Notice No.0327 Article 1 of the Environmental Health and Food Safety March 27, 2017

To: Head of each quarantine station

From: Director of the Environmental Health and Food Safety, Pharmaceutical Safety and Environmental Health Bureau (Seal omitted)

Development of Imported Foods Monitoring and Guidance Plan for FY 2017

We appreciate the appropriate implementation of the monitoring plan based on the Imported Foods Monitoring and Guidance Plan for FY 2016, as well as the implementation of instruction of imported foods at the time of importation

Based on the implementation guidelines for monitoring and guidance on food sanitation (Notification No. 301 of the Ministry of Health, Labour and Welfare, 2003), the government developed the Imported Foods Monitoring and Guidance Plan in FY 2017 (hereinafter referred to as "the Imported Foods Monitoring and Guidance Plan for FY 2017"), as described in Annex 1, under paragraph 1, Article 23 of the Food Sanitation Act (Act No. 233 of 1947). The Imported Foods Monitoring and Guidance Plan for FY 2017 is a plan concerning the monitoring and guidance of imported foods, additives, equipment, containers and packages and toys by the national government which was published in an official gazette in accordance with paragraph 3 of the same Article.

Annex

Imported Foods Monitoring and Guidance Plan for FY 2017

The total number of import notifications filed for foods, additives, equipment, containers and packages and toys (hereinafter collectively referred to as "foods") imported into Japan for the purpose of marketing or any other commercial purposes during FY 2015 are about 2.26 million and their import weight reached 31. 9 million tons. Meanwhile, in accordance with the Food Balance Sheet by the Ministry of Agriculture, Forestry and Fisheries, the food self-sufficiency ratio (food self-sufficiency ratio based on the total calorific value supplied) of our country stands at about 40%, and this means that, on calorie basis, about 60% of food supplies in Japan depends on supplies from other countries.

In light of these situations surrounding foods imported into Japan, in FY 2016, the Ministry of Health, Labour and Welfare (hereinafter referred to as "the MHLW") and quarantine stations have expanded and enhanced their systems for inspection on importation of foods by upgrading the testing and other equipment, and thereby have reinforced the inspection and guidance upon importation including monitoring inspection*¹ and inspection order*². In addition, with an aim to prompt exporting countries to take appropriate safety measures for foods to be imported to Japan, the MHLW and quarantine stations systematically carried out surveys on the regulations and systems concerning food safety being implemented by exporting countries (hereinafter referred to as a "system survey"), and also conducted consultations and surveys on individual issues with exporting countries. In addition to these efforts, the MHLW and quarantine stations carried out on-site inspections about the safety controls being implemented by exporting countries with relation to bovine spongiform encephalopathy (hereinafter referred to as "BSE"), etc.

According to the interim report published in December 2016 about the results of the monitoring and guidance based on the Imported Foods Monitoring and Guidance Plan for FY 2016, the number of import notifications filed during the period from April to September in 2016 is approximately 1.16 million and the import weight reached some 11.87 million tons, and the number of inspections conducted during the said period amounted to 98,000, out of which 358 cases were found as violating the Food Sanitation Act (the Act No. 233 of 1947; hereinafter referred to as "the Act") (All of these figures are preliminary figures).

In FY2017, while seeking to further promote the above measures, the MHLW will upgrade the plan for monitoring inspections taking into consideration the results of the monitoring inspections conducted in FY2016 and at the same time, will review the inspection items and others taking into consideration the results of inspections and guidance conducted in previous years as well as other relevant factors. More specifically, the MHLW will steadily implement monitoring inspections on pathogenic microorganisms based on pathogen alert information from other countries as well as inspections on residual agricultural chemicals and others in accordance with the so-called Positive List System*³, and will review inspections items and others taking into consideration the results of system survey and violation data obtained from inspections conducted in previous years. In particular, considering the level of violations concerning the specifications and standards for frozen processed food products, the MHLW will continue to place particular emphasis on monitoring inspections on specifications and standards for processed food products. Based on such results, the MHLW will direct importers to introduce, at the stage of the production process in exporting countries, voluntary safety controls by using the checklist in accordance with the "Guidelines on Hygiene Control of Import Processed Foods" (hereinafter referred to as the "Guidelines on Processed Foods") attached to the "Notification concerning the Guidelines on Voluntary Hygiene Control of Import Processed Foods", FS Notification No. 0605001, dated June 5, 2008, issued by the Director General of the Department of Food Safety, Pharmaceutical and Food Safety Bureau, MHLW. Meanwhile, as measures targeted to exporting countries, the MHLW will request the governments of exporting countries to promote safety measures during the stages of production, manufacturing and processing (hereinafter referred to as "production process") and, will conduct on-site inspections in exporting countries as necessary. And at the same time, the MHLW will hold briefing sessions for promoting understanding of our food sanitation regulations among the governments of exporting counties as well as the producers, manufacturers and processors (hereinafter referred to as "producers, etc.") of exporting countries.

As for efforts to ensure beef exports to Japan are free of BSE, through on-site inspections and inspections on importation, the MHLW will continue to have an eye on the level of compliance to the food safety programs for beef exports to Japan being implemented by the governments of exporting countries.

Further, in light of economic partnership agreements including the Trans-Pacific Partnership (TPP), the MHLW will reinforce its information gathering activities concerning food sanitation in other countries and will reinforce its monitoring system in response to import trends.

In addition to these efforts, the MHLW will promote sanitary control based on the HACCP (Hazard Analysis and Critical Control Point) among the governments and producers of exporting countries, for example, through systematic implementation of surveys on the systems of exporting countries including surveys on the level of introduction of the HACCP system.

*1 Monitoring Inspection means inspections systematically implemented every fiscal year for the purposes of survey a wide variety of imported foods items in accordance with the provisions of Paragraph 1, Article 28 of the Act and of conducting necessary measures such as strengthened inspections on importation in the case of any violation of the Act.

*2 Inspection Order means that food products are highly possible for violation of the Act are inspected at each time of import. in accordance with the provisions of Paragraph 2 or 3, Article 26 of

the Act.

*3 Positive List System means the system to prohibit, in principle, any foods containing agricultural chemicals exceeding a certain level that is determined to pose no adverse health effects.

1. Purpose

The purpose of the Plan is to promote the intensive, effective and efficient monitoring and guidance over imported foods, and thereby to further ensure the safety of imported foods.

