recovered in accordance with the Act and any regulations made under the Act. All costs involved with documentation, transport, storage and obtaining a biosecurity clearance must be covered by the importer or agent.

Equivalence

A chief technical officer (CTO) may issue a direction under section 27(1)(d) of the Act that measures different from those set out in this Standard may be applied to effectively manage risks associated with the importation of these goods.

Document history

Refer to Schedule 1.

Other information

This is not an exhaustive list of compliance requirements, and it is the importer's responsibility to be familiar with and comply with all New Zealand laws.

Guidance

Guidance boxes are included in this Standard for explanatory purposes. The guidance included in these boxes is for information only and has no legal effect. For more guidance, see the MPI sea containers webpage. Contact MPI at standards@mpi.govt.nz if you are unsure about any part of this Standard before you undertake activities relating to the importation of sea containers.

Cargo

Cargo within sea containers must be managed in accordance with the Act and any relevant import health standards. See MPI's website for the relevant import health standard https://www.mpi.govt.nz/import/.

Wood packaging

All wood packaging must be managed in accordance with the import health standard *Wood Packaging Material from All Countries*.

Non-compliance

A sea container that does not meet the requirements of this Standard will not be given biosecurity clearance under the Act. The sea container will be directed by an inspector under section 122 of the Act for further action as considered appropriate to manage the biosecurity risks. MPI may also deny the unloading of sea containers from arriving vessels if MPI considers the risk too great to allow discharge. Deliberate non-compliance with the requirements of this Standard, or negligence leading to non-compliance, will lead to increased intervention regimes (e.g., inspection or audit) or prosecution of liable parties under the Act.

Costs

Inspections and other functions undertaken by MPI pertaining to importing sea containers will be charged for as per the current Biosecurity (Costs) Regulations.

Movement of sea containers

(1) In accordance with the Act, sea containers can only be:

- a) discharged from a vessel at the port of first arrival (port of discharge); and
- b) moved to or between transitional facilities or biosecurity control areas when authorised by an inspector to do so.

(2) All sea containers are required to be moved from the port of discharge in New Zealand to and between transitional facilities in accordance with:

- a) the authorisation by an inspector; and
- b) any appropriate operational procedures of the receiving approved transitional facility; and
- c) the requirements of any relevant import health standard for the cargo.

Part 1: General Requirements

1.1 Application

(1) This Import Health Standard applies to all sea containers that are imported into New Zealand from all countries.

1.2 Incorporation by reference

(1) The following documents are incorporated by reference under section 142M of the Biosecurity Act 1993:

a) *Approved Biosecurity Treatments*;
b) *International Standard for Phytosanitary Measures 23: Guidelines for Inspection* (ISPM 23), International Plant Protection Convention.

(2) Under section 142O(3) of the Biosecurity Act, it is declared that section 142O(1) does not apply, that is, a notice under section 142O(2) of the Biosecurity Act is not required to be published before material that amends or replaces any material incorporated by reference has legal effect as part of those documents.

1.3 Definitions

(1) Terms used in this Standard that are defined in the Act have the meanings set out in the Act unless a different meaning is given in Schedule 2. The Act is available at: https://www.legislation.govt.nz/act/public/1993/0095/latest/whole.html.

(2) Definitions of terms used in this Standard are set out in Schedule 2 of this document.

1.4 General biosecurity requirements

(1) All sea containers imported into New Zealand for biosecurity clearance must:

a) be clean and free of regulated pests and biosecurity contamination on arrival;
b) meet the documentation requirements in Part 2;
c) for containers arriving from Italy, meet the requirements in Part 3;
d) remain sealed until an inspector gives permission for the sea container to be unpacked at a transitional facility; and
e) be inspected and checked at a transitional facility by legally approved persons under the Act (for example, MPI inspectors or accredited persons).

(2) All sea containers that arrive in New Zealand for any period, before being transshipped to another country without requiring biosecurity clearance, must

a) be clean and free of biosecurity contaminants and regulated pests on arrival in New Zealand; and
b) for containers arriving from Italy, meet the requirements in Part 3.

