NOTIFICATION

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| **1.** | **Notifying Member:** Australia  **If applicable, name of local government involved:** |
| **2.** | **Agency responsible:** Food Standards Australia New Zealand (FSANZ) |
| **3.** | **Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):** Fresh berries, fresh leafy vegetables and fresh melons – HS Codes: 0807.1 Melons (including watermelons); 0807.11.00(40) Watermelons; 0807.19.00(41) Other; Excluding: 0807.20.00 papayas; 0810.10.00(09) Strawberries; 0810.20.00(10) Raspberries, blackberries, mulberries and loganberries; 0810.30.00(14) Black, white or red currents and gooseberries; 0810.90.00(59) Other; 0811.10.00(25) Strawberries; 0811.20.00(-) Raspberries, blackberries, mulberries and loganberries, black, white or red currents and gooseberries; 0811.20.00(19) Raspberries, not containing added sweetening matter, not pulped; 0811.20.00(26) Other; 0811.90.00(22) Other |
| **4.** | **Regions or countries likely to be affected, to the extent relevant or practicable:**  **[ ]****All trading partners**  **[****X]** **Specific regions or countries:** Country and commodity combinations listed below (this list may not be exhaustive).   * All European countries: Fresh *brassica* spp. (e.g. collard, kale - fresh salad greens only); Fresh chicory and endive; Fresh silverbeet; Fresh spinach; Fresh watermelon * Japan: Fresh strawberries * Pacific Community countries: Fresh chicory and endive; Fresh silverbeet; Fresh spinach * Republic of Korea: Fresh oriental melons and rockmelon; Fresh strawberries * United States of America: Fresh *brassica* spp. (e.g. collard, kale - fresh salad greens only); Fresh chicory and endive; Fresh rockmelon and honeydew melon; Fresh silverbeet; Fresh spinach; Fresh strawberries; Fresh watermelon |
| **5.** | **Title of the notified document:** Proposal to include certain draft standards in Chapter 4 of the Food Standards Code.**Language(s):** English. **Number of pages:** 14 |
| **6.** | **Description of content:** The following draft standards are proposed for inclusion in Chapter 4 (primary production standards - Australia only) of the Food Standards Code (<https://www.foodstandards.gov.au/code/Pages/default.aspx>):   * Standard 4.2.7 - Primary production and processing standard for berries * Standard 4.2.8 - Primary production and processing standard for leafy vegetables * Standard 4.2.9 - Primary production and processing standard for melons   The proposed draft standards are included in the [P1052 2nd call for submissions](https://www.foodstandards.gov.au/code/proposals/Pages/P1052.aspx) (2nd consultation period). This package also includes an analysis of current regulation of these sectors in Australia a microbiological risk assessment a cost benefit analysis compliance plans a consultation regulation impact statement the 2nd CFS report.  The vast majority of horticultural produce is safe, however outbreaks linked to particular sectors continue to occur. In June 2018, Australia and New Zealand food minister requested that FSANZ reassess food safety risk management across several horticultural sectors; including fresh berries, fresh leafy vegetables and fresh melons.  We identified the following microbial hazards as being of greatest concern:   * Berries: shiga toxin-producing *Escherichia coli* (STEC), norovirus (NoV) and hepatitis A virus (HAV); * Leafy vegetables: STEC, non-typhoidal *Salmonella* spp. (Salmonella) and *Listeria monocytogenes* (Listeria); * Melons: Salmonella and Listeria.   Our microbiological risk assessment identified the most likely routes of contamination in each sector and proposed risk mitigation measures.  Our cost benefit analysis identified the most cost effective way to reduce illness caused by the microbial hazards we identified.  Based on our assessment, a combination of regulatory (i.e. standards) and non-regulatory measures is our preferred approach. FSANZ prepared three draft proposed standards (regulatory measures) - one each for fresh berries, fresh leafy vegetables and fresh melons. |
| **7.** | **Objective and rationale: [****X]****food safety, [ ]****animal health, [ ]****plant protection, [ ]****protect humans from animal/plant pest or disease, [ ]****protect territory from other damage from pests.** Food safety in the primary production and primary processing of fresh berries, leafy vegetables and melons. |
| **8.** | **Is there a relevant international standard? If so, identify the standard:**  **[****X]** **Codex Alimentarius Commission *(e.g. title or serial number of Codex standard or related text)*:** Codex Alimentarius Commission (CXC 53-2003 Code of Hygienic Practice for Fresh Fruits and Vegetables)  **[ ]****World Organization for Animal Health (OIE) *(e.g. Terrestrial or Aquatic Animal Health Code, chapter number)*:**  **[ ]****International Plant Protection Convention *(e.g. ISPM number)*:**  **[ ]****None**  **Does this proposed regulation conform to the relevant international standard?**  **[****X]** **Yes [ ]****No**  **If no, describe, whenever possible, how and why it deviates from the international standard:** |
| **9.** | **Other relevant documents and language(s) in which these are available:** The Australian New Zealand Food Standard Code:  <https://www.foodstandards.gov.au/code/Pages/default.aspx> |
| **10.** | **Proposed date of adoption *(dd/mm/yy)*:** If these three draft standards are approved by the FSANZ Board and no review is sought from Food Ministers, gazettal is anticipated to occur during 2022. There will be an 18 month implementation period post gazettal.  **Proposed date of publication *(dd/mm/yy)*:** 17 November 2021 FSANZ will provide public notification, including publication of the assessment summary and supporting documents for the second call for submissions on Wednesday, 17 November.  FSANZ will provide a further public notification and publish the decision for approval together with the approval reports and supporting documents in 2022. |
| **11.** | **Proposed date of entry into force: [ ]****Six months from date of publication**, **and/or** ***(dd/mm/yy)*:** If these three draft standards are approved by the FSANZ Board and no review is sought from Food Ministers' there will be an 18 month implementation period post gazettal.  **[ ]****Trade facilitating measure** |
| **12.** | **Final date for comments: [ ]****Sixty days from the date of circulation of the notification and/or *(dd/mm/yy)*:** 9 February 2022. An extended consultation period is being provided given this falls over the Christmas period. This consultation period allows for more than the 60 day notification period required for WTO notification – SPS Agreement.  **Agency or authority designated to handle comments: [ ]****National Notification Authority, [****X]****National Enquiry Point.** **Address, fax number and e-mail address (if available) of other body:**  The Australian SPS Contact Point  GPO Box 858  CANBERRA ACT 2601  AUSTRALIA  E-mail: sps.contact@agriculture.gov.au |
| **13.** | **Text(s) available from: [****X]****National Notification Authority, [ ]****National Enquiry Point.** **Address, fax number and e-mail address (if available) of other body:**  Documents are available from the Food Standards Australia New Zealand website: <https://www.foodstandards.gov.au/code/proposals/Pages/P1052.aspx>.  Documents (including hard copies) can also be requested by contacting standards.maangement@foodstandards.gov.au, or from the following address:  The Australian SPS Contact Point  GPO Box 858  CANBERRA ACT 2601  AUSTRALIA  E-mail: sps.contact@agriculture.gov.au |