

New Zealand Seafood Standards Council

Terms of Reference

Purpose

1. To be the consultative forum between the New Zealand seafood industry and government (NZ Food Safety Authority) in the preparation of food safety standards, other technical standards, and protocols that are necessary for market access of seafood.
2. To provide leadership, analysis and advice that contribute to the development of cost effective sustainable standards and risk-mitigating strategies, that achieve performance comparable to international best practice in risk management and consumer protection.
3. To communicate effectively with the seafood industry to ensure it is provided with appropriate advice and guidance to ensure the successful implementation of risk management standards.

Role

1. To ensure delivery of efficient and practical strategic direction, policy formulation and priority setting that meets the seafood industry's needs.
2. To assist in the establishment of industry standards, specifications and codes of practice based on full industry consultation and advice to decision-making bodies taking full account of commercial and other risks to marketing, and innovation in products and processing.
3. To help achieve practical solutions of relevant technical issues, factors that impinge on processing costs and efficiency, and non - regulatory requirements.
4. To foster open communication with the seafood industry and seek practical and cost effective solutions to seafood food safety problems.

Functions

A. Food Safety and Market Access

1. To act as the consultative organisation, representing people and businesses in the NZ seafood industry in relation to NZFSA's administration of the Animal Products Act 1999 and the Food Act 1981.
2. To develop seafood handling and processing codes of practice and strategies to address risks to the industry, including any requirements imposed by importing countries.
3. To act in an advisory capacity to government in the formulation of agreed strategies to be pursued in the negotiation of requirements with importing countries regulatory authorities.

4. To give advice and take part, where practicable, in negotiations with importing country's regulatory authorities, and participate where possible, in multilateral organisations when international standards are being set or agreed.
5. To provide policy advice to government on seafood food safety, and other associated market access issues, and on risk management strategies.
6. To keep industry informed of developments in national and international food safety standards, and market access issues.

B. General

1. To participate in the development of risk management strategies.
2. To consider and provide comment, on behalf of the seafood industry, on the operational plans of NZFSA.
3. To communicate with the seafood industry on developments and trends in food safety and other market access issues, that could be relevant to strategy formulation and forward planning by seafood farmers, harvesters and processors.
4. To evaluate special projects that may arise during the contract year and recommend appropriate actions.
5. To provide advice to industry on strategic direction and ethical requirements associated with certification.

Composition

1. The Council will consist of:
 - SeaFIC Director or Nominee (1)
 - SeaFIC Executive (1)
 - Seafood Industry Members (5)
 - NZ Food Safety Authority – Director New Zealand Standards (1)
 - NZ Food Safety Authority – Director Export Standards (1)
 - Consumer's representative (1)
2. An independent Chairman appointed by SeaFIC.
3. Observers
 - The Council is responsible for establishing observer status of organisations and may invite participation by organisations to address specific issues.
 - NZFSA Verification Agency is awarded permanent observer status while it remains the sole provider of verification services.
 - The NZ Cold Storage Association and the Customs Brokers and Freight Forwarders Association are awarded permanent observer status as organisations which share stakeholders with the Seafood Standards Council.
 - Seafood industry members are offered 2 observer places at each meeting, to be allocated on a first come first served basis.
4. SeaFIC will provide the secretariat for the Council.

Operational Requirements

1. The Seafood Standards Council will meet bimonthly unless required otherwise. Dates will be set at the beginning of each year for the calendar month.
2. Meeting papers will be distributed to council members 2 weeks prior to the meeting.
3. Minutes of the meeting will be distributed for comment within 2 weeks after the meeting.

Authority

1. The Council and its role are agreed by the New Zealand Seafood Industry Council and the NZ Food Safety Authority (NZ Standards Group and Export Standards Group) who are the parties to these Terms of Reference.
2. Council recommendations for significant amendments the *modus operandi*, in relation to industry standards and risk management strategies, will be submitted for agreement by the SeaFIC Board of Directors.
3. The Council will not be a party to the resolution of differences between individual seafood businesses and NZ Food Safety Authority.

