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GAIN Report

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New Thai Regulation Affecting U.S. Cooked Food Exports

Report Categories:

Livestock and Products

Honey

Retail Foods

Poultry and Products

Approved By:

Russ Nicely, Agricultural Counselor

Prepared By:

Sakchai Preechajarn, Agricultural Specialist and Sukanya Sirikeratikul, Marketing Specialist

Report Highlights:

The Thai Ministry of Agriculture and Cooperatives (MOAC) recently issued a notification that authorizes the Department of Livestock Development (DLD) to extend its import controls to cover “cooked meat products” including sausage, salami, ham, bacon, smoked meat products, pickled meat products, cured meat products, honey and related products, and salty/processed eggs and egg yolk.

Executive Summary:

On July 10, 2018, the Ministry of Agriculture and Cooperatives (MOAC) issued a ministerial notification titled “Determination of Cooked Foods Which Are Processed or Cooked Products and Derived from Animal Carcasses as Defined in Animal Epidemic Act B.E. 2558 (A.D. 2015), B.E. 2561 (A.D. 2018)”. The notification authorizes the Department of Livestock Development (DLD) to extend its import regulatory authority to include “cooked foods made or derived from animal carcass” including sausage, salami, ham, bacon, smoked meat products, pickled meat products, cured meat products, honey and related products, and salty/processed eggs and egg yolk. This notification will go into effect on September 9, 2018 (Attachment I)

Under the notification, all cooked food products as stipulated in the notification will be entitled to meet the same import requirements as uncooked meat products. For products that have not already been granted market access, the exporting country will have to submit a market access request prior to shipment and complete the DLD market access procedures including completing a questionnaire, receiving approval by reviewing DLD committees, and audits of facilities or production systems. This new rule does not override the import requirements for cooked food products that fall under the Thai Food and Drug Administration (TFDA)’s jurisdiction. As a result, any importer must receive an import permit from both DLD and register the products with TFDA for cooked products after September 9, 2018.

However, there is a process to receive import permits for products that are registered by the TFDA prior to September 9, 2018. DLD clarifying guidelines (Attachment II) states that:

- a. Any cooked food products, which are categorized as “low risk” products, historically imported, and registered/approved by TFDA prior to the effective date of September 9, 2018, will be granted a waiver from the same requirements as uncooked meat products. However, an importer of these products must receive an import permit for the products with supporting documents such as a flow chart of the production process, a product list, TFDA’s product registration approval, etc.
- b. Any cooked food products, which are categorized as “high risk” products, but are historically imported and registered/approved by TFDA prior to the effective date of September 9, 2018, will be granted a temporary waiver like “low risk” products, but the importer must send an invitation to DLD by December 30, 2018, to conduct a facility audit in the exporting country.
- c. For other cooked food products which have not been historically imported and approved by TFDA, the whole import procedures will be required.
- d. There is no clear guidelines on non-meat products, i.e., honey and related products, and salty/processed eggs and egg yolk. However, Post recommend importers or U.S. exporters contact DLD officials for more details or clarification if needed.

This new rule will negatively affect all imports of U.S. cooked meat, especially new products which never approved by TFDA for product registration, as they will now also be subject to DLD’s import procedures. A table of Thailand’s imports of regulation-relevant products is provided (Attachment III).

ATTACHMENT I

(Unofficial Translation)

Ministry of Agriculture and Cooperatives' Notification

**Re: Determination of Cooked Foods Which Are Processed or Cooked Products and Derived from Animal Carcasses as Defined in Animal Epidemic Act B.E. 2558 (A.D. 2015)
B.E. 2561 (A.D. 2018)**

In order to control the importation and exportation or transit of cooked foods which are processed or cooked and derived from animal carcasses as defined in Animal Epidemic Act, for the sake of disease surveillance and control;

With the authority granted in the Act to provide the definition of “carcasses” according to Section 4 and Section 5 of the mentioned Animal Epidemic Act, the Ministry of Agriculture and Cooperatives announces that:

1. This notification is effective 60 days after the notification is officially published in the Royal Gazette.
2. In this notification;
“Cooked Food” means ready-to-eat food including food that must be further processed before consuming.
3. The following cooked foods, which are processed or cooked and derived from carcasses, are subject to the provisions of the Animal Epidemic Act B.E. 2558 regarding the importation, the exportation, and the transit according to Section 4 and Section 5 which grant the Ministry of Agriculture and Cooperatives regulatory authority.
 - (1) Sausages
 - (2) Chinese sausages
 - (3) Sour pork sausages
 - (4) Salami
 - (5) Ham
 - (6) Bacon
 - (7) Smoked meat products as follows:
 - a. Smoked beef
 - b. Smoked pork
 - c. Smoked mutton meat

- d. Smoked goat meat
- e. Smoked chicken meat
- f. Smoked duck meat
- g. Smoked goose meat
- h. Smoked turkey meat
- i. Smoked ostrich meat

