
Stink bugs and vehicle imports

QUESTION AND ANSWERS

February 2018

Further background information is available from the Ministry for Primary Industries

<https://www.mpi.govt.nz/protection-and-response/responding/alerts/brown-marmorated-stink-bug/>

<https://www.mpi.govt.nz/importing/other/vehicles-and-machinery/>

What impact is the stink bugs issue having on vehicle imports? Who is affected?

While there are significant impacts on the industry, this situation has arisen because of important biosecurity requirements.

We have been advised there may be six to eight weeks of disruption to the importation of new and used vehicles from Japan – there is an average of around 15,000 vehicles per month (new and used).

This issue affects vehicle importers and the inspection industry, which carries out the border inspections and entry certification checks required for all imported vehicles before those vehicles are allowed to be registered and used on our roads. Ultimately the disruption and delays may affect consumers purchasing new or used vehicles.

There is a direct impact on importers of used vehicles who are importing vehicles in advance of a change to electronic stability control (ESC) requirements (see below for more information). It is unclear at this stage how many vehicles are affected but the latest information we have is that this is a relatively small percentage of total imports.

What is the Transport Agency's role in this issue?

The Transport Agency is responsible for the non-biosecurity aspects of car importing. We are working to keep our service providers and the industry informed about this issue. We also have ongoing relationships with industry organisations such as the Imported Motor Vehicle Industry Association Inc. (VIA), and we are keeping them updated.

We are regularly in contact with the Ministry for Primary Industries, which is the lead agency on this issue.

What do the ESC changes involve?

From 1 March it will be mandatory for used class MA vehicles (passenger cars) with engine capacity greater than two litres to be fitted with ESC pursuant the Land Transport Rule: Light Vehicle Brakes

2002. ESC is a low cost vehicle crash prevention system that intervenes to help a driver retain control if the vehicle begins to lose traction.

The new requirements for used class MA vehicles will be applied based on the date the vehicle was inspected at the border for use in New Zealand. All used class MA vehicles over 2000 cc that are border checked after this date must have ESC to be permitted to enter service.

What if a class MA vehicle (over 2000 cc) without ESC arrives in New Zealand after 1 March?

Many imported used vehicles undergo border inspection in Japan prior to being loaded and shipped to New Zealand. Class MA vehicles (over 2000 cc) that were border inspected in Japan before 1 March will proceed as normal through entry certification in New Zealand and will not be affected by the new requirement.

Imported used class MA vehicles (over 2000 cc) that are not border inspected in Japan and arrive in New Zealand on or after 1 March will not be certified for entry unless the importer is able to prove that they would have arrived before 1 March if it had not been for the disruption caused by the stink bug issue. Importers of non-ESC vehicles will need to seek an exemption from the new requirement and will need to provide proof that the vehicle would in normal circumstances have arrived before 1 March.

What is an exemption? Can I be issued with one?

The law provides for exemptions from certain legal requirements as long as specific conditions are met. When applying for an exemption you're seeking to avoid a legal requirement so you need to prove why you shouldn't have to comply. If your application is successful, we will issue you with paperwork showing that you don't have to comply.

Please note that **vehicles border checked in Japan before 1 March will not require an exemption.**

How will exemptions be dealt with?

Importers with vehicles that have been affected need to contact the Transport Agency to advise us of the details of the vehicles (frame number for each) and provide evidence that the vehicle/s would have been border checked before 1 March if it weren't for the stink bugs contamination issues.

VIA have offered to facilitate the application process for all importers (info@via.org.nz).

We will assess each request for an exemption as quickly as possible.

What are the criteria for an exemption?

The importer is required to show proof their vehicles have been affected. Proof could include documents such as proof of purchase and of shipping arrangements.

How long will the exemptions process take?

We're working hard to ensure exemptions can be granted as quickly as possible – it's likely to take a few days.

Why have you allowed exemptions?

Vehicles that will be eligible for exemption are all vehicles that would have been border inspected prior to 1 March had it not been for the BMSB (stink bugs) issue. These vehicles would all have been able to be certified for use in New Zealand had the disruption not occurred.

Section 166 of the Land Transport Act 1998 allows for exemptions where “events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case” – in this case, delays have occurred that could not have been foreseen – therefore there is no significant increased risk to safety by allowing these vehicles.

We have therefore determined that an exemption can apply to importers who have in good faith purchased vehicles under the assumption they would have been border checked before 1 March, provided they can prove this. This solution balances the protection of the vehicles’ values with the need to maintain standards around the safety of New Zealand’s vehicle fleet.

How will inspecting organisations deal with the increase in vehicle numbers once normal shipping resumes and will the volume of inspections required compromise consistency and standards?

The Transport Agency encourages inspecting organisations to plan ahead for the resumption of vehicles arriving in New Zealand. Any further comment on how they will manage the increased demand should be sought directly from the inspecting organisations. The Transport Agency will be actively monitoring inspections to ensure standards are maintained – nothing should change in terms of how inspections are done.

Who can I contact with further questions?

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