

INFORMATION NOTE

Health Regulations for the Import of Food in Japan and the Export of Food in Australia

1. Introduction

1.1 This information note aims to provide information on the health regulations for imported food in Japan and the health regulations for the export of seafood, dairy produce and meat products in Australia.

2. Japan - Regulations and Procedures for the Importation of Food

Background

2.1 Japan's domestic production supplies 40% of the country's food consumption, based on calories supplied. The remaining 60% is imported from other countries. The safety of imported food is an important priority for the Japanese government and a strict regulatory framework is in place to safeguard the health of the nationals.

Regulatory Body

2.2 The Ministry of Health, Labor and Welfare (MHLW) is the authority responsible for food hygiene policies and procedures in Japan. Within the Ministry, the Policy Planning Division of the Department of Food Sanitation under the Pharmaceutical and Medical Safety Bureau is responsible for the enforcement of related laws and regulations.

Governing Laws

Food Sanitation Law

2.3 The main legislation governing the safety of imported food is the Food Sanitation Law. The objective of this law is to protect the public from health hazards caused by the consumption of food or drink, including imported food, and thereby contribute to the improvement and promotion of public health. At present, both imported food and domestically produced food products are subject to the same governing law and health and hygiene standards.

Law Concerning Standardization and Proper Labelling of Agricultural and Forestry Products (JAS Law)

2.4 This law regulates food labelling standards to ensure that food labels are easy to understand and distinct to read. It requires food labels to be placed at a readily visible location on the packaging and specifies the format of labels such as information layout dimension, size and colour of fonts and frames. It stipulates the inclusion of the following items in food labels:

- (a) Name of product;
- (b) Names of raw materials or ingredients;
- (c) Food additives;
- (d) Volume (net weight);
- (e) "Best before" date;
- (f) Preservation method;
- (g) Country of origin; and
- (h) Manufacturer's name and address.

Import Procedures for General Food Products

2.5 To ensure the safety of imported food, MHLW has introduced a series of measures to establish standards concerning food and additives. Importers are required to adhere to the following procedures on food importation:

- (a) Before the shipment of cargo to Japan, importers are required to fill in a "Notification Form for Importation of Food" (Import Notification) providing information on materials, ingredients and the manufacturing method of the imported food.
- (b) After the cargo has arrived at the destination, importers are obliged to submit the Import Notification to the quarantine station of MHLW which is responsible for managing the port where the cargo is temporarily stored. No imported food can be sold without an Import Notification.
- (c) At the quarantine station, food sanitation inspectors carry out document examination and cargo inspection to check whether the imported food complies with the Food Sanitation Law. The following checklist is used to validate the Import Notification:
 - (i) Whether the imported food complies with manufacturing standards stipulated under the Food Sanitation Law;

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- (ii) Whether the use of additives complies with the standards stipulated under the Food Sanitation Law;
 - (iii) Whether poisonous or hazardous substance is contained; and
 - (iv) Whether the manufacturer or the place of manufacturing has a record of sanitation problems in the past.
- (d) For "first time" imports or imports that have a history of incompliance with the Food Sanitation Law, samples may be sent to a designated inspection laboratory for a more detailed and thorough inspection.
- (e) If, during the document examination and cargo inspection stage, the cargo is found to be in compliance with the law, a "Certificate of Notification" will be issued to the importer. The imported food will be cleared through customs and ready for domestic distribution.
- (f) If, during the document examination and cargo inspection stage, the cargo is determined to have violated the Food Sanitation Law, the cargo will either be disposed of or returned to its place of origin.

Import Laws and Procedures for Seafood

2.6 Apart from MHLW, the importation of seafood is also regulated by:

- (a) The Ministry of Agriculture, Forestry and Fisheries (MAFF) which is responsible for regulating imported food labelling and fishing operations by foreign nationals; and
- (b) The Ministry of Economy, Trade and Industry which is responsible for overseeing foreign trade licensing and economic co-operation between Japan and other countries.

2.7 Similarly, apart from the Food Sanitation Law, the importation of seafood is also subject to the provisions of :

- (a) Quarantine Law; and
- (b) Law for Regulation of Fishing Operations by Foreign Nationals.

