

29 June 2016
[16-16]

Approval report – Proposal P1041

Removal of Country of Origin Labelling Requirements

Food Standards Australia New Zealand (FSANZ) has assessed a proposal to remove country of origin labelling (CoOL) requirements from the *Australia New Zealand Food Standards Code* in response to new arrangements where the requirements will fall under Australian Consumer Law, and has prepared a draft food regulatory measure.

On 22 January 2016, FSANZ sought submissions on a draft variation and published an associated report. FSANZ received 15 submissions.

FSANZ approved the draft variation on 16 June 2016. The Australia and New Zealand Ministerial Forum on Food Regulation (Forum) was notified of FSANZ's decision on 28 June 2016.

This Report is provided pursuant to paragraph 63(1)(b) of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act).

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Executive summary

The Australian Government has introduced a new country of origin labelling (CoOL) framework. In this framework, CoOL requirements in the *Australia New Zealand Food Standards Code* (the Code) have been included in the Australian Consumer Law (the ACL) through the introduction of a new information standard under the ACL (the ACL information standard).

The ACL information standard essentially replicates the requirements of Standard 1.2.11 – Information requirements – country of origin labelling (except for the specific requirement to provide CoOL for food for sale to caterers). In addition, the new ACL information standard requires specified ‘priority’ foods to include extra labelling information.

Implementation of the new ACL information standard will mean Standard 1.2.11 will become redundant. Therefore Standard 1.2.11 and associated references to CoOL in two other standards need to be removed from the Code.

Standard 1.2.11 only applies in Australia.

On 22 January 2016, FSANZ sought submissions on a draft variation to remove Standard 1.2.11 and associated references to CoOL in Standards 1.1.1 and 1.2.1 from the Code. The majority of submitters either supported the proposed draft variation, or did not specifically comment about or object to, the proposed draft variation.

FSANZ has finalised its consideration of this Proposal, having considered all relevant matters, and has decided to approve the draft variation to remove Standard 1.2.11 and associated references to CoOL in Standards 1.1.1 and 1.2.1 from the Code. The variation will commence 24 months after the commencement of the ACL information standard. This aligns with the end of the transition period for that standard, to support a smooth transition.

1 Introduction

1.1 The Proposal

This Proposal is for the removal of country of origin labelling (CoOL) requirements from the *Australia New Zealand Food Standards Code* (the Code). Under a separate process led by the Australian Government Department of Industry, Innovation and Science (DIIS), CoOL requirements from the Code (except for the specific requirement to provide CoOL for food for sale to caterers¹) have been replicated under the Australian Consumer Law (the ACL)² in a new information standard (the ACL information standard). The new ACL information standard also has new additional CoOL requirements.

1.2 The current Standard

The Code sets out CoOL requirements in Standards 1.2.1 and 1.2.11.

Standard 1.2.1 – Requirements to have labels or otherwise provide information gives effect to Standard 1.2.11, requiring that the labels on particular food state the CoOL information set out in Standard 1.2.11.

Standard 1.2.11 – Information requirements – country of origin labelling, requires most packaged foods to be labelled with a statement that identifies where the food was made, produced or grown, or a statement that identifies the country where the food was manufactured or packaged and to the effect that the food is constituted from ingredients imported into that country or from local and imported ingredients.

Some packaged foods are exempt from CoOL, namely:

- food made and packaged on the premises from which it is sold
- food delivered packaged and ready for consumption, at the express order of the purchaser
- packaged food sold at a fundraising event, and
- packaged food displayed in an assisted service display cabinet.

Unpackaged fruit and vegetables³, fish, pork, beef, veal, lamb, hogget, mutton and chicken require a label on or in connection with the display of the food identifying the country or countries of origin, or a statement indicating that the food is a mix of local and imported foods or a mix of imported foods.

Standard 1.2.11 only applies in Australia.

¹ The new ACL information standard will not apply to sales of food to caterers, unless the food is sold to a caterer as suitable for retail sale without any further processing, packaging or labelling.

² Information about the new information standard can be found at the following link: www.industry.gov.au/cool

³ **fruit and vegetables** is defined in subsection 1.1.2—3 of the Code and means *any of fruit, vegetables, nuts, spices, herbs, fungi, legumes and seeds*.

Standard 1.2.11 applies to sales of packaged food to caterers⁴, to retail sales of food, and to sales of foods that are not retail sale but the food is sold as suitable for retail sale without any further processing, packaging or labelling. However, Standard 1.2.11 does not apply to food sold to the public by restaurants, canteens, schools, caterers, self-catering institutions, prisons, hospitals or a medical institution, where the food is offered for immediate consumption.