Part 2: Required documentation

(1) Importers must send the following documented information for all sea containers to MPI. MPI must receive the information at least 12 hours before the sea container (and cargo) arrives in New Zealand.

a) sea container number;
b) sea container type;
c) country of origin;
d) port of loading;
e) port of discharge;
f) importer details;
g) exporter details;
h) intended transitional facility;
i) sea container quarantine declaration;
j) complete and accurate description of the cargo or tariff code, including all packaging;
k) treatment certificate (where applicable);
l) evidence of sealing (where applicable), where evidence is the seal number and date-stamped photographs of the seal.

2.1 Treatment certificates

(1) All treatment certificates, if required by Part 3 of this Standard, must include all the following:

a) treatment provider's letterhead including name and physical address;
b) certificate and registration number;
c) description of the consignment—including quantity of containers and items;
d) name and address of exporter;
e) name and address of importer;
f) date upon which treatment was completed;
g) signature of the treatment provider;
h) address where the treatment occurred;
i) treatment details specified in *Approved Biosecurity Treatments*, including the type of treatment and products (where applicable) used, achieved treatment rate, exposure time period, end point readings (where applicable), etc.;
j) a declaration that the treatment provider has met all the requirements specified in *Approved Biosecurity Treatments*.

2.2 Sea container quarantine declarations

(1) All sea containers imported into New Zealand must be accompanied by a sea container quarantine declaration.

(2) All declarations must be made in accordance with Schedule 4 of this Standard.

Part 3: Sea containers from Italy

Guidance
Any vehicles, machinery and parts exported from Italy in a sea container are captured by the brown marmorated stink bug (BMSB) requirements in the import health standard *Vehicles, Machinery and Parts*, which are equivalent to the BMSB requirements of this standard.

Vehicles, machinery, and parts that have been treated or managed using a system for BMSB under the standard *Vehicles, Machinery and Parts* and are packed into FAK containers will be considered treated cargo under this standard.

3.1 All Italian sea containers (other than transshipped)

(1) All sea containers and their cargo that depart from Italy on or after 1 September and arrive in New Zealand on or before 30 April of any year must meet the requirements of clauses 3.1(2), (3), and (4).

Treatment

(2) Sea containers must be treated before arrival in New Zealand for brown marmorated stink bug (BMSB):

a) in accordance with MPI's *Approved Biosecurity Treatments*; and
b) by an MPI-approved offshore treatment provider; and
c) be accompanied by a treatment certificate (clause 2.1.1).

(3) Sea containers must only be packed with cargo that has been treated for BMSB in accordance with MPI's *Approved Biosecurity Treatments* by an MPI-approved offshore treatment provider and be accompanied by a treatment certificate (clause 2.1.1)

(4) Following treatment or inspection, containers must meet one of the following requirements:

a) **Fully enclosed sea containers** must be sealed within 24 hours of treatment and remain sealed;
b) **Non-fully enclosed sea containers** must be kept segregated from untreated goods or other sources of possible BMSB contamination until export and must be exported from Italy within 120 hours of treatment.

Inspection

(5) Sea containers may be inspected by an MPI inspector instead of offshore treatment if:

a) the importer has notified MPI before the sea container arrives in New Zealand that the container contains cargo that is sensitive under Schedule 3 and would be damaged by the treatments for BMSB specified in *Approved Biosecurity Treatments*; and
b) a chief technical officer has determined that treatment may damage the cargo.

Sealed sea containers

(6) Fully enclosed sea containers (six-sided metal sea containers) that are sealed for export before 1 September of any year must:

a) be accompanied with evidence of the sealing; and
b) be exported from Italy before 1 October of the same year.

3.2 All sea containers transshipped through Italy

(1) Fully enclosed sea containers originating from a country other than Italy, and transshipped through an Italian port, must remain unopened during the transshipment period in Italy.

(2) Non-fully enclosed sea containers originating from a country other than Italy, and transshipped through an Italian port, must:

a) be transshipped through an Italian port for no longer than 120 hours; and
b) remain segregated from untreated cargo or other possible sources of BMSB during this period.

(3) If requirements (1) or (2) are not met, the container and the non-sensitive goods must be treated before arrival in New Zealand in accordance with clause 3.1(2) as above.