2. Effective period of the Plan

The Plan shall be effective from April 1, 2017 to March 31, 2018.

- 3. Basic procedures for the implementation of monitoring and guidance on imported foods It is stipulated in Article 4 of the Food Safety Basic Act (the Act No. 48 of 2003) that the food safety shall be ensured by taking necessary measures appropriately at each stage of the food supply processes both in Japan and in other countries. Based on this viewpoint, in order to secure the safety of imported foods, the following measures are to be taken from the stage of the production processes in exporting countries up to the stage of their distribution after importation into the domestic market.
 - (1) In order to promote safety measures during the production processes in exporting countries, the MHLW will provide information on our food-safety regulations to embassies located in Tokyo, importers, and the relevant government staffs and producers of exporting countries and will publish such information on the website of the MHLW (hereinafter simply referred to as "the website"). In addition to these efforts, the MHLW will hold bilateral discussions with exporting countries, conduct on-site inspections in exporting countries, and provide technical support to those countries.
 - (2) If any violation of the Act is detected, the MHLW will introduce necessary measures such as strengthening of inspections on importation, and at the same time, will publish the violation case in accordance with Article 63 of the Act.
 - (3) The MHLW will issue an order for comprehensive import ban on foods produced in a specific country or area or by a specific producer in accordance with the provisions of Paragraph 1, Article 8 or Paragraph 1, Article 17 of the Act if the MHLW considers such measures are inevitable to prevent possible harm to the food sanitation in our country.

- (4) If an importer has repeatedly violated the Act, the MHLW will provide necessary instructions to the importer in order to have the importer rectify the cause of the violation, and should the occasion demand, the MHLW will issue an order to prohibit or suspend the business of the importer in accordance with the provisions of Paragraph 2, Article 55 of the Act (hereinafter referred to as "the prohibition or suspension of the business of an importer").
- (5) Quarantine stations will carry out a check, based on import notification documents filed under Article 27 of the Act, as to compliance with the Act including compliance with specifications and standards relevant to foods (hereinafter referred as "the standards") in accordance with the provisions of Paragraph 1, Article 11 and Paragraph 1, Article 18 of the Act.
- (6) Quarantine stations will carry out monitoring inspections in a systematic manner to ensure the extensive monitoring of various imported foods for the purpose of food safety.
- (7) In order to prevent possible harm to the public health in terms of food sanitation, quarantine stations will order inspections of imported foods with a high possibility of violation of the Act in accordance with the provisions of Paragraph 2 or 3, Article 26 of the Act.
- (8) Quarantine stations will hold seminars for and provide pre-import guidance to importers in order to encourage them to promote, as one of their duties as food business operator, voluntary safety controls.
- (9) When a violation of the Act has been identified, quarantine stations will take necessary measures such as ordering the importer to discard, reship or use for any other purpose than human consumption (hereinafter referred to as "discard, etc.") and will direct the importer to provide a report on measures taken by the importer to prevent the recurrence.
- (10) After imported foods are released into the domestic market, local governments such as the governments of prefectures as well as cities and special wards with public health centers (hereinafter referred to as "local governments") will be placed in charge of monitoring and guidance on the imported foods. Upon detection of any violation of the Act, the MHLW, quarantine stations and local governments will cooperate with each other in taking measures to ensure the accurate and swift recall or any other disposal of the violating foods by the importer.
- 4. Matters relating to cases requiring intensive monitoring and guidance in light of conditions in

producing countries or areas and other factors:

(1) Checks based on import notifications and other documents submitted in accordance with the provisions of Article 27 of the Act

With respect to a food for which an import notification is filed in accordance with the provisions of Article 27 of the Act, the quarantine station will confirm; (i) that the food does not fall under any one of those mentioned in each item of Article 6, Paragraph 2 of Article 9, or Article 16 of the Act; (ii) that the food is not subjected to an import ban in accordance with the provisions of Paragraph 1, Article 8 or Paragraph 1, Article 17 of the Act; (iii) that additives contained in the food fall under those as set forth in the provisions of Article 10 of the Act; and (iv) that the food is in compliance with the standards, by checking the import notification document filed by the importer of the food and, as necessary, by checking any certificate document issued by the government of the exporting country and/or by asking reports from the importer.

- (2) Monitoring inspection in accordance with the provisions of Paragraph 1, Article 28 of the Act The purposes of monitoring inspections to be conducted by quarantine stations are to maintain the extensive monitoring of various imported foods for the purpose of food safety as well as to introduce appropriate measures such as the strengthening of inspection on importation upon detection of any violation.
 - 1) Development of a Monitoring Plan

In order to ensure that monitoring inspections will be carried out in an intensive, effective and efficient manner, in principle, the MHLW will determine for each food group the number of inspections to be conducted for each inspection item stipulated for the monitoring inspection (hereinafter referred to as "the monitoring plan") so that the a violation will be detected with a certain level of reliability from statistical viewpoint, after taking into account the violation rate, the number of import notifications filed, the import weight and potential impacts on the public health that may be caused by a violation.

In addition, in order to ensure the steady implementation of inspections of residual agricultural chemicals based on the Positive List System, the MHLW will take into account the regulations concerning agricultural chemicals, the status of their use as well as cases of detection of agricultural chemicals in other countries.

Further, in light of cases of non-conformity to specifications and standards for frozen processed foods and other processed foods, the MHLW will continue to place particular emphasis on monitoring inspections of processed foods to detect non-compliance with the standards, and will also intensively carry out inspections concerning pathogenic microbes such as enterohemorrhagic E. coli, Salmonella, and Listeria monocytogenes in view of the

emergences of those pathogenic microbes in other countries.

In addition, as for inspections concerning growth hormone about which only small number of inspections have been conducted since no violation has been detected so far, the MHLW will reinforce the inspection system and will ensure appropriate number of inspections will be conducted.

The monitoring plan for FY 2017 is as shown in Schedule 1.

However, the plan may be reviewed taking into consideration import trends, results of inspections and system surveys, and information about food-related health damages and recalls of unsanitary foods occurring in exporting countries.

2) Planned implementation of monitoring inspections

Each quarantine station will prepare its own annual plan for carrying out such number of inspections as the MHLW will assign to each of them in accordance with the number of inspections determined in the monitoring plan in order to ensure the systematic implementation of inspections.