Standard 1.2.11 does not include conditions for the wording of CoOL statements such as 'Made in Australia from local and imported ingredients'. The ACL provisions in the *Competition and Consumer Act 2010* provide a framework for which products are considered to be 'made in', 'grown in' or 'produced in' for the purposes of deciding whether or not such statements are misleading.

In addition, there are references to Standard 1.2.11 and CoOL requirements in Standard 1.1.1 – Structure of the Code and general provisions.

1.3 Reasons for preparing Proposal

The Australian Government has developed a new framework for CoOL. The framework involves the introduction of a new ACL information standard which replicates the requirements of Standard 1.2.11 (except for the specific requirement to provide CoOL for food for sale to caterers (refer to section 2.5.1.1)). The Australian Government has also decided to include new requirements for additional labelling information in the ACL information standard for specified 'priority' foods, that is:

- the logo of a kangaroo in a triangle to identify the origin of a product as Australian
- a bar chart showing the proportion of ingredients (by ingoing weight) that were produced or grown in Australia
- text on the proportion of Australian ingredients that aligns with the bar chart.

The new ACL information standard commences on 1 July 2016 and businesses will have two years to transition to the new requirements.

As the new ACL information standard essentially replicates Standard 1.2.11 (except for the specific requirement to provide CoOL to caterers), when the new ACL standard becomes mandatory, Standard 1.2.11 will be redundant.

To support the implementation of the new CoOL framework, Standard 1.2.11 and associated references to CoOL in Standards 1.1.1 and 1.2.1 need to be revoked from the Code.

1.4 Procedure for assessment

The Proposal was assessed under the General Procedure.

⁴ **caterer** is defined in subsection 1.1.2—2 and means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

1.5 Decision

The draft variation as proposed following assessment was approved with amendments. The variation takes effect 24 months after the commencement of the ACL information standard. The approved draft variation, as varied after consideration of submissions (see Table 1 below), is at Attachment A.

The related explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislation.

The draft variation on which submissions were sought is at Attachment C.

2 Summary of the findings

2.1 Summary of issues raised in submissions

FSANZ received 15 submissions.

Five submitters supported the proposed draft variation (Victorian Departments of Health & Human Services and Economic Development, Jobs, Transport & Resources Victoria, Australian Pork Limited, AUSVEG, Food & Beverage Importers Association (FBIA), New Zealand Food and Grocery Council (NZFGC)).

Two submitters were not in support (Comvita, Safe2eat).

The remaining submitters either did not specifically comment about, nor object to, the proposed draft variation (Australian Food and Grocery Council (AFGC)), CJ Cheiljedang, Phillip Kennedy, Eva Pick-Stone, Ian Robinson, Physicians and Scientists for Global Responsibility, Jascha Humphrey, New Zealand Ministry for Primary Industries (MPI)).

A summary of issues raised by submitters and the FSANZ responses are provided in Table 1 below. Some submitters raised specific concerns about the requirements proposed in the new ACL information standard at the time of the FSANZ consultation and related changes to the CoOL framework (i.e., as opposed to the proposed changes to the Code). These specific comments have not been included in Table 1 given that they were not relevant to the FSANZ consultation.

Table 1: Summary of issues

Issue	Raised by	FSANZ response (including any amendments to drafting)
Concerned that the transfer of CoOL requirements from the Code to the Australian Consumer Law is inconsistent with the requirements in Article 5(3) of the Agreement between the Government of Australia and the Government of New Zealand concerning a joint food standards system (the Food Standards Treaty).	AFGC, MPI, NZFGC	Noted. Policy issues in relation to the Food Standards Treaty and Food Regulation Agreement are subject to ministerial consideration.
Although not binding on the Commonwealth of Australia, a similar provision exists in clause 22 of the Food	AFGC	