(8) Pickled meat products as follows:

- a. Pickled beef
- b. Pickled pork
- c. Pickled mutton meat
- d. Pickled goat meat
- e. Pickled chicken meat
- f. Pickled duck meat
- g. Pickled goose meat
- h. Pickled turkey meat
- i. Pickled ostrich meat

(9) Cured meat products as follows:

- a. Cured beef
- b. Cured pork
- c. Cured mutton meat
- d. Cured goat meat
- e. Cured chicken meat
- f. Cured duck meat
- g. Cured goose meat
- h. Cured turkey meat
- i. Cured ostrich meat

(10) Meat product burger as follows:

- a. Beef burger

- b. Pork burger
 - c. Mutton meat burger
 - d. Goat meat burger
 - e. Chicken meat burger
 - f. Duck meat burger
 - g. Goose meat burger
 - h. Turkey meat burger
 - i. Ostrich meat burger
- (11) Honey
 - (12) Honeycomb
 - (13) Royal jelly
 - (14) Salted eggs or salted egg yolk
 - (15) Preserved eggs

Notified as of June 13, 2018

Mr. Luck Wajananawat
Deputy Minister of Agriculture and Cooperatives,
acting for the Minister of Agriculture and Cooperatives

Note: The notification was officially published in the Royal Gazette on July 10, 2018. Accordingly, the effective date of the notification is September 9, 2018.

ATTACHMENT II

Guideline to Notification of the Ministry of Agriculture and Cooperatives

Re: Prescribe Cooked Food Made from Animal Carcass as Animal Carcass According to Animal Epidemic Act B.E. 2558 B.E. 2661

Source: Notification of the Ministry of Agriculture and Cooperatives Re: Prescribe Cooked Food Made from Animal Carcass as Animal Carcass According to Animal Epidemic Act B.E. 2558 B.E. 2661

Procedures:

- **Product Classification Based on Importing Risk (OIE principle)**

1. Low risk, Processed

- a. Cooked: All parts of the food were heated to no less than 70 degree Celsius for a minimum of 30 minutes
- b. Dry cured bone-in meat products that are cured with salt and dried for a minimum of 313 days

2. High risk: All other non-processed meat products

- **Import Procedures**

- Short term

Low Risk	High Risk
<p>The importer is required to prepare and submit required documents list below:</p> <ul style="list-style-type: none">- Product list- All required documents for product registration:<ul style="list-style-type: none">○ Manufacturing procedure flow chart that is certified by the government authority (for product registration)○ Sorbor 5 or Sorbor 7 [a Thai FDA product registration document]○ License Per Invoice (LPI) <p>The documents should be submitted to the Division of Veterinary Inspection and Quarantine for shipment clearance before September 9, 2018</p>	<p>The importer is required to prepare and submit required documents list below:</p> <ul style="list-style-type: none">- Product list- All required documents for product registration:<ul style="list-style-type: none">○ Manufacturing procedure flow chart that is certified by the government authority (for product registration)○ Sorbor 5 or Sorbor 7[a Thai FDA product registration document]○ License Per Invoice (LPI)- Products already registered with the Thai Food and Drug Administration (Thai FDA) prior to September 9, 2018 are able to be imported as normal.- Prior to December 30, 2018, the importer

	submits a letter to the Division of Veterinary Inspection and Quarantine inviting the Thai government to conduct an audit for the manufacturing facility
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- Long term

Both product groups (low and high risk) are required to comply with the Department of Livestock Development Notification Re Permission Request, Import Permit Issuance, Procedures for Import, Export, and Transit of Animal or Animal Carcass in the Kingdom of Thailand B.E. 2558.

ATTACHMENT III

Thailand's Imports of Regulation-Relevant Cooked Food Products and others

HS Code	Product	2016		2017		Other Major Exporting Countries
		World	USA	World	USA	
1601	Sausage	2,288,342	503,435	2,315,224	405,126	1st: Italy (29%) 2nd: France (19%) 3rd: USA (17.50%)
1602	Prepared or preserved meat (Including Salami, Pickle, Cured, and Smoked Meat)	23,832,117	1,143,546	29,641,991	985,111	1st: China (38%) 2nd: Australia (32%) 5th: USA (3.32%)
021011	Ham	283,416	-	760,156	-	1st: Italy (82%) 2nd: Spain (18%)
021019300	Bacon	472,896	-	823,074	-	1st: Italy (76%) 2nd: Spain (20%) 3rd: Germany (4%)
0409	Honey	4,106,555	43,789	5,607,115	60,284	1st: China (45%) 2nd: Myanmar (21%) 3rd: Australia (7%) 10th: USA (1%)
040790	Preserved eggs	953	-	74,352	-	1st: South Korea (91%) 2nd: Cambodia (9%)
Total		30,984,279	1,690,770	39,221,912	1,450,521	
Source: Global Trade Atlas						

End of Report.