Guidance

Note 1: To prevent live BMSB contaminating a sea container, MPI recommends that all sea containers are treated once they are fully packed. If an FAK container contains cargo that is sensitive or would be damaged by approved treatments, the container should be packed with the non-sensitive cargo and then treated. Within 24 hours of treatment, the sensitive cargo should then be packed, the sea container should be sealed, and then it should remain sealed until it is exported from Italy.

Note 2: If the sea container and cargo are treated separately (including FAK), the treated sea container should be packed with both treated and sensitive cargo. The container should be sealed within 24 hours of treatment of the container and the non-sensitive cargo, and it should remain sealed until it is exported from Italy.

Note 3: Non-fully sealed containers can be segregated by closing/covering the open parts or sides of the container, physical distance, or physical protection (nets).

Note 4: MPI inspectors may verify the sea container on arrival.

Note 5: If MPI inspectors find biosecurity contamination in sensitive cargo, MPI may require these goods to be treated, reshipped, or destroyed. All agreed treatments are at the risk of the importer.

Note 6: It is unlikely that untreated sea containers or treated sea containers with untreated non-sensitive cargo from Italy will be permitted to be discharged in New Zealand.

Note 7: Providing the seal number and date-stamped photographs of sealing is enough evidence to meet clause 3.1(4)a) i).

Schedule 1 – Document history

Version date	Section changed	Change description
28/08/2018	Section 2.2 and addition of section 2.3	Removal of CTOD from sec. 2.2 and the addition of the urgent amendment for Italian sea containers in sec. 2.3
17/10/2018	Throughout	Revision of grammatical errors and clarification of ambiguities
30/06/2019	Revised section 2.1	2.1k) – Expansion of requirements for treatment certification (removed from Schedule 1 - Definitions)
	Revised section 2.3	Revised to provide more clarity and guidance (in two guidance boxes) Requirements now specified as two options (A for treatment of sea containers and B for sea containers holding sensitive risk goods)
	Revised section 3.1	New sec. 2.3.1 – Sea containers transshipped through Italy Sec. 3.1(1): The second sentence has been removed to help clarify the intent of the standard and not specify how MPI inspectors must conduct verification of MPI requirements.
31/08/2020	All sections	Rewording of all sections Removal of Part 3 Extension of the timeframes from BMSB requirements
19/08/2022	All sections	Layout revised Minor updates
	Section 1.4	Transshipping requirements included Requirements expanded for clearer communication
	Section 3	Removal of expiration date of BMSB requirements
	Schedule 3	Sensitive goods list included

Schedule 2 – Definitions

Terms used in this Standard that are defined in the Act have the meanings set out there. The following specific definitions also apply and are defined for the purposes of this Standard as follows:

biosecurity contaminant

Any organic material, thing, or substance that (because of its nature, origin, or other relevant factor) may contain a regulated pest (or parts thereof). Therefore, that organic material/thing/substance is not intended for biosecurity clearance under the Act.

brown marmorated stink bug (BMSB)

Halyomorpha halys

check

A visual examination by an accredited person to detect the presence of biosecurity pests and contamination. Such a check is to be carried out during the routine handling and movement of sea containers and as per the Accredited Persons training.

freight of all kinds (FAK)

A sea container which includes individual consignments of different types of goods for multiple importers. A less-than-container-load (LCL) consignment is part of the contents of a FAK container

fully enclosed container

Six-sided metal sea containers

inspection

An inspection by an MPI Inspector to detect the presence of biosecurity contaminants and regulated pests, in accordance with the Act and ISPM 23

non-fully enclosed containers

Includes flat rack, open sided/topped, hard and soft topped sea containers

regulated pest

Any organism (of plant or animal origin) that may cause unwanted harm to natural and physical resources or human health in New Zealand; or may interfere with the diagnosis, management, or treatment, in New Zealand, of pests or unwanted organisms

sea container quarantine declaration

An official declaration made in writing by an exporter or packer (as referred to in clause 2.2 of this Standard), that provides information to MPI information relating to cleanliness, restricted packing materials and wood packaging

seal

A sealing device that prevents the container doors from being opened and has a unique identification number

sealing

The closing of container doors ensuring that the doors' rubber seals (if applicable) are intact, and goods are protected from the outside environment

Schedule 3 – Sensitive goods

Under section 3.1.5, an MPI inspector may inspect sea containers and cargo instead of (fumigation or heat) treatment where:

a) the importer has notified MPI that the sea container contains cargo that is sensitive and would be damaged by the treatments for brown marmorated stink bug (BMSB) specified in Approved Biosecurity Treatments; and
b) an MPI chief technical officer has determined that treatment may damage the cargo.