Meanwhile, as for foods subject to inspection order concerning residual agricultural chemicals, monitoring inspections will be carried out in order to verify the reliability of the control of residual agricultural chemicals, etc., being implemented in export countries, since there are possibilities that the control of residual agricultural chemicals being conducted in exporting countries may be insufficient and that any change in agricultural chemicals used in exporting countries may occur and there is also a possibility that agricultural chemicals other than those covered by the inspection order may be contained in the foods in excess of standard values.

The MHLW will check the implementation of inspections based on the monitoring plan and provide instructions to quarantine stations as necessary. Should it be found difficult to carry out station by station or food group by food group inspections as planned due to any change in import trends or any other circumstances, the monitoring plan will be reviewed to ensure that inspections will be carried out in accordance with the actual import situation.

In the case of an emergency, the MHLW will entrust affairs relevant to inspections to registered conformity assessment bodies in accordance with the provisions of Paragraph 4, Article 28 of the Act.

3) Strengthening of monitoring inspections

When the MHLW receives information on the recall of a food or the emergence of a food-related health damage in exporting countries and other countries, or when any food is found to violate the Act during a monitoring inspection or otherwise, or when a violation of the Act is identified through the monitoring and guidance by a local government, the MHLW will instruct quarantine stations to reinforce their inspections of the relevant import

food as necessary.

As for the reinforcement of inspections of residual agricultural chemicals, in order to grasp the level of the use of the control over agricultural chemicals, etc. by the exporting country, the MHLW will carry out monitoring inspections on a higher proportion of imported foods concerned and for more inspection items so that violations may be detected with a certain level of reliability from statistical viewpoint.

In addition, in order to prevent any food violating the Act from human consumption, the MHLW will improve its inspection system so that inspection results will be obtained in a shorter period of time.

4) Cancellation of strengthening of monitoring inspections

When the MHLW determines that there is no longer a possibility that foods violating the Act may be exported to our country, the normal monitoring system will be reinstated by canceling the strengthening of monitoring inspections in accordance with any of the following procedures, i. or ii.:

- i. The exporting country has identified the cause of the violation, and based on the findings preventive measures have been introduced such as the formulation of a new regulation, the improvement of the control system of agricultural chemicals and the strengthening of the inspection system. Then upon confirmation of the effectiveness of such measures, the strengthening of monitoring inspections may be cancelled; or
- ii. When no violation of similar case is found after one year from the date on which the monitoring inspections were strengthened or after more than 60 cases were inspected, the strengthening of monitoring inspections may be cancelled.
- (3) Administrative inspections other than the monitoring inspection in accordance with the provisions of Paragraph 1, Article 28 of the Act In addition to inspections based on the monitoring plan, quarantine stations will conduct inspections on imported foods based on the import-notification documents when they are imported into Japan for the first time (hereinafter referred to as "the initial import"), when an accident has occurred during the transportation, or on any other occasions requiring inspections.
- (4) Inspection order in accordance with the provisions of Paragraph 2 or 3, Article 26 of the Act
 - 1) Issuance of an inspection order

When the MHLW deems it necessary in order to prevent any harm to the food sanitation of the country that may arise out of an imported food with a high possibility of violation of the Act, the MHLW will order importers to have the imported food inspected in accordance with any one of the following procedures, i. or ii.

Meanwhile, when the food is added to the list of foods subject to inspection order, the MHLW will provide easy-to-understand information about the potential health hazards that may be caused by the food.

i. When a harm to health has been caused or is possibility to be caused by the imported food in the exporting country and/or our country, or when a violation of the Act has been detected as a result of the monitoring inspection of aflatoxin, pathogenic microorganisms, etc., the imported food manufactured by the same manufacturer, processed by the same processor, or imported from the same exporting country will be immediately subjected to an inspection order.

ii. When more than one violation has been detected with regard to residual agricultural chemicals as a result of the monitoring inspection of the imported food manufactured by the same manufacturer, processed by the same processor or exported from the same country, all or part of the imported food in question will be subjected to an inspection order, after taking into account the regulations and the safety controls being implemented in the exporting country, the historical compliance record of the imported food and other factors.

2) Cancellation of an inspection order

When the MHLW determines that there is no longer a possibility that the food violating the Act will be exported into our country, the normal monitoring system will be reinstated by canceling the inspection order in accordance with any one of the following procedures i. or ii.:

i. The exporting country has identified the cause of the violation, and based on the findings preventive measures have been introduced such as the formulation of a new regulation, the improvement of the control system of agricultural chemicals and the strengthening of the inspection system. Then upon confirmation of the effectiveness of such measures through bilateral discussions, on-site inspections, or inspections on importation of the food, the inspection order may be cancelled; or

ii. As for foods subject to inspection order with respect to residual agricultural chemicals, etc., if no new violation is detected during two years from the date on which the most recent violation was found after the date of the notification of an inspection order (or from the date of notification of an inspection order if no violation has occurred since the date of such notification) or if there is no new violation during one year from the said date and at the same time, more than 300 cases have been inspected based on the inspection order, the inspection order may be cancelled.

Thereafter, monitoring inspections will be carried out on a higher proportion of the imported food and for more inspection items so that violations will be detected with a certain level of reliability from statistical viewpoint with respect to inspection items applicable to the imported food and upon detection of any violation, the food will be immediately subjected to inspection order.

(5) Comprehensive import ban in accordance with the provisions of Paragraph 1, Article 8 or Paragraph 1, Article 17 of the Act

As for an imported food produced in a specific country or area or by a specific business entity, if the violation rate stands above approximately 5% of the overall number of the food inspected and if it is highly likely that the importation of the violating food will continue taking into consideration the level of the food sanitation control in the exporting country, the MHLW will issue a ban on the importation of such food after consulting the Pharmaceutical Affairs and Food Sanitation Council, to the extent that such a ban is deemed inevitable in order to prevent potential food sanitation problems taking into consideration the extent of damage to human health that may be caused by the food.

- (6) Emergency measures in response to alert information from other countries
 - In order to ensure the safety of imported foods, the MHLW will gather information on food-safety problems occurring in other countries through relevant ministries and agencies, the National Institute of Health Sciences, the National Institute of Infectious Diseases and the governments of exporting countries and through the International Food Safety Authorities Network (INFOSAN) run by the World Health Organization (WHO) and will publish major cases on the website. And if it is found through the search that the violating food have already been imported into our country, the MHLW will instruct quarantine stations or local governments to investigate into the level of the distribution and the stock status of the food in Japan and also instruct them to direct the importers to carry out inspections, the recall of the food and/or any other appropriate measures. The MHLW will also instruct quarantine stations to reinforce their inspections over the food and publish the progress of countermeasures being implemented.
- 5. Promotion of safety measures in exporting countries

The MHLW will promote safety measures in exporting countries through the following efforts so that any violation of the Act may be prevented at the stage of the production processes in exporting countries.

