



Animal Products (Export Approved Premises) Notice 2011

Pursuant to section 60 of the Animal Products Act 1999 I, Tim Knox, Director Import and Export Standards, issue the following notice for the purpose of specifying requirements for animal material or animal product intended for export and which are necessary or desirable to safeguard assurances provided by New Zealand.

Signed at Wellington this 18th day of November 2011.

Signed: Tim Knox
Director Import and Export Standards
Ministry of Agriculture and Forestry
(Acting under delegated authority)

Certified in order for signature

Solicitor
Legal Services

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Explanatory Note

Notice

1 Title

This notice is the Animal Products (Export Approved Premises) Notice 2011.

2 Commencement

This notice comes into force on 28 November 2011.

Part 1 Preliminary Provisions

3 Interpretation

(1) In this notice, unless the context requires otherwise—

the Act means the Animal Products Act 1999

animal fibre means feathers and hair grown on the skin of an animal, including fur and wool

animal product and **animal material** have the same meaning as in the Act but do not include dairy material-

export approved premises means—

- (a) any premises approved under this notice; and
- (b) any premises where animal material or product not for human or animal consumption is processed under a registered risk management programme or regulated control scheme and an official assurance will be required for that animal material or product

export requirement means a requirement specified under section 60 of the Act and, where appropriate, any exemption issued in accordance with section 60B of the Act. Export requirements include overseas market access requirements

germplasm means embryos, semen and ova

germplasm premises means a premises where germplasm is processed for export

hides and skins means the integument of an animal stripped from the body (with or without the hair), and includes pelts and furs

list unless otherwise stated in this notice, means the “Export Approved Premises list” that is established under clause 14 of this notice. “Delist”, “listing” and “delisting” have a corresponding meaning

MAF means the Ministry of Agriculture and Forestry

Official Assurance Specifications means the Animal Products (Official Assurance Specifications) Notice 2011, as may be amended from time to time or any notice that replaces that notice

official assurance verifier means a person recognised under section 103 of the Act to undertake official assurance verification and includes an animal product officer employed by the Ministry of Agriculture and Forestry; and verifier has a corresponding meaning

operator means the owner or other person in control of any premises

overseas market access requirements means an export requirement specific to an identified overseas market or markets

poultry hatchery means a hatchery producing hatching eggs and day-old chicks for export

premises means the place where an animal products business is operated

process has the same meaning as in the Act, but excludes transport

scientific material includes animal material or product that is used for laboratory analyses, diagnostic use, research or technical uses

significant change means-

- (a) for poultry hatcheries and germplasm premises, a major change in facilities, species, approval scope, or listing status; and
 - (b) for all other types of export approved premises (excluding stores), a change in the class of animal product being processed (e.g. a wool processor changing to or adding hides and skins processing to their operations).
- (2) Any term or expression that is defined in the Animal Products Act 1999 and used but not defined in this document has the same meaning as in that Act.

Part 2 Requirements

4 Operator Systems Requirements

- (1) Operators of export approved premises must comply with all applicable requirements of the Official Assurance Specifications.
- (2) In addition to complying with the requirements of the Official Assurance Specifications, operators of export approved premises must ensure that the records required to trace the movement and use of animal product or animal material includes the specific place and country of origin of the animal material or animal product being produced, and the place or country to which such material or product has been sent.
- (3) Operators of export approved premises must retain records for at least 4 years from the date the product or material concerned leaves the premises.

5 Obligations of Operators

Operators of export approved premises must—

- (a) give relevant verifiers such freedom and access as will allow them to carry out their functions and activities under the Act, including verification functions and activities;
- (b) pay any prescribed fee in relation to this notice;
- (c) notify the Director-General in writing of a change in the agency that is providing the verification service;
- (d) notify the Director-General in writing of any change in operator, or any significant change of an export approved premises;
- (e) renew the listing of their premises every 2 years for as long as the premises meets the conditions in clause 8 of this notice.

6 Initial Verification

- (1) Prior to premises being approved by the Director-General, an initial verification of the premises, the operation and the documentation must be carried out by an official assurance verifier.
- (2) The official assurance verifier will provide the operator with a report relating to this verification, a copy of which must accompany the application for approval.
- (3) This verification must be completed within the 3 months prior to applying for approval.

7 Ongoing Verification

- (1) Ongoing verification of export approved premises must be undertaken by an official assurance verifier in accordance with current verification frequencies and practices established by MAF.

Part 3 Approval and Listing

8 Application for Approval

- (1) Subject to the exemptions given in this Part, an operator must apply for approval of—
 - (a) premises where animal material or animal product is processed and—
 - (i) the animal material or animal product is not intended for human or animal consumption; and
 - (ii) an official assurance will be required for that animal material or animal product; and
 - (iii) the processing of that animal material or animal product is not within the scope of a registered risk management programme or regulated control scheme;
 - (b) premises where animal material or animal product is processed and—
 - (i) the animal material or animal product is intended for human or animal consumption; and
 - (