



# Guidance Document

## Guidance Document to the IHS for Sea Containers

Seaco

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## Title

Guidance Document: Guidance Document to the IHS for Sea Containers

## About this document

This document is a Guidance Document provided to accompany the Import Health Standard for Sea Containers from all countries (the Standard). It is not legally binding and should be read in conjunction with it to ensure that all matters relating to meeting the requirements of the Standard are fully understood.

## Related Requirements

[Import Health Standard for Sea Containers from All Countries \(SEACO\)](#)

[Import Health Standard: Wood Packaging from All Countries](#)

[Facility Standard for Transitional Facilities for General Uncleared Risk Goods \(TFGEN\)](#)

[Treatment Requirements: Approved Biosecurity Treatments \(MPI-ABTRT\)](#)

## Document history

Version Date	Section Changed	Change(s) Description
19 July 2019	All	New format and branding; document refresh and revised specific requirements added for BMSB from Italy

## Contact Details

For all matters relating to the interpretation, review and amendment of this Guidance Document contact the Plants and Pathways Directorate using the details below:

**Treatments and Inanimate Pathways Group**  
**Plants and Pathways Directorate**  
**Biosecurity New Zealand Branch**  
**Ministry for Primary Industries (MPI)**  
**PO Box 2526**  
**Wellington 6140**  
**Email: [standards@mpi.govt.nz](mailto:standards@mpi.govt.nz)**

For all matters relating to the operation of the Standard, including inspections, audits and treatments, please contact your local MPI office.

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# 1 Purpose

MPI recommends that exporters and importers of sea containers to New Zealand, read the Import Health Standard for Sea Containers (the Standard) thoroughly to understand what must be done to ensure compliance. This document provides additional information for exporters and importers to assist in meeting the requirements of the Standard and outlines what actions MPI will undertake to verify compliance with the Standard.

This Guidance Document is subject to review and amendment at any time to ensure that it continues to meet biosecurity objectives. Reviews and amendments will be notified to stakeholders and will be published on the MPI website as appropriate.

# 2 Background

The Guidance Document is not legally binding but provides direction as to the expectations and options about how to meet requirements of the Standard. It is intended that this Guidance Document can be read independently of the Standard.

# 3 Definitions

For definitions please refer to Schedule 1 of the Standard.

AP	Accredited Person
BACC	Biosecurity Authority/Clearance Certificate
BMSB	Brown Marmorated Stink Bug
FAK	Freight of all kinds
MPI	Ministry for Primary Industries
MPI Inspector	Persons appointed as Inspectors under the Section 103 of the Biosecurity Act 1993.
TF	Transitional Facility

# 4 General Information

## 4.1 Introduction

This Guidance Document is intended to accompany the Standard. It outlines the accepted or recommended processes and procedures that the entire range of stakeholders should follow to meet the requirements of the Standard; unless equivalent systems or processes have been agreed and approved by MPI.

The desired outcomes of the requirements in the Standard are to:

- effectively manage biosecurity contaminants and regulated pests associated with importing sea containers, risk good cargo and packaging (all considered to be other risk goods); and
- obtain biosecurity clearance for sea containers.

Cargo considered a risk good under other MPI Import Health Standards and carried inside a container should also meet the requirements of the applicable Standard to gain biosecurity clearance for those items. Failure to meet requirements listed under other Import Health Standards may result in the container and cargo being re-shipped, destroyed or subject to other intervention actions directed by MPI.

## 4.2 Actions undertaken by MPI for non-compliances

A container (and cargo) that does not meet the requirements of the Standard will not be given biosecurity clearance. Depending on the level of non-compliance and biosecurity risk associated, a container and cargo may also be denied from being unloaded from a vessel at the New Zealand border and re-shipped, or it may be directed by a MPI Inspector for further action as considered appropriate.

In addition, deliberate non-compliance with the requirements of the Standard or negligence leading to non-compliance will likely to lead to increased intervention regimes (for example, increased audits or inspections, or revoking of TF approvals) with associated delays and increased costs. Prosecution of liable parties under the Biosecurity Act 1993 is also likely.

Actions that will be taken when non-compliance with the Standard is identified will be split into two areas:

- (1) Biosecurity contaminants or regulated pests found on or in containers: and
- (2) Actions taken by supply chain parties (including exporters, importers and shipping lines).

The area of non-compliance will indicate which party MPI will consider generally responsible for the non-compliance and for further intervention by MPI.

### 4.2.1 Contamination found on or in containers

MPI inspection regimes of containers are determined by the level of regulatory interest assigned and are based on information received about the origin of the container, historical inspection data and the effectiveness of management systems in place (also see 'high regulatory interest' definition). MPI Container inspection regimes can be increased or decreased for parties responsible depending on compliance with the Standard.