(1) Dissemination of information about the food-safety regulations of our country and other relevant information

The MHLW will provide on the website the English translation of the food safety regulations of

our country, the lists of foods subject to inspection order or to enhanced monitoring inspection, this Plan as well as the results of the monitoring and guidance conducted under the Plan with an aim to promote information dissemination.

In addition, the MHLW will strive to communicate such information widely among the government staff and producers of exporting countries by holding briefing sessions for the relevant staff of embassies located in Tokyo at the time of the revision of relevant standards, through seminars on food safety regulations organized by the Japan International Cooperation Agency (JICA) as well as by holding explanatory meetings in exporting countries.

(2) Bilateral discussions and on-site inspections

Not only with respect to import foods subject to inspection order but also with respect to import foods with a high possibility of violation of the Act, the MHLW will ask, through bilateral consultations and other opportunities, the governments of the exporting countries to investigate into the causes of the violations and to take corrective actions based on the results, and thereby will strive to promote the implementation of safety controls during the stage of the production processes, the enhancement of monitoring systems and the introduction of pre-export inspections in the exporting countries.

Meanwhile, in order to encourage exporting countries to promote the safety measures for foods exported to Japan, the MHLW will gather information and conduct on-site inspections in a systematic manner by placing particular emphasis on countries concerning which a large number of violations have been detected, in addition to countries exporting large amount of foods to our country as well as the member countries of the economic partnership agreements, considering that the majority of violations reported so far consist of violations of each items of Article 6 of the Act that relates to toxic or hazardous substances such as mycotoxins and violations of Paragraph 2 or 3, Article 11 of the Act that relates to the standards concerning residual agricultural chemicals, veterinary drugs, microorganisms and additives according to the interim report about the results of the inspections and guidance under the Imported Foods Monitoring and Guidance Plan for FY2016.

Further, in order to ensure the safety of imported beef, if it is necessary to verify the safety measures being implemented at the production process in the exporting countries, the MHLW will dispatch experts to the exporting countries to carry out on-site investigations of the safety measures of the exporting countries.

Furthermore, based on the "Memorandum on Japan-China Food Safety Promotion Initiative" signed by the ministers of the both countries on May 2010, the MHLW will hold ministerial-level meetings, will formulate an action plan for promoting exchange and cooperation in the field of the safety of foods imported and exported by Japan and China, and will carry out

working-level consultations and on-site inspections.

(3) Technical cooperation, etc.

The MHLW and quarantine stations will promote technical cooperation that will contribute to the enhancement of the monitoring systems of exporting countries through information dissemination about the food safety regulations of our country and through supports for the improvement of testing techniques of those countries about residual agricultural chemicals, mycotoxins and other substances.

(4) Promotion of sanitary control based on the HACCP

The MHLW will examine the level of the introduction of a hygiene control based on the HACCP by the governments and producers, etc. of exporting countries and at the same time, encourage importers to introduce such hygiene controls, thereby promoting safety measures in exporting countries. As for procedures to be introduced concerning food imports from facilities adopting hygiene controls based on the HACCP, the MHLW will consider them by taking into account a system based on HACCP expected to be introduced in Japan and in light of the investigation results of the hygiene controls in exporting countries.

6. Guidance about voluntary safety controls by importers

Paragraph 1, Article 8 of the Food Safety Basic Act stipulates that food business operators, including importers, shall be responsible for taking necessary measures to ensure food safety at each stage of the food supply processes based on the recognition that they bear the primary responsibility for ensuring food safety. Also, Paragraph 1, Article 3 of the Act stipulates that food business operators, including importers, are required to take necessary measures under their own responsibilities such as the acquisition of necessary knowledge and technology, ensuring the safety of raw materials and the implementation of voluntary inspections to ensure the safety of imported foods.

In light of these requirements, quarantine stations will promote voluntary safety controls among importers through the following guidance and measures with an aim to prevent violations of the Act before they occur.

(1) Basic guidance for importers

Quarantine stations will strive to make sure that importers have a thorough understanding of the regulations on food safety as well as their responsibilities as importers such as compliance with statutory import procedures, inspection systems and the standards as well as submission of sanitary certificates required to be attached to imported foods.

Meanwhile, from the viewpoint of the promotion of voluntary safety controls by importers,

quarantine stations will provide importers in a timely manner with information on imported foods violating the Act and sanitation problems, newly established standards, and food safety regulations of exporting countries, and will provide guidance to importers through seminars or at the time of import notification that may lead to prompt importers to voluntarily secure the safety of imported foods.

Basic guidance items for importers are listed in Schedule 2. Additional guidance may be given to importers depending on exporting countries and the types of foods that the importers will handle in their business. As for processed foods, importers will be instructed to conduct necessary confirmation at the stage of the production process in exporting countries in accordance with the processed food guidelines and by taking into consideration the status of the development and implementation of food safety regulations in exporting countries and the level of safety controls implemented by the manufacturers.

Furthermore, quarantine stations will urge importers to make sure to confirm that foods to be imported have not been illegally produced in exporting countries and also to confirm, by using the checklist based on the processed foods guidelines, the conformance to the Act of raw materials, additives, manufacturing processes, inspection data and all other aspects.

In addition, quarantine stations will instruct importers to make proper import notifications based on accurate and latest information obtained from producers, etc. At the same time, when importers intend to import foods on a regular basis, quarantine stations will instruct them to make sure to confirm that there are no changes in raw materials and manufacturing process used for the foods as well as the conformity of actual goods with the results of voluntary inspections presented in the import notification.

In addition to these efforts, quarantine stations will provide necessary information to importers whenever the standards are revised, inspection is enhanced, sales are prohibited, or otherwise related changes are made.

(2) Pre-import guidance

Based on the guidance items as mentioned in (1) above, quarantine stations will instruct importers to pre-confirm the safety of foods to be imported to Japan by checking whether they contain any of the pharmaceutical ingredients regulated under the Act on Securing Quality, Efficacy and Safety of Pharmaceuticals, Medical Devices, Regenerative and Cellular Therapy Products, Gene Therapy Products, and Cosmetics (the Act No. 145 of 1960) by referring to materials or information obtained from producers.