Issue	Raised by	FSANZ response (including any amendments to drafting)
<p>Regulation Agreement 2008 between the Australian Commonwealth, States and Territories – <i>22. No State or Territory shall, by legislation or other means, establish or amend a food standard other than in accordance with this Agreement.</i></p> <p>The removal of a labelling measure specific to food from the Code to an alternative framework has implications for the future integrity of the uniform food standards system, providing a precedent for unilateral action.</p> <p>Would be deeply concerned if the bi-national system of uniform food standards development continues to fracture in this way.</p>	<p>AFGC, MPI</p> <p>AFGC</p>	
<p>Concerned that the transfer of CoOL requirements from the Code to the ACL could create a new trade barrier between Australia and New Zealand. CoOL should remain within the FSANZ Code (or mutual recognition laws) to ensure trans-Tasman alignment and avoid the need for separate product SKUs for Australia and NZ.</p> <p>The proposed amendments to the ACL will introduce new CoOL requirements for Australia. These will have a significant impact on New Zealand food producers who import food into Australia and supply ingredients to Australian food manufacturers.</p> <p>Concerned about the impacts of the ACL's proposed new CoOL requirements on food exporters from Korea to Australia.</p>	<p>Comvita</p> <p>MPI</p> <p>CJ Cheiljedang</p>	<p>Noted. These concerns relate to the content of the new ACL information standard. The impact of those measures was assessed as part of the process required to change the ACL. The additional requirements incorporated into the ACL were the subject of the consultation process conducted by the Department of Industry, Innovation and Science and the Consultation RIS submitted by that Department for that process (OBPR reference 18710).</p>
<p>Believe the CoOL requirements should not be removed from the Code. The normal food manufacturer would look to FSANZ Food Standards Code to clearly define what is required, not the ACCC. In contrast, average consumers would talk to the ACCC not FSANZ on CoOL issues. FSANZ defines every other aspect that is expected on a label, why not CoOL?</p>	<p>Safe2eat – Kevin Woodman</p>	<p>Noted. The Legislative and Governance Forum on Consumer Affairs has decided that Australia's CoOL requirements shall form part of the ACL.</p>

Issue	Raised by	FSANZ response (including any amendments to drafting)
The timing of the revocation should be consistent with the introduction of the new origin labelling information standard. The Association supports the flat 24 month transition period.	FBIA	The timing of revocation of CoOL requirements from the Code is consistent with the timing of the 24 month transition period for the new ACL information standard (see section 3).
It is important that this Proposal is not finalised until commencement of the overall package of regulation (including amendment to the ACL safe harbours and amendments to commerce regulations) has been settled, rather than linking commencement to the information standard only. Proposal P1041, like the information standard, is just one element of this wider package of measures, and appropriate coordination between agencies is necessary to ensure commencement of the new regime does not introduce new complexities.	AFGC	The timing of the revocation of Standard 1.2.11 and associated references in the Code is consistent with the end of the transition period for the new ACL information standard as this will replace the information in the Code. Other aspects of the overall reform are not linked directly to this change to the Code.
Support for CoOL in NZ.	Ian Robinson, Physicians and Scientists for Global Responsibility, Jascha Humphrey	Noted, however the New Zealand government has opted out of the CoOL standard.
Renumbering of subsections in the Code is problematic as some of New Zealand's legislation already refers to specific provisions in the Code as it is currently set out. Renumbering will create confusion and uncertainty for users and will mean the Food Regulations will have to be amended.	MPI	Agree. Changes have been made to the draft variation to address this issue.

2.2 Risk assessment

FSANZ concluded that a scientific risk assessment was not required for this Proposal, given the purpose and effect of the amendment. Two important issues for consideration are:

- replication of CoOL requirements in the ACL information standard
- timing of the removal of CoOL requirements from the Code.

These two issues are discussed in the following section.

2.3 Risk management

2.3.1 Replication of CoOL requirements in the ACL information standard

It was intended that CoOL requirements in the Code be replicated in the new ACL information standard. Since FSANZ called for submissions, DIIS amended the draft ACL information standard to remove the specific requirement for CoOL of packaged food for sale to a caterer. The Department made this change on the basis that the Code did not oblige caterers to inform the public about the country of origin of the food, if that food was sold to the public for immediate consumption. The Department therefore considered such a requirement to be an unjustifiable impost on businesses supplying caterers. The ACL information standard will still require CoOL to be provided if the food is sold as suitable for retail sale without any further processing, packaging or labelling, even where such a sale is a sale to a caterer.

FSANZ has reviewed the ACL information standard⁵ and considers that all other CoOL requirements in the Code have been included. The Australian Government has also decided to include new requirements for additional labelling information in the ACL information standard for specified 'priority' foods (see section 1.3).

2.3.2 Timing of the removal of CoOL requirements from the Code

The removal of CoOL requirements from the Code is closely linked with the transition to the new ACL information standard. Timing is important to ensure that CoOL requirements remain in the Code to support a smooth transition to the new information standard. See section 3 below.