Non-compliance area	Responsibility
Contaminated/infested empty containers on arrival	Shipping line
Contaminated/infested full containers (external) on arrival	Shipping line / Exporter
Contaminated/infested full containers (internal) on arrival	Exporter / Importer
Undeclared cargo	Exporter / Importer

### 4.2.2 Actions taken by supply chain parties

Where an action (or in-action) by a supply chain party results in non-compliance with the Standard, MPI will hold the party considered to have control of the action responsible and this may cover multiple parties. Interventions taken by MPI may include a range of responses depending on the level of non-compliance detected. Responses may include denying containers from being unloaded from arriving vessels at New Zealand (for critical non-compliances), or assigning containers 'high regulatory interest' or increased intervention (for example, higher level inspection or audit regimes at TFs for parties responsible).

Examples of non-compliance	Party usually responsible
Failure to treat full containers from Italy before arrival (as required under the Standard)	Shipping Line / Exporter / Importer
Container/cargo information absent or incomplete	Shipping Line / Importer / Agent
Place of first arrival – PoFA (port) checks not carried out on <i>low regulatory interest</i> containers	Port Operator

Examples of non-compliance	Party usually responsible
Notification about transhipped containers not provided to subsequent New Zealand ports (where applicable)	Shipping line
Notification not provided to transporter or TF	Importer or Agent
Delivery to other than the specified TF	Transporter
Checks not carried out on <i>low regulatory interest</i> containers and associated packaging at a TF	TF Operator

### 4.3 Equivalence

Any person or organisation may request MPI to recognise a system, process or procedures that are different to those specified in this document and that achieve the outcome set by the Standard. Please contact MPI as per the contact details to pursue this option.

### 4.4 Costs

Where a container check is carried out by an Accredited Person (AP), MPI charges are not incurred. Inspections and other functions undertaken by MPI will be charged as per the current [Biosecurity \(Costs\) Regulations](#).

### 4.5 Verification inspection for sea container compliance

Containers imported into New Zealand will be inspected as required to verify compliance with the Standard. Verification actions will vary according to the level of risk associated with containers (and their cargo) and the importer's and/or TF's history of compliance.

## 5 Conditions and Responsibilities

### 5.1 Sea container requirements

The Standard specifies that all containers imported into New Zealand have to be clean and free of biosecurity contaminants and regulated pests.

Responsibilities	Party usually responsible
Ensure that the exterior of all loaded containers they carry to New Zealand are clean and comply with the Standard requirements.	Shipping line
Ensure that all empty containers they import into New Zealand comply with the Standard requirements.	Shipping line
Check containers are externally free of biosecurity contaminants and regulated pests (as per AP training) prior to leaving the PoFA.	APs or persons operating under the supervision of an AP at PoFAs.
Check containers are internally free of of biosecurity contaminants and regulated pests (as per their AP training) during unloading.	APs or persons operating under the supervision of an AP at a TF.
Visually check containers during all handling and movement of containers for biosecurity contaminants and regulated pests to contain any pests or contaminants found and report them to MPI.	All parties involved in the routine handling of containers.

## 6 Information

### 6.1 Information needed prior to container arrival

The current approved manner for sending container information to MPI is via an electronic import entry to the New Zealand Customs Service or by sending discharge lists, manifests or bills of lading to MPI directly.

The following information should also be supplied to MPI where stated or required by other standards or agreed systems:

- a) Treatment certification and relevant details as per the Standard (Section 2.1).

### 6.2 Quarantine declaration

A Quarantine Declaration is required for all containers imported into New Zealand. However, a Quarantine Declaration is not mandatory for international transshipped containers that are not destined for New Zealand. However, the provision of a Quarantine Declaration may assist in some cases with container clearance or movement (refer to the sample Quarantine Declaration in Appendix 1 of this document).

## 7 Actions that need to be conducted at PoFAs

### 7.1 Containers of high regulatory interest

MPI Inspectors will manage containers of *high regulatory interest* at PoFAs as appropriate:

- a) All *high regulatory interest* containers will be managed by MPI as required to verify compliance with the Standard, and as soon as possible after unloading from the vessel;

OR:

- b) If treatment is needed, this needs to be conducted as specified within MPI [\*Approved Biosecurity Treatments Standard \(MPI-ABTRT\)\*](#) to meet the requirements of the Standard; and as soon as possible after unloading from the vessel.;

OR:

- c) Containers need to be managed under an equivalent decontamination or container management system approved by MPI (for example, the MPI-Approved Sea Container Hygiene System).