Further, quarantine stations will encourage importers, through their websites and/or seminars, to consult with import foods counselors of a quarantine station before they import for the first time such foods as may fall under the same category as those that have violated the Act or caused any

sanitation problem in the past.

When the results of voluntary inspections have been verified in the course of the pre-import guidance, those results will be utilized when quarantine stations check imported foods with import notification documents as described in 4. (1) above, from the viewpoint of promoting voluntary inspection before importation.

The results of pre-import guidance will be shared among quarantine stations to promote effective monitoring and guidance.

(3) When a violation is identified through pre-import guidance

When a food being imported by an importer has been proved, through a pre-import safety check by the importer, not to comply with the Act, the relevant quarantine station will instruct the importer to take appropriate measures to make the food comply with the Act and also direct the importer to delay the importation until the violating state has been rectified.

Even if the food is proved, through document check, etc., to be in compliance with the Act as a result of the rectification, the quarantine station will instruct the importer to carry out an inspection to verify that the food is actually meeting the standards.

(4) Voluntary inspection

As for any food imported into Japan for the first time, the relevant quarantine station will instruct the importer to carry out voluntary inspections with respect to inspection items required to verify that the food is in compliance with the Act in accordance with the standards and with respect to additives used in the product.

Meanwhile, in the case where the food is to be imported on a regular basis, the importer will be instructed to carry out voluntary inspections in accordance with the guidance as mentioned in (1) above by referring to the standards and by checking additives used in the food at regular intervals and also taking into consideration confirmed violations of similar foods.

(5) Preparation and maintenance of records of imported foods

Based on the "Guidelines concerning Preparation and Retention of Records by Food Business Operators, based on Provisions in Paragraph 2, Article 1-3 of the Food Sanitation Act" attached to the "Notification concerning the Guidelines concerning Preparation and Retention of Records by Food Business Operators based on Provisions in Paragraph 2, Article 1-3 of the Food Sanitation Act", FS Notification No. 0829001, dated August 29, 2003, issued by the Director General of the Department of Food Safety, Pharmaceutical and Food Safety Bureau, MHLW, importers will be instructed to properly prepare and maintain records of the importation, sales and other details of the imported foods in order to allow the quarantine stations to monitor the conditions of importation and distribution of those foods at all times. Importers will also be instructed to maintain such information in a way that they will be able to provide the information immediately to relevant quarantine stations and local governments should any violation of the Act be identified.

Further, in order to prevent any violating foods from human consumption, quarantine stations will continue to instruct importers to provide such records as notified in the "Implementation of "the Imported Foods Monitoring Plan for FY 2016"" (Seishokuyu Notification 1007 No. 1, dated October 7, 2016, issued by the Director of Office of Import Food Safety, Inspection and Safety Division, Department of Environmental Health and Food Safety, Pharmaceutical Safety and Environmental Health Bureau, MHLW) so that quarantine stations will be able to carry out distribution surveys and the recall of violating foods swiftly upon detection of any violation through monitoring inspections.

(6) Enhancement of knowledge of food safety among importers, customs brokers and bonded warehouse operators

Quarantine stations will hold seminars not only for importers but also for customs brokers and bonded warehouse operators to provide information about guidance items, (1) to (5) above and will dispatch their staff members to seminars held by their associated organizations, with the aim to improve the business operators' knowledge about food safety and thereby to ensure the safety of imported foods.

Meanwhile, quarantine stations will strive to enhance the knowledge of importers, for example, by prompting importers to consult in advance with local governments having jurisdiction over the area where their places of business are located to seek advice on labelling requirements such as proper indication of expiration dates.

7. Responses upon detection of a violation

The quarantine station with which the import notification was filed for the relevant food, the MHLW and relevant local governments will, in cooperation with each other, instruct the importer to promptly abandon or recall the violating food and at the same time direct the importer to investigate into the cause of the violation and take appropriate preventive measures. In addition to these responses, other necessary measures including the reinforcement of inspection on importation will be introduced in accordance with the following procedures:

(1) When a violation is detected through the inspection on importation or any other procedures:

1) In the case where the violating food has not yet cleared customs:

The relevant quarantine station will instruct the importer to discard or otherwise dispose of the violating food and to report on the progress of such disposal.

Meanwhile, the MHLW will introduce necessary measures including the reinforcement of inspection on importation.

2) In the case where the violating food has already cleared customs:

The relevant prefectural government having jurisdiction over the area where the place of business of the import is located will order the importer to recall or otherwise dispose of the violating food and to report on the progress of such disposal.

In order to ensure the efficient implementation of the recall or any other disposal by the importer, the relevant quarantine station will report to the MHLW in a timely manner the lot numbers of the violating food products, the name and address of the importer and other relevant information (hereinafter referred to as the "violating food information").

Meanwhile, the MHLW will provide information concerning the violating food to the relevant local government that has jurisdiction over the area where the place of business of the importer is located, and will take other necessary measures including the reinforcement of inspection on importation.

The quarantine station will, while directing the discard or other disposal of the violating food as temporary measures, instruct the importer to act as directed by the prefectural government having jurisdiction over the area where the place of business of the importer is located.

In addition to these response measures, the MHLW will, in accordance with the provisions of Paragraph 1, Article 12 of the Consumer Safety Act (the Act No. 50 of 2009), strive to ensure the sharing of the relevant information with the Consumer Affairs Agency.

(2) When a violation is detected through any inspection during the domestic distribution process:

Upon notification from any local government of any violating import food detected in the domestic distribution process as a result of sampling inspections (sampling or inspection based on the provision of Article 28, Paragraph 1 of the Act) and/or voluntary inspections by the distributor, etc., the MHLW will provide information relevant to the violating food to quarantine stations and, based on the information, will take necessary measures including the enhancement of inspection on importation.

Should there be any reported health damage originating from the imported food, the MHLW will make prompt notification to quarantine stations in the case of a food before importation and to local governments in the case of a food already released into the domestic market and at the same time will take necessary measures to prevent further expansion of the damage.