Sensitive risk goods
Risk goods that are sensitive to treatment are:

- agricultural compounds and veterinary medicines;
- food for human consumption (including beverages);
- food-grade packaging materials (such as thermal plastic film);
- fresh produce;
- frozen food products;
- live animals;
- leather goods (apparel and furniture)
- pet food;
- pharmaceutical products;
- polyurethane bales and foam products;
- refrigerated goods;
- seed for sowing;
- special category risk goods (chemical, explosive, mineral, radioactive or volatile);
- tanktainers; and
- textiles (including yarn).

Guidance

Sensitive textiles include clothing, fabric, other natural products such as finished furs, finished hides, processed leather, rayon, silk, and yarn/wool; and other textiles for making furniture that are sensitive to the treatment required for brown marmorated stink bugs (BMSB). 'Sensitive' can also apply to raw unfinished products and unfinished furniture. 'Sensitive' does not apply to other industrial application products that do not meet the description of sensitive textiles.

Note 1: In an importer's application to MPI for biosecurity clearance, importers must notify MPI in writing that the cargo is sensitive to treatment so that an appropriate MPI intervention can be arranged. If the importer does not notify MPI that the sea container's cargo is sensitive, biosecurity clearance could be delayed, the sea container may have to be reshipped or the cargo may have to be destroyed.

Note 2: A sea container or risk goods that do not meet the requirements of an import health standard will not be given biosecurity clearance under the Act. An MPI inspector will direct non-compliant risk goods for further action to manage the biosecurity risks as per section 122 of the Act.

If you plan to import goods that may qualify as sensitive but are not listed here, please contact Standards@mpi.govt.nz for a CTO determination on sensitivity.

Schedule 4 – Sea container quarantine declaration

All sea container quarantine declarations must be produced on a company letterhead or stamped with company details and have the following box (to download a Word version, click here):

SEA CONTAINER QUARANTINE DECLARATION FOR NEW ZEALAND **Cleanliness, Restricted Packaging and Wood Packaging Declaration**	
Container Number(s) **Vessel Name:** **Voyage Number(s):**	
1. **Cleanliness:** At the time of packing, was the container(s) inspected internally and externally, and found to be clean and free from contamination with animal material, live organisms, plant material, soil and water?	**Yes** or **No** (delete option not applying)
2. **Restricted Packaging Materials:** Has any chaff, hay, moss, soil, peat, straw, used sacking material, used tyres, or any packing material contaminated with the above been used within the container/s listed above?	**Yes** or **No** (delete option not applying)
3. **Wood Packaging:** Has any wood packaging been used within the container/s such as cases, crates, pallets or wood, used to separate, brace, protect or secure the cargo?	**Yes** or **No** (delete option not applying)
3a. If the answer to Question 3 is "**Yes**", has the wood been ISPM-15 treated/marked or is the packaging made from material exempt from these requirements (such as Plywood or Medium Density Fibreboard)? **Note: Certification is not required for ISPM-15 treated/marked wood packaging.**	**Yes** or **No** (delete option not applying)
3b. If the answer to Question 3a is "**No**", has the wood been treated in another way and certified as per the Import Health Standard? If the wood was treated, how was this done? If a treatment certificate was provided, it must be attached to this form.	**Yes**, **No** or **Not Applicable** (delete option not applying)
4. **Date Container is Sealed (where applicable)**	
Important Guidance Information for Containers that Require Treatment Containers that require treatment, either for the contents or the container itself, should be packed with sufficient space for the appropriate treatment to be effective and compliant, please contact your Treatment Provider to discuss packing requirements for the treatments.	
I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT Signed: Name and Position in Company: Address: Date:	
Note: Failure to supply this information, or supplying erroneous information, may result biosecurity clearance being delayed; is likely to result in increased costs during MPI management processes in New Zealand.	