2.4 Risk communication

2.4.1 Consultation

Consultation is a key part of FSANZ's standards development process. The process by which FSANZ considers standard development matters is open, accountable, consultative and transparent. Public submissions were sought to obtain the views of interested parties on issues raised by this Proposal and the effects of regulatory options.

The call for submissions period was from 22 January to 4 March 2016. Submissions were invited via the FSANZ Notification Circular, media release and through FSANZ's social media tools and Food Standards News. Subscribers and interested parties were also notified via email.

FSANZ acknowledges the time taken by individuals and organisations to make submissions on this Proposal.

A total of 15 submissions were received. Every submission was considered by the FSANZ Board. All comments are valued and contribute to the rigour of our assessment. A summary of the submissions and the responses to these are provided in Table 1 above.

⁵ The draft ACL information standard was published by DIIS in December 2015 with the CoOL Consultation Regulation Impact Statement. The DIIS consultation RIS is available on the Best Practice Regulation Updates website at <http://ris.dpmmc.gov.au/2015/12/22/country-of-origin-labelling-for-food/>.

2.5 FSANZ Act assessment requirements

2.5.1 Section 59

When assessing this Proposal and the subsequent development of a food regulatory measure, FSANZ has had regard to the following matters in section 59 of the FSANZ Act:

2.5.1.1 Consideration of the costs and benefits

Paragraph 59(2)(a) requires FSANZ to have regard to whether the costs that would arise from the proposed draft variation outweigh the direct or indirect benefits of that variation.

The draft variation will repeal the Code's CoOL requirements. This is on the basis that these requirements are replicated in the ACL information standard, except for the specific Code requirement for suppliers of packaged food to provide CoOL to caterers, which will no longer apply under the new ACL information standard. This will reduce the burden on food suppliers selling food to caterers. It is unlikely to have a major impact on consumers given that there was no obligation in the Code for caterers (as defined) to provide CoOL to the public.

One can reasonably conclude that the transfer of the Code's CoOL requirements to an ACL information standard will of itself have relatively little impact on industry and consumers.

The Office of Best Practice Regulation (OBPR) assessment was that the proposed change is machinery in nature and that a Regulation Impact Statement (RIS) for the proposed draft variation is therefore not required (OBPR reference 20087). The OBPR also subsequently agreed that discontinuing the specific requirement that a supplier to a caterer must provide CoOL for packaged foods is likely to have a minor impact and does not require the preparation of a RIS.

As mentioned above, the ACL information standard also contains CoOL requirements additional to those currently captured in the Code. These additional requirements were the subject of the ACL consultation process and the [Consultation RIS](#)⁶ submitted by DIIS for the ACL consultation process (OBPR reference 18710). The Decision RIS submitted by DIIS outlining the outcomes of this consultation process has been accepted by the OBPR (OBPR reference 18710).

2.5.1.2 Other measures

There are no other measures (whether available to FSANZ or not) that would be more cost effective means of achieving the same outcome as the draft variation.

2.5.1.3 Any relevant New Zealand standards

There are no relevant New Zealand Standards. Standard 1.2.11 only applies in Australia.

2.5.1.4 Any other relevant matters

Other relevant matters are considered below.

⁶ The DIIS consultation Regulation Impact Statement is available on the Best Practice Regulation Updates website at <http://ris.dpmc.gov.au/2015/12/22/country-of-origin-labelling-for-food/>.

2.5.2 Subsection 18(1)

FSANZ has also considered the three objectives in subsection 18(1) of the FSANZ Act during the assessment.

2.5.2.1 Protection of public health and safety

The draft variation is not expected to have an impact on the protection of public health and safety. CoOL is generally recognised as not being a public health and safety issue.

2.5.2.2 The provision of adequate information relating to food to enable consumers to make informed choices

The approved draft variation removes CoOL requirements from the Code as part of the new framework for CoOL established in the ACL. Because the CoOL requirements will continue to exist under a new framework, this Proposal is not expected to impact on the provision of adequate information relating to food to enable consumers to make informed choices.

Although the new ACL information standard does not include the specific requirement to provide CoOL for food for sale to caterers, FSANZ notes that there was no obligation in the Code for caterers (as defined) to provide CoOL to consumers and as such, there is no change to the requirements to provide country of origin information to the consumers.

2.5.2.3 The prevention of misleading or deceptive conduct

The approved draft variation removes CoOL requirements from the Code after the implementation of the new ACL information standard. Because the CoOL requirements will continue to exist under a new framework, this Proposal is not expected to impact on the prevention of misleading or deceptive conduct.