(3) Instructions, etc. to importers for the prevention of the recurrence

In order for the prevention of the recurrence of violations, quarantine stations will require the importer who has violated the Act to report on the following:

1) Investigation and report of the cause of the violation

Quarantine stations will require the importer to investigate into the cause of the violation and to report on the cause as soon as it is identified. If the cause is not identified after three months from the detection of the violation, quarantine stations will require the importer to report on the progress of its investigation.

- 2) Report of the results of the rectification of the cause before resumption of importation Before allowing the resumption of the importation of the food in question, quarantine stations will confirm the rectification of the cause of the violation through the investigation as mentioned in 1) above. If necessary, quarantine stations will verify the rectification of the cause by referring to field investigations conducted by the importer in the exporting country and/or other inspections carried out by the exporting country and will also request for a report on the results of the rectification.
- (4) Prohibition or suspension of the business of importers based on the provisions of Paragraph 2, Article 55 of the Act

From the viewpoint of ensuring food safety, the MHLW may order the prohibition or suspension of the business of importers who have repeatedly committed violations or importers importing foods causing or that may cause damage to the public health, in order to have them rectify the cause of the violation and take preventive and any other measures necessary from a sanitary viewpoint.

In addition, as for importers whose violation rate is almost in excess of 5 % and who may be subjected to the disposition by prohibition or suspension of business, the MHLW will require them to submit explanations about their preventive measures and will provide guidance so that no more violations will be committed by them, in accordance with the "Guidelines for the Prohibition or Suspension of Business of Importers under Paragraph 2, Article 55 of the Act" attached to the "Notification concerning the Guidelines for the Prohibition or Suspension of Business of Importers under Paragraph 2, Article 55 of the Act" attached to the "Notification concerning the Guidelines for the Prohibition No. 0110003 dated January 10, 2006 issued by the Director General of the Department of Food, Pharmaceutical and Food Safety Bureau, MHLW. Quarantine stations will strengthen monitoring inspections over food products imported by such importers in accordance with the seriousness of the violations and will also conduct the verification of the preventive measures introduced by the importers.

(5) Indictment of malicious cases

Quarantine stations will indict cases deemed as amounting to criminal offences such as the submission of a false import notification and illegal importation of foods violating or highly

likely to violate the Act and will release the information about such indictment in a timely manner.

(6) Publication of violations

In order to alert the public against food sanitation hazards, the MHLW will promptly publish on the website the name of the importer who has violated the Act or violated any action taken under the Act (except for importers whose violation is of minor nature and who have rectified the violation immediately) and the details of the violating food imported by the importer (as for the names of violating importers, the publication period will be limited to one year) in accordance with the provisions of Article 63 of the Act. In addition to the publication of the names of violating importers, the progress of the response measures including the disposal or recall of violating food products, the details of corrective actions and the causes of the violations will also be published as soon as such information becomes available.

8. Provision of information to the public

By utilizing the websites, their official SNS (social networking service) accounts and any other means, the MHLW and quarantine stations will actively provide the general public with easy-to-understand information about their efforts for ensuring the safety of imported foods.

(1) Provision of information about the monitoring plan, etc.

Quarantine stations will communicate the notices concerning the monitoring plan, inspection orders, the enhancement of inspections and other measures widely among importers, customs brokers and bonded warehouse operators with an aim to facilitate the smooth implementation of the monitoring and guidance under the Plan.

The MHLW will also make public such information as concerning the monitoring plan, the issuance of inspection orders, the enhancement of inspections and other measures.

(2) Provision of information concerning bilateral discussions and on-site inspections

The MHLW will publish information concerning bilateral discussions and on-site inspections that have been held or conducted in order to promote safety measures at the side of exporting countries, including discussions under the Memorandum on Japan-China Food Safety Promotion Initiative.

(3) Announcement of monitoring results under the Plan

The MHLW will publish the summary report of the progresses and the results of monitoring inspections carried out under this Plan and inspections conducted in response to inspection orders, etc., the yearly trends of the results of its monitoring and guidance and the summary

report of the monitoring and guidance over importers and the results around August of the following fiscal year. Meanwhile, information about those matters for the first half of this fiscal year (from April to September) will be published around December.

(4) Efforts to facilitate risk communication about food safety

The MHLW will not only introduce a public comment process to gather opinions about the Imported Foods Monitoring and Guidance Plan but also, as one of its efforts to facilitate risk communication about food safety, will hold, in cooperation with local governments and other concerned ministries and agencies, sessions for information exchange with consumers, business operators, etc. about the draft Imported Foods Monitoring and Guidance Plan and the details of its monitoring and guidance, thereby striving to gain appropriate understanding of food safety.

(5) Others

Quarantine stations will strive to gain public understanding of the actual conditions of monitoring and guidance on imported foods through such activities as observation tours of quarantine stations for general consumers.

- 9. Other activities necessary for the implementation of monitoring and guidance
- (1) Development and skill enhancement of human resources in charge of food safety
- The MHLW will hold seminars and training sessions to improve the knowledge and skills concerning food safety for food sanitation inspectors engaging in monitoring, guidance, testing and inspection of foods at quarantine stations.
- (2) Evaluation of tests and inspections of foods carried out by quarantine stations Based on advice from the MHLW's regional offices, the MHLW will carry out the evaluation of the management of the tests and inspections at quarantine stations and will provide instructions as necessary in order to ensure the proper implementation of monitoring inspections and other related operations by quarantine stations.