Note: Containers carrying cargo of *high regulatory interest* may have further actions directed by MPI such as vent sealing prior to being permitted to leave the PoFA.

### 7.2 Discharge and inspection requirements for all containers

After discharge from a vessel, all containers should be placed on a hard sealed area free from debris, soil and vegetation. Prior to movement to a TF from the PoFA the following action should be carried out:

All container information is sent to and has been received and assessed by MPI; and

EITHER:

- a) MPI has managed all containers of *high regulatory interest*;

OR:

- b) An AP or a person supervised by an AP has externally checked containers of *low regulatory interest* (as per their AP training). Checks should occur as soon as possible or within 48 hours of discharge;

OR:

- c) Containers should be managed under an approved decontamination or container management system approved by MPI.

## 7.3 Containers for transshipment through New Zealand by sea

Containers for transshipment through New Zealand by sea should be covered by one of the following options:

EITHER:

- a) Transshipped containers of *high regulatory interest* are managed by MPI at the PoFA as appropriate to manage the risk level presented;  
and  
Containers of *low regulatory interest* are checked by an AP a person supervised by an AP (as per their AP training) at the PoFA;

OR:

- b) The PoFA Operator needs to notify secondary New Zealand port operators about any transshipping containers of *high regulatory interest* that still require MPI management.

## 8 Transportation

The movement of uncleared containers needs to be authorised by MPI prior to container movement from a PoFA to a TF or between TFs. Uncleared containers cannot be moved from a port or another transitional facility until transporters have been notified of the transitional facility details to transport the container to. Transporters must deliver the container to the nominated approved facility before it can be opened or unloaded.

## 9 Actions to be undertaken at TFs

### 9.1 Requirements for TFs and APs

The requirements for TF Operators and APs are contained in the MPI [Standard for Transitional Facilities for General Uncleared Risk Goods \(TFGEN\)](#) and the Guidance Document to that Standard.

### 9.2 Inspection requirements for containers at TFs

A MPI BACC will specify actions that must be undertaken by an AP and/or a MPI Inspector. A Customs Delivery Order with the authority 'MPI approval given to move from the wharf to an ATF' allows an AP to unload a container, check the container and risk goods for biosecurity contaminants and regulated pests. Once this is done, the TF Operators can proceed to deal with the container and goods as desired.

Containers with uncleared biosecurity risk cargo (including wood packaging material), must be unloaded at the TF in the presence of a MPI Inspector or an AP (this will be specified on the MPI BACC). Containers with

uncleared cargo that is not considered a biosecurity risk should be unloaded at the TF in the presence of an AP.

A FAK container must receive biosecurity clearance at the first TF where devanning occurs. Cargo may receive biosecurity clearance at the first transitional facility or it may be delivered to another TF for biosecurity clearance. The movement of any uncleared cargo (for example, originally part of a FAK) to another facility is covered in the MPI standard – TFGEN (as above).

### 9.3 Wood packaging and packaging material

The MPI [Import Health Standard: Wood Packaging from All Countries](#) outlines the international ISPM-15 and other requirements all wood packaging must meet to be given biosecurity clearance.

### 9.4 Detection and management of contamination and un-manifested cargo at transitional facilities

Biosecurity contaminants and regulated pests and restricted packaging material that is found on or in a container during routine checks should be secured in a quarantine bin or other approved receptacle and MPI notified (as per the methods specified in AP training). If un-manifested cargo is identified, MPI should be notified as soon as possible, and the cargo segregated from cleared cargo and held securely. This is to ensure un-manifested cargo can be managed as required by an MPI Inspector.

## 10 Specific requirements

### 10.1 Brown Marmorated Stink Bug (BMSB) – Italy

**Note 1:** Sea containers containing only vehicles, machinery and parts (and no other types of cargo) that are treated or managed by an MPI-approved system for Brown Marmorated Stink Bug (BMSB), under the IHS for Vehicles, Machinery and Parts are exempt from the requirements of this section. This is because the BMSB requirements for vehicles, machinery and parts meet equivalent management measures under the IHS for Vehicles, Machinery and Parts.

The Standard for Sea Containers lists specific BMSB requirements for risk goods exported in sea containers from Italy that depart from Italy on or after the 1<sup>st</sup> of September and arrive on or before the 30<sup>th</sup> of April of any year. All sea containers exported from Italy during this time need to follow the requirements of Section 2.3 (either under Option A or under Option B):

#### Option A

- a) Sea containers need to be treated before arrival in New Zealand as per the MPI [Approved Biosecurity Treatments Standard \(MPI-ABTRT\)](#) by an [MPI-Approved Offshore Treatment Provider](#); and
- b) Meet the relevant post treatment requirements for a fully enclosed sea container or a non-fully enclosed sea container as below:

#### Fully enclosed sea container (six sided metal container):

- i) The container should be closed immediately after treatment and remain sealed; and
- ii) The risk goods should be shipped to New Zealand within 21 days of treatment.