2.5.3 Subsection 18(2) considerations

FSANZ has also had regard to:

- **the need for standards to be based on risk analysis using the best available scientific evidence**

FSANZ has concluded that a scientific risk analysis was not considered necessary given the purpose and effect of the draft variation. See section 2.2 above.

- **the promotion of consistency between domestic and international food standards**
- **the desirability of an efficient and internationally competitive food industry**
- **the promotion of fair trading in food**

As the CoOL requirements that are removed from the Code are replicated in the ACL information standard (except for the specific requirement to provide CoOL for food for sale to caterers), it is not expected to impact on the three matters listed above. Matters in relation to the new CoOL framework and the ACL standard have been considered by the separate reform process.

- **any written policy guidelines formulated by the Forum on Food Regulation**

In 2003, the then Australia and New Zealand Food Regulation Ministerial Council notified FSANZ of its approval of a policy guideline on mandatory CoOL for food⁷. Ministers emphasised that this was not a public health and safety issue. FSANZ notes that the policy guidance specifically refers to the development of a new standard for country of origin labelling in the Code and that therefore the future status of this policy guideline may need to be considered by Ministers.

3 Transitional arrangements

The timing of the removal of CoOL requirements from the Code has been aligned with the transition arrangements for the new ACL information standard. The ACL information standard has a flat transition arrangement whereby businesses have 24 months in which to update their labels to align with the ACL information standard. In this period, food that complied with the Code's CoOL requirements, as applied by Australian food laws, would be deemed by the ACL information standard to comply with its requirements.

Following the 24 month transition period, food that had already been produced and had a label attached that complies with the Code's CoOL requirements up until the last day of the transition period, including warehoused stock and stock on retail shelves, can remain on, or be introduced for sale until the stock is sold or removed, i.e. the food would be deemed by the ACL information standard to comply with its requirements.

See section 3 of the draft variation at Attachment A. The effect of section 3 is to revoke the Code's CoOL requirements 24 months after the commencement of the ACL information standard.

Attachments

- A. Approved draft variation to the *Australia New Zealand Food Standards Code*
- B. Explanatory Statement
- C. Draft variation to the *Australia New Zealand Food Standards Code* (call for submissions)

⁷ <http://www.foodstandards.gov.au/code/fofr/fofrpolicy/pages/default.aspx>

Attachment A – Approved draft variation to the *Australia New Zealand Food Standards Code*



Food Standards (Proposal P1041 – Removal of Country of Origin Labelling Requirements) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated [To be completed by Standards Management Officer]

Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC **XX on XX Month 20XX**. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1041– Removal of Country of Origin Labelling Requirements) Variation*.

2 Variation to standards in the *Australia New Zealand Food Standards Code*

The Schedule repeals and varies standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the day that is 24 months after the commencement of the *Country of Origin Food Labelling Information Standard 2016*.

Schedule

[1] Standard 1.1.1 is varied by

[1.1] omitting from subsection 1.1.1—2(2)

Standard 1.2.11 Information requirements – country of origin labelling

Note Applies in Australia only

[1.2] omitting Note 1 to subsection 1.1.1—3(1), substituting

Note 1 The following provisions have not been incorporated by reference into a food standard under the *Food Act 2014* (NZ):

- (i) Standard 1.4.2 (agvet chemicals);
- (ii) Standard 1.6.2 (processing requirements for meat);
- (iii) section 2.1.1—5 (requirement for folic acid and thiamin in bread);
- (iv) section 2.2.1—12 (bovine must be free from bovine spongiform encephalopathy);
- (v) Standard 2.2.2 (eggs);
- (vi) subsection 2.4.2—3(2) and subsection 2.4.2—3(4) (requirement for food sold as table edible oil spreads and table margarine);
- (vii) Chapter 3 (food safety standards) and Chapter 4 (primary production and processing standards).

[2] Standard 1.2.1 is varied by

[2.1] omitting paragraph 1.2.1—5(b)

[2.2] omitting the notes at the end of subsection 1.2.1—6(1), substituting

Note See section 1.2.1—9 for information requirements for food for sale that does not need to bear a label.

[2.3] omitting section 1.2.1—7

[2.4] omitting paragraph 1.2.1—11(c)

[2.5] omitting section 1.2.1—14

[3] Standard 1.2.11 is repealed.

