

15 July 2009
[11-09]

APPLICATION – ADMINISTRATIVE ASSESSMENT

PA1027	Date Received: 5 June 2009 Date Due for completion of Administrative Assessment: 29 June 2009 Date Administrative Assessment Completed: 29 June 2009	
Applicant: Winemakers' Federation of Australia		Potentially Affected Standards in the Code:
Title: Revision of Winemaking Requirements Brief Description of Application: To revise winemaking requirements in Australia to align with winemaking practices in use around the world.		<u>Direct:</u> 4.5.1 <u>Consequential:</u> 2.7.1 2.7.4 2.7.5
Procedure: General Reasons why: The Application involves more than minor amendments to the Code, however, the variations are not of such scientific or technical complexity as to constitute a Major Procedure.	Cost Category (General Procedure): Up to 850 hours Reasons why: The Application is estimated to take up to 850 hours to fully assess. This is on the basis that the Application is likely to: <ul style="list-style-type: none"> • involve a complex assessment of the regulatory implications; • requires a comprehensive consideration of the drafting changes; • require targeted consultation with key stakeholders; or • have broader social and economic impact. 	Estimated start work: Not Applicable

DECISION

Application rejected

Date: 29 June 2009

If rejected, list reasons for rejection:

The Application did not meet the mandatory information requirements under subsection 22(2) of the FSANZ Act which are set out in Part 3 of the FSANZ *Application Handbook*. The Administrative Assessment does not consider the merits of the Application.

Has the Applicant claimed Confidential Commercial Information status?

Yes No

Is the Application for a High Level Health Claim?

Yes No

Has the Applicant sought special consideration e.g. novel food exclusivity, two separate applications which need to be progressed together e.g. a novel food and a related high level health claim.

Yes No

Charges

Does FSANZ consider that the application is subject to ECCB?

Yes No

Does the Applicant want to expedite consideration of this Application?

Yes No Not known

Application Handbook Requirements

Which Guidelines within the Part 3 of the *Application Handbook* apply to this Application:

3.1 – General requirements

3.2.– Standards related to Labelling and Other Information Requirements (where the purpose or justification of an amendment relate to consumer information and choice)

3.6 – Standards Related to the Composition of Food Products (where there is a requirement for consequential amendments to Standard 2.7.1 - Labelling of Alcoholic Beverage and Food Containing Alcohol, Standard 2.7.4 - Wine and Wine Product and Standard 2.7.5 - Spirits)

3.7.2 - Food Processing and Primary Production

Does the Application meet the requirements of the relevant Guidelines?

Yes No

Is the checklist completed?

Yes No

What information is not provided?

The information provided in the Application is not commensurate with the information requirements for the proposed amendments.

Many amendments have been requested to Standard 4.5.1. The regulatory impediment that is being faced by the Applicant, requiring an amendment to the Code, has not been articulated for each of the requested amendments and then explained, and fully justified.

Adequate justification to support the proposed prescribed names has not been provided.

Information provided in support of the Application is insufficient.

Does the Application relate to a matter that may be developed as a food regulatory measure, or that warrants a variation of a food regulatory measure?

Yes No

Is the Application so similar to a previous application or proposal for the development or variation of a food regulatory measure that it ought not to be accepted?

Yes No

Did the Applicant identify the Procedure that, in their view, applies to the consideration of this Application?

Yes No

If yes, indicate which Procedure:

General

Other Comments or Relevant Matters:

FSANZ does not require drafting with an Application. Particularly in this case, the drafting obscured the regulatory problem being faced by the Applicant which, in turn, make assessing the application particularly difficult.

CONSULTATION & ASSESSMENT TIMEFRAME

Consultation Strategy:

Proposed length of public consultation period:

General Procedure (6 weeks)

**Community
Involvement
Category:**

5

Case of minor
significance or
complexity or with
little adverse impact
on individual
interests

Proposed Timeframe for Assessment: Not Applicable