Schedule 1

Food type	Category of inspection items*1	Number of inspection specimens*2	Total number of Inspection specimens*3
Livestock foods Beef, pork, chicken, horse meat, poultry meat, and other meats	Antibacterial substances	2,200	
	Residual agricultural chemicals	1,200	
	Additives	120	1 000
	Pathogenic microorganisms	650	4,600
	Standards for constituents	400	
	Radiation irradiation	30	
Processed livestock foods	Antibacterial substances	2,250	
Natural cheeses, processed meat	Residual agricultural chemicals	1,750	
products, ice cream, frozen	Additives	1,200	10,700
products (meat products), and	Pathogenic microorganisms	3,700	10,100
other products	Standards for constituents	1,800	
	Antibacterial substances	2,000	
9 6 1 1 4	Residual agricultural chemicals	1,400	
Seafood products	Additives	/	
Bivalves, fish, shellfish (shrimps,		650	5,630
prawns, crabs) and other	Pathogenic microorganisms	1,200	
products	Standards for constituents	320	
	Radiation irradiation	60	
Processed seafood	Antibacterial substances	3,550	
Processed fish products (fillet,	Residual agricultural chemicals	4,400	
dried or minced fish, etc.), frozen	Additives	1,950	18,650
products (aquatic animals and	Pathogenic microorganisms	3,800	10,000
fish), processed fish roe products, and other products	Standards for constituents	4,950	
-	Antibacterial substances	2,200	
	Residual agricultural chemicals	9,750	
Agricultural foods	Additives	550	
Vegetables, fruit, wheat, barley,	Pathogenic microorganisms	1,400	
corn, beans, peanuts, nuts,	Standards for constituents	350	17,050
seeds, and other products	Mycotoxins	2,300	
seeds, and other products	GMOs	400	
	Radiation irradiation	100	
	Antibacterial substances	600	
Processed agricultural foods	Residual agricultural chemicals	6,800	
Frozen products (processed	Additives	4,800	
vegetables), processed vegetable	Pathogenic microorganisms	1,900	20,900
products, processed fruit	Standards for constituents	3,500	20,000
products, spices, instant noodles,	Mycotoxins	2,550	
and other products	GMOs	300	
	Radiation irradiation	450	
Other foods	Residual agricultural chemicals	1,100	
Health foods, soups, flavorings,	Additives	3,200	
seasonings, sweets, edible oils,	Standards for constituents	900	6,150
fat, frozen products, and other products	Mycotoxins	950	,
Drinks and beverages	Residual agricultural chemicals	100	
Mineral water, soft drinks,	Additives	1,100	
alcoholic beverages, and other	Standards for constituents	650	2,020
products	Mycotoxins	170	
Additives Equipments, containers and packages, Toys	Standards for constituents	1,800	1,800
Foods subject to enhanced inspection*3	Antibacterial substances, residual agricultural chemicals, additives, pathogenic microorganism, standards for constituents, mycotoxins, GMOs, radiation irradiation, Removal of SRMs	10,000	10,000
Overall total*2			97,500

*1: Examples of inspection items

· Antibacterial substances: antibiotics, synthetic antibacterial agents, hormone preparations, and others

· Residual agricultural chemicals: organophosphorus, organochlorines, carbamates, pyrethroids, and others

· Additives: preservatives, food coloring, sweeteners, antioxidants, antimold agents, and others

 \cdot GMOs: Genetically modified organisms whose safety has not yet been certified

 \cdot Radiation irradiation: existence of radiation irradiation

*2: The total numbers of specimens are approximate aggregations of the numbers of inspections in the relevant inspection categories, such as antibacterial substances

and residual agricultural chemicals.

*3: Additional inspections conducted during the implementation of the plan, based on the occurrence of violations and overseas information at the time of importation.

[•] Pathogenic microorganisms: enterohemorrhagic Escherichia coli O26, O103, O104, O111, O121, O145,, and O157, Listeria monocytogenes, Vibrio parahaemolyticus, etc.

[•] Standards for constituents: items defined in the standards for constituents (such as the number of bacteria, coliform bacteria, and radioactive materials), shellfish poisons (diarrheic shellfish poisons, paralytic shellfish poisons), and others

[·] Mycotoxins: aflatoxin, deoxynivalenol, patulin, and others

Schedule 2

	Risk factors at the time of importation (typical examples)	Items to be checked in advance	Items to be checked regularly (including at the time of first importation)	Items to be checked during the transportation and storage processes
Foods in general (Items in common)	Containing hazardous or toxic materials in the food Mixing with rotten or deteriorated matter, or unclean or foreign matter	• Taking measures to prevent hazardous or toxic materials from being included at the point of receiving raw material and manufacturing and processing process	• Ensuring that no hazardous or toxic materials are included, by regular testing and inspection	 Whether any corruption or deterioration occurred due to accidents or improper temperature control Whether the food processed by salting or other measures is stored outdoors for a long time Whether the any contamination occurred with pesticides, etc. used in the warehouse
	• Contamination by pathogenic microorganisms	• Taking measures to prevent contamination by pathogenic microorganisms	• Ensuring that no pathogenic microorganisms are present through regular testing and inspections	
	 Use of unapproved additives Use of additives for unapproved purposes, or the use of additives that does not conform with the standards for their use, such as overuse 	 Ensuring that no unapproved additives are used, including those used for raw material Ensuring that additives that do not comply with the standards are not used, and that the appropriate amount is used 	• Ensuring that no unapproved additives are used, and that the proper amount of additives is used, by regular testing and inspection	
	• Non-conformity with standards (soft drinks, meat products, frozen foods, and other products)	 Ensuring that standards for constituents, manufacturing and processing standards, and other standards are met Ensuring that no sterilization by irradiation, etc. is conducted (excluding those for controlling germination of potatoes) Asking manufacturers and producers to provide the formal names and percentages of raw materials and additives used in the manufacturing process and the final products Ensuring that the final product conforms with the Food Sanitation Act by testing and inspection, as necessary 	 Ensuring that no change has been made in the manufacturing process and the raw materials Ensuring conformity with the standards for constituents, by regular testing and inspection Ensuring compliance with the Food Sanitation Act, by checking the final products 	

Agricultural products and related processed foods	• Mycotoxins such as aflatoxin and patulin (cereals, beans, spices, apple juice, etc.)	• Taking measures to prevent mold from growing at the time of ingathering and transportation/storage	• Ensuring that no mycotoxins are present by regular testing and inspection	• Whether proper control of temperature and humidity is carried out to prevent the growth of mold
	• Natural poisons such as cyanogenic glycosides	 Checking whether any natural poisons are present in the food Measures should be taken to remove any natural poisons during the manufacturing, processing and other processes Taking measures to prevent any hazardous or toxic plants from being included 	• Ensuring that no natural poisons are present by regular testing and inspection	
с. (1 с.	• Radioactive contamination (mushrooms, processed concentrated berries, herbs, etc)	• Ensuring that the harvesting area is not contaminated by radioactivity	• Checking the level of radioactivity by regular testing and inspection	
	• Pathogenic microorganisms such as Enterohemorrhagic Escherichia coli O157 (fresh vegetables)	• Taking measures to prevent contamination by pathogenic microorganisms	• Ensuring that no pathogenic microorganisms are present by regular testing and inspection	• Whether proper temperature control is carried out to prevent harm due to the growth of any microorganisms
	• Residual agricultural chemicals	 Checking how agricultural chemicals are used Raw materials of processed foods must conform with residue standards 	 Ensuring compliance with proper use and dosage of agricultural chemicals, before and after ingathering Ensuring that residual agricultural chemicals are below proper levels, by regular testing and inspection 	• Checking whether any agricultural chemicals were used after ingathering
	• GMO foods whose safety has not been certified (corn, papaya, etc.)	 Checking whether GMO food has been approved Taking measures to prevent any uncertified GMO food from being included 	• Ensuring that no GMO food whose safety has not been certified is included through regular testing and inspection	• Whether proper control is carried out
	• Use of additives that may mislead consumers in the determination of quality and freshness (fresh vegetables)	• Ensuring that no colorant, bleach, or other additives that may mislead consumers in the determination of quality or freshness have been used	• Checking the types of additives used through regular testing and inspection	