2.8 For exporting areas which are not required to be quarantined by both MHLW and the World Health Organization, the importer must submit an application for import quarantine inspection along with an "Inspection Certification" issued by the relevant government agency of the exporting country to the Animal Quarantine Service of MAFF at the port of entry.

2.9 For exporting areas which are required to be quarantined, the cargo will be subject to additional inspections:

(a) Bacteria

- (i) Imports from countries with known outbreaks of cholera within their territories are required by the Quarantine Law to undergo inspection for cholera bacteria. If cholera bacteria are detected, the cargo may not be imported into Japan, and must be decontaminated or disposed of.
- (ii) Imports, such as frozen sliced fresh fish and shucked shellfish, are inspected subject to "Standards of Frozen Fresh Fish and Shellfish for Raw Consumption". According to this set of standards, the number of bacteria per gram of the inspected item must be less than 100 000 and its group of colon bacilli must be dormant.

(b) Carbon Monoxide

Carbon Monoxide (CO), which may be applied to tinge seafood with an overlay colour to give it an appearance of freshness, is not a legally usable additive. If CO is detected, the import of the cargo is not permitted.

2.10 Seafood labelling is also governed by the JAS Law. In addition to the labelling requirements stated in paragraph 2.4, the JAS Law requires labelling of seafood that was previously frozen and subsequently thawed to bear the term "thawed", and cultivated products to bear the term "cultivated".

Import Laws and Procedures for Meat Products

2.11 Apart from MHLW, the importation of meat products is also regulated by:

- (a) The Ministry of Agriculture, Forestry and Fisheries (MAFF) which is responsible for regulating imported food labelling and supervising animal disease control and inspection; and
- (b) The Ministry of Economy, Trade and Industry.

2.12 Apart from the Food Sanitation Law, the importation of meat products is also subject to the provisions of the Domestic Animal Infectious Diseases Control Law (Disease Control Law).

2.13 In order to prevent the spread of infectious diseases such as hoof-and-mouth disease, cattle plague and rinderpest, import-prohibited regions are set out on a list under the Disease Control Law based on global information on animal epidemiological situations. Importation from these regions is totally banned.¹

2.14 For the importation of meat products from permitted import regions, the importer must submit an application for import quarantine inspection along with an "Inspection Certificate" issued by the relevant government agency of the exporting country to the Animal Quarantine Service at the port of entry. If the meat product passes the inspection, an import quarantine certificate is issued. If the meat product fails the inspection, an order will be issued to destroy or bury the product, or return it to the shipper.

2.15 The labelling of fresh and frozen meat products is also subject to the JAS Law. Please refer to paragraph 2.4 for details.

Genetically Modified Products

2.16 Genetically modified (GM) products account for a good portion of the agricultural market in Japan, with over 90% of GM agricultural products being imported. Relatively fewer GM food products are imported. All GM food, both domestic and imported, requires mandatory labelling. This has been enforced by MAFF under the JAS Law since April 2001.

2.17 For processed GM products, the labelling requirement only applies to the top three ingredients, and each accounts for 5% or more of the content by weight. The law requiring specific content description labelling is not yet enacted and is still under discussion. Both imported and domestic GM products are governed under the same set of labelling laws and regulations.

3. Australia - Regulations and Procedures for Exporting Seafood, Dairy Produce and Meat Products

Background

3.1 Australia is a key trading partner of Hong Kong. The export statistics of seafood, dairy produce and meat products from Australia to Hong Kong in 2001 are illustrated in Table 1.

¹ Japan External Trade Organization Market, *Fresh and Frozen Meat Report*, 2001.

Table 1 — Export Statistics of Seafood, Dairy Produce and Meat Products from Australia to Hong Kong in 2001

Food Categories	HK\$ Million	% of Total Imports	State with Most Exports to Hong Kong
Seafood	\$1,772	12.88%	Queensland
Meat Products	\$261	2.09%	Queensland
Dairy Produce	\$349	9.86%	Victoria

Source: 1. Trade Analysis Section, Census and Statistics Department of The Hong Kong Government.
2. The Australian Trade Commission, Hong Kong

Regulatory Bodies

3.2 Table 2 lists the regulatory bodies for monitoring the export of seafood, dairy produce and meat products in Australia.