Funding

1. The Council's reasonable expenses will be met by SeaFIC, and confirmed in the SeaFIC Business Plan each year.
2. Industry members of Council will be reimbursed for travel, accommodation and meals, in accordance with SeaFIC policy.
3. The Chairman will receive a separate fee approved by SeaFIC.

Review

The Council's terms of reference will be reviewed on a 3 yearly basis or at any other time if requested by SeaFIC Directors, the SeaFIC Policy Council or NZFSA (NZ and Export Standards).

Agreed and Signed

Chairman NZ Seafood Industry Council _____

_____ **Date**

NZFSA Director NZ Standards _____

_____ **Date**

NZFSA Director Export Standards _____

_____ **Date**

Chairman NZ Seafood Standards Council _____

_____ **Date**

Annexes:

I Overarching Commitment and Principles.

New Zealand Seafood Standards Council

Annex I Overarching Commitments and Principles

NZFSA Commitment

NZFSA is committed to maximising industry involvement in the regulatory process and encouraging industry ownership. NZFSA is committed to working in a partnership relationship with industry to the maximum extent possible. NZFSA will consult with the New Zealand Seafood Standards Council over the development and formulation of:

- (a) The regulatory standards, and specifications to be promulgated under the Animal Products Act and the Food Act; and
- (b) The generally accepted means of meeting the regulatory requirements; and
- (c) The interpretation and definition of the official market access requirements of importing countries.

In each case the intent of the consultation is to reach agreement. It is not expected that there will be failure to agree but in that event, and provided that best endeavours have been made to reach agreement, NZFSA reserves the right to ensure that its statutory responsibilities are met where the issues involve food safety or the credibility of New Zealand's regulatory systems.

NZFSA is committed to ensuring that the standards, specifications and codes of practice are limited to the scope defined within the Animal Products Act and the Food Act. Standards, specifications and codes of practice will be scientifically based and incorporate risk management philosophy. Cost efficiency and cost effectiveness (where possible) will be key features in the process of designing standards, specifications and codes of practice and the accepted means of meeting them.

NZFSA is equally committed to the concept of performance based verification whereby high performance receives less direct audit involvement, while poor performance increases audits.

NZFSA is committed to enterprises having the greatest autonomy appropriate to discharging their obligations to produce clean, safe and truthfully labelled seafood and seafood products.

NZFSA is committed to ensuring that sanctions required to respond to non compliance are applied consistently and fairly.

SeaFIC Commitment

SeaFIC is committed to ensuring that the provisions of the Animal Products Act and the Food Act are observed and maintained with respect to seafood and seafood products.

SeaFIC will provide a consultative committee (NZ Seafood Standards Council) which enables appropriate representation from the industry, to facilitate the consultation process necessary to maintain the commitments noted above.

Agreed Principles

NZFSA and SeaFIC have agreed to the following principles and will endeavour to apply them at all times:

- (a) Maximum benefits will accrue to the seafood industry and New Zealand by NZFSA working in a partnership relationship with industry and the parties are committed to working in this manner to the maximum extent, consistent with NZFSA's statutory responsibilities.
- (b) NZFSA and SeaFIC are committed to ensuring the profile of the NZ Seafood Standards Council is such that industry has a sense of ownership of the standards and systems that operate to ensure compliance with the standards.
- (c) Where practicable circulars, directives and codes of practice and guidance will be issued by the Seafood Standards Council and jointly signed by Director New Zealand Standards and the Chairperson of the Council.
- (d) For market access, NZFSA will involve the Seafood Standards Council to the maximum extent possible, including participation in "government to government" and multilateral negotiations, providing this is not deemed prejudicial to the direct outcome nor New Zealand's more general interests.
- (e) The NZFSA Compliance and Investigation Group will provide the Seafood Standards Council with regular status reports.
- (g) Regulatory costs and mechanisms for their recovery will be negotiated and recovered in accordance with the provisions of the Animal Products Act and the Food Act.
- (h) Verification of operations by verification agencies will be adjusted according to agreed performance criteria.
- (i) In standard setting and in the enforcement of requirements, NZFSA will endeavour to operate in such a way as to maintain food safety and truthful certification while seeking to minimise costs to industry
- (k) NZFSA and the Seafood Standards Council may agree on the general rules that verification agencies will apply in terms of sanctions in various non-compliance situations.