products and related processed foods	• Pathogenic microorganisms such as Enterohemorrhagic Escherichia coli O157 and listeria (meat, natural cheeses, etc.)	• Taking measures to prevent contamination by pathogenic microorganisms	• Ensuring that no pathogenic microorganisms are present through regular testing and inspections	• Whether proper temperature control is implemented to prevent harm due to the growth of microorganisms
	• Radioactive contamination (reindeer meat, beef extracts, etc.)	• Ensuring producing area is not contaminated by radioactivity	• Checking the level of radioactivity by regular testing and inspection	
	• Errors concerning sanitation certificates (meat and meat products)	• Checking each item on the sanitation certificate issued by the governmental agency of the producing and/or exporting country		• Ensuring that a complete sanitation certificate is attached
	• Bovine spongiform Encephalopathy(BSE) (beef and beef-derived products)	 The producing area is not a country or area from which import is prohibited No specified risk material (SRM) is included in the product No beef, etc. originated from countries or areas from which import is prohibited is included or used. 		
	• Bovine spongiform encephalopathy (mutton, goat meat, etc.)	 No BSE animal has been found in the producing area No specified risk material (SRM) is included in the product No mutton, goat meat, etc. originated from countries prohibited or areas from which import is included or used. 		
	• Residual agricultural chemicals, veterinary drugs, and feedstuff additives	 Checking how agricultural chemicals, veterinary drugs and/or feedstuff additives were used Raw materials of processed foods must conform with residue standards 	 Checking compliance with proper dose, administration, and drug holidays for veterinary drugs and feedstuff additives Checking levels of residual agricultural chemicals, veterinary drugs, and feedstuff additives, by regular testing and inspection 	
	• Use of additives that may mislead consumers in the determination of quality and freshness (meat)	• Ensuring that no colorant or other additives that may mislead consumers in the determination of quality or freshness have been used	• Checking the types of additives used through regular testing and inspection	

Seafood and	Pathogenic	• Taking measures to	Ensuring that no	Compliance with
seafood Vi (fi pe be sta sta sta an for po sh (sl bla i i bla i bla i bla i bla i bla i bla i bla i bla i bla i bla i bla i bla i bla i bla i bla i i i bla i bla i i bla i bla i bla i bla i bla i bla i bl	microorganisms such as Vibrio parahaemolyticus (fillet, shelled and/or peeled fish and shellfish to be eaten raw)	• Compliance with processing standards	pathogenic microorganisms are present through regular testing and inspections	storage standards • Whether proper temperature control is carried out to prevent harm due to the growth of any microorganisms
	• Non-conformity with standards for constituents, standards for processing, and standards for storage for oysters eaten raw	• Checking whether the standards for processing in the producing country are at the same level as in Japan	• Ensuring conformity with the standards for constituents by regular testing and inspection	Compliance with storage standards
	• Diarrheic shellfish poisons or paralytic shellfish poisons (shellfish)	• Checking that clams are gathered in sea areas where proper monitoring of shellfish poisoning is implemented	• Ensuring that no shellfish poisons are present by regular testing and inspection	
	• Mixing with poisonous blowfish	 Ensuring that only fish of the approved type(s) are imported Taking measures to prevent different types of blowfish from being mixed in, through proper identification of fish types 		 Checking the certificates issued by the governmental agency of the exporting country Ensuring that no different types of blowfish are included, through proper identification of fish types
	• Mixing with poisonous fish such as fish with ciguatoxin (southern groupers, parrot fish, barracudas, etc.)	 Checking the seas where the fish are caught Taking measures to prevent poisonous fish from being mixed in, through proper identification of fish types 		• Ensuring that no poisonous fish are included, through proper identification of fish types
	• Residual veterinary drugs and feedstuff additives	 Checking on the use of veterinary drugs Raw materials of processed foods must conform with the residue standards 	 Checking compliance with proper dose, administration, and drug holidays for veterinary drugs and feedstuff additives Checking the levels of residual veterinary drugs and feedstuff additives, by regular testing and inspection 	
	• Use of additives that may mislead consumers in the determination of quality and freshness (fresh fish and shellfish)	• Ensuring that no colorant, carbon monoxide or other additives that may mislead consumers in the determination of quality or freshness have been used	• Checking the types of additives used, by regular testing and inspection	• Checking the color of the product (scarlet, etc.)
	• Histamine	• Checking at the point of receiving raw material • Temperature control must be proper during the manufacturing, processing and other processes.	• Checking the level ofhistamine, by regular testing and inspection	• Whether proper temperature control is carried out to prevent harm due to the histamine formation

Health foods in general	• Containing drug substance	 Ensuring that no drug substances designated by the Pharmaceutical Affairs Act are included Checking the history of ingestion in the exporting country 	Ensuring that no drug substance is included by testing and inspection	
Additives and their preparation	 Use of unapproved additive Non-conformity with the standards 	 Checking the correct names of the additives and their types of source materials and extractants Checking the formal names and content rates if additive preparation is used Ensuring that no unapproved additives are used Ensuring that the product conforms to the related standards, such as standards for constituents and manufacturing standards GMO technology whose safety has not been certified shall not be used. 	• Ensuring conformity with the standards for constituents, by regular testing and inspection	• Checking compliance with storage standards
Equipments, containers and ackages, and toys	• Non-conformity with standards	 Checking the materials, shape, colors and patterns, targeted ages, and the purpose of use Ensuring that the product conforms with related standards, such as general standards for raw materials, standards for each material, standards for each purpose of use, and manufacturing standards 	• Ensuring that the raw materials conform with general standards for raw materials and standards for each material, by regular testing and inspection	