Attachment B – Explanatory Statement

1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 2 of Part 3 of the FSANZ Act specifies that the Authority may prepare a proposal for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering a proposal for the development or variation of food regulatory measures.

FSANZ prepared Proposal P1041 to remove country of origin labelling (CoOL) requirements from the Code in response to new arrangements where the requirements will fall under Australian Consumer Law (the ACL). The Authority considered the Proposal in accordance with Division 2 of Part 3 and has prepared a draft Standard.

Following consideration by the Australia and New Zealand Ministerial Forum on Food Regulation, section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the standard or draft variation of a standard.

Section 94 of the FSANZ Act specifies that a standard, or a variation of a standard, in relation to which a notice is published under section 92 is a legislative instrument, but is not subject to parliamentary disallowance or sunseting under the *Legislation Instruments Act 2003*.

2. Purpose

The Authority has a draft variation to remove CoOL requirements from the Code because the Australian Government has agreed to a new CoOL framework. The framework involves the introduction into a new information standard under Australian Consumer Law (the ACL information standard) which replicates the requirements of Standard 1.2.11 – Information requirements – country of origin labelling (except for specific requirement to provide CoOL to caterers).

The new ACL information standard will provide a transitional arrangement and period to enable industry to transition to the new regulatory framework. In this period, food that complies with the Code's CoOL requirements will be deemed by the ACL information standard to comply with that standard's requirements. For this reason, the draft variation will commence on the expiration of the transition period provided for in the ACL standard. At that point, Standard 1.2.11 and references to that Standard in Standard 1.1.1 and Standard 1.2.1 will be removed from the Code.

3. Documents incorporated by reference

The variations to food regulatory measures do not incorporate any documents by reference.

4. Consultation

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal P1041 included one round of public consultation following an assessment and the preparation of a draft variation and associated report.

Submissions were called for on 22 January 2016 for a six-week consultation period.

A RIS was not required because the proposed variation is based on Code requirements being inserted into the ACL which is considered to be machinery in nature.

5. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 94 of the FSANZ Act.

6. Variation

Items [1] and [2]

Items [1] and [2] of the Schedule remove references to Standard 1.2.11 where they appear in the Code, other than in Standard 1.2.11 itself.

Item [3]

Item [3] of the Schedule repeals Standard 1.2.11.

Attachment C – Draft variation to the *Australia New Zealand Food Standards Code* (call for submissions)



Food Standards (Proposal P1041– Removal of Country of Origin Labelling Requirements) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated [To be completed by Standards Management Officer]

Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1041– Removal of Country of Origin Labelling Requirements) Variation*.

2 Variation to standards in the *Australia New Zealand Food Standards Code*

The Schedule repeals and varies standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the day that is 24 months after the commencement of the *Country of Origin Food Labelling Information Standard 2016*.

Schedule

[1] Standard 1.1.1 is varied by

[1.1] omitting from subsection 1.1.1—2(2)

Standard 1.2.11 Information requirements – country of origin labelling

Note Applies in Australia only

[1.2] omitting Note 1 to subclause 1.1.1—3(1), substituting

Note 1 The following provisions have not been incorporated by reference into a food standard under the *Food Act 2014* (NZ):

- (i) Standard 1.4.2 (agvet chemicals);
- (ii) Standard 1.6.2 (processing requirements for meat);
- (iii) section 2.1.1—5 (requirement for folic acid and thiamin in bread);
- (iv) section 2.2.1—12 (bovine must be free from bovine spongiform encephalopathy);
- (v) Standard 2.2.2 (eggs);
- (vi) subsection 2.4.2—3(2) and subsection 2.4.2—3(4) (requirement for food sold as table edible oil spreads and table margarine);
- (vii) Chapter 3 (food safety standards) and Chapter 4 (primary production and processing standards).

[2] Standard 1.2.1 is varied by

[2.1] omitting paragraph 1.2.1—5(b)

[2.2] renumbering paragraphs 1.2.1—5(c) and (d) respectively as paragraphs 1.2.1—5(b) and (c)

[2.3] omitting the notes at the end of subsection 1.2.1—6(1), substituting

Note See section 1.2.1—9 for information requirements for food for sale that does not need to bear a label.

[2.4] omitting section 1.2.1—7

[2.5] omitting paragraph 1.2.1—11(c)

[2.6] renumbering paragraphs 1.2.1—11(d) and (e) respectively as paragraphs 1.2.1—11(c) and (d)

[2.7] omitting section 1.2.1—14

[3] Standard 1.2.11 is repealed.