Table 2 — Regulatory Bodies for Monitoring the Export of Seafood, Dairy Produce and Meat Products in Australia

Food Categories	Regulatory Bodies
Seafood	<ul style="list-style-type: none"> • Australian Quarantine and Inspection Service (AQIS)
Meat Products	<ul style="list-style-type: none"> • AQIS
Dairy Produce	<ul style="list-style-type: none"> • The State Dairy Authorities for Victoria, New South Wales, Queensland, Tasmania and Western Australia • AQIS for South Australia and the Northern Territory

Governing Laws

3.3 The following laws govern the export of seafood, dairy produce and meat products:

- (a) Export Control Act 1982;
- (b) Export Control (Orders) Regulations;
- (c) Prescribed Goods (General) Orders; and
- (d) Export Control (Processed Food) Orders.

3.4 Apart from the governing laws in paragraph 3.3, the export of meat products is also subject to the provisions of the Australian Meat and Livestock Act 1997.

Export Procedures

3.5 To export seafood, dairy produce and meat products, an exporter is required to first register his export establishment with AQIS. An inspection of the establishment has to be conducted before an export permit is issued to certify that the establishment is of an internationally acceptable standard. After the registration and issue of the export permit, inspections are conducted on a regular basis to ensure the safety of exported food.

(a) Registration of Export Establishment

- (i) An exporter contacts a senior AQIS export food inspector to discuss the proposed registration. The exporter will be required to submit a plan of the establishment together with an application fee to the AQIS regional office.
- (ii) An officer will examine the application. If the establishment is considered meeting the specified standards under the governing laws, an inspection of the establishment will be conducted.
- (iii) In addition, the application undergoes an accounts and compliance check to ensure that the exporter is "fit and proper" (i.e. he must not have a criminal record).
- (iv) The application is forwarded to the AQIS registration section for final checking and approval. AQIS's signature is required before the establishment is registered for export.
- (v) The exporter is provided with a registration certificate and a number which must be displayed at the establishment.
- (vi) A review of the registration is conducted annually.

(b) Inspection of the establishment

The establishment is inspected on a regular basis to ensure export foods are safe, wholesome and accurately described, thereby protecting Australia's trading reputation. It also ensures that overseas market requirements and international obligations and conditions are met.

(c) Export Permits

Exporters are required to have an export permit or an Export Clearance Notice signed by an AQIS authorised officer.

(d) Testing and Certification

(i) Additional microbial testing may be required by AQIS from National Association of Testing Authorities approved laboratories to test for E. Coli and Salmonella in meat products.

(ii) Some importing country governments insist upon having certain product certification before goods are allowed to be imported. (An example is Japan where the importation of seafood and meat products requires an "Inspection Certificate". Please refer to paragraphs 2.8 and 2.14 for details.) AQIS can provide certificates to satisfy the requirements of the relevant authorities of such importing countries.

(e) Import Rejections

In the event that food control authorities in an importing country reject a consignment of exported food products, AQIS will be informed. AQIS undertakes the necessary investigation to determine the cause of the problem that has led to the rejection and to recommend actions to be taken. The exchange of information between the importing and exporting countries is stipulated by the CODEX Alimentarius, "Code of Ethics for International Trade in Food".

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References

1. Census and Statistics Department, *Hong Kong Monthly Digest of Statistics*, April 2002.
2. Web site of the Commonwealth Department of Agriculture, Fisheries & Forestry - Australia, <http://www.affa.gov.au>.
3. Web site of the Ministry of Health, Labor and Welfare, Japan. <http://www.mhlw.go.jp>.
4. Web site of the Ministry of Agriculture, Forestry and Fisheries of Japan. <http://www.maff.go.jp>.
5. Web site of the Japan External Trade Organization. <http://www.jetro.go.jp>.
6. Web site of the FAO / WHO Food Standard - Codex Alimentarius. <http://www.codexalimentarius.net>.