#### Non-fully enclosed sea container (includes flat rack, open sided/topped and soft topped sea containers):

- i) The container should be exported to New Zealand or moved to another country within 120 hours of treatment; and
- ii) The container should be segregated from untreated goods or other sources of possible BMSB contamination prior to export.

Note 1: Segregation for non-fully sealed containers can be achieved through closing or covering of the open parts or side(s) of the sea container, separation by physical distance or physical protection (such as nets).

Note 2: The sea container (including risk good cargo) may be subject to MPI verification activities on arrival

### **Option B**

- a) Sea containers (and risk good cargo) may be inspected by an MPI Inspector instead of treatment where:
  - i) The importer has notified MPI that the sea container contains cargo that the importer considers is sensitive and would be damaged by the treatments for Brown Marmorated Stink Bug (BMSB) specified in the [MPI Approved Biosecurity Treatments](#); and
  - ii) A CTO has determined that treatment may damage the cargo.

Note 1: Examples of sensitive risk goods

Examples of sensitive risk goods that an MPI CTO generally considers to be sensitive to treatment are as follows:

- *Agricultural compounds and veterinary medicines;*
- *Food for human consumption (including beverages);*
- *Fresh produce;*
- *Frozen food products;*
- *Live animals;*
- *Leather goods (apparel and furniture)*
- *Pet food;*
- *Pharmaceutical products;*
- *Polyurethane foam products;*
- *Refrigerated goods;*
- *Seed for sowing; and*
- *Textiles (including yarn).*

Note: In an importer's MPI application for biosecurity clearance, importers must notify MPI in writing that the cargo is considered to be sensitive to treatment so that appropriate MPI intervention can be arranged. Failure of an importer to notify MPI of the sensitive nature of the sea container and cargo is likely to result in delays to biosecurity clearance being provided, or re-shipment or destruction of the sea container and cargo.

Note 2: After authorised MPI inspection for sensitive cargo has been conducted, MPI may require additional risk mitigation actions where non-compliance is found such as the consignment being treated, re-shipped or destroyed. Where treatment is agreed, it is at the importer's risk.

Note 3: MPI is likely to deny all other untreated sea containers and cargo from Italy from being unloaded from arriving vessels (not considered by a CTO to be sensitive to treatment).

### **10.1.1 Sea Containers transhipped through Italy**

- (1) Fully enclosed sea containers originating from a country other than Italy and transhipped through an Italian port need to remain closed during the transshipment period.
- (2) Non-fully enclosed sea containers originating from a country other than Italy and transhipped through an Italian port, need to:

- a) Be held at/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 needs to be treated before arrival in New Zealand as per Option A (as above).

## Appendix 1: Sample quarantine declaration

<b>SEA CONTAINER QUARANTINE DECLARATION FOR NEW ZEALAND Cleanliness, Restricted Packaging and Wood Packaging Declaration</b>	
<b>Container Number(s)</b> <input type="text"/> <b>Vessel Name:</b> <input type="text"/> <b>Voyage Number(s):</b> <input type="text"/>	
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?	<b>Yes or No</b> (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?	<b>Yes or No</b> (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?	<b>Yes or No</b> (delete option not applying)
3a. If the answer to Question 3 is “ <b>Yes</b> ”, 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)? <b>Note: Certification is not required for ISPM-15 treated and marked wood packaging.</b>	<b>Yes or No</b> (delete option not applying)
3b. If the answer to Question 3a is “ <b>No</b> ”, 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? <input type="text"/> If a treatment certificate was provided, it must be attached to this form.	<b>Yes, No or Not Applicable</b> (delete option not applying)
<b>Important Information - Required Access and Airspace for Treatment of Containers and Cargo</b>	
MPI periodically requires containers (and cargo) to be treated to kill pests, and recommends containers are packed with enough space (≥200 mm around the contents of the container) to allow for treatment. <b>Note: If containers are too full and there is insufficient space for circulation and sensors for treatment, MPI may consider biosecurity risk is too great to allow unloading; and such containers are likely to be rejected and re-shipped out of New Zealand.</b>	
<b>I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT</b>	
Signed: <input type="text"/>	
Name and Position in Company: <input type="text"/>	
Address: <input type="text"/>	
Date: <input type="text"/>	
<b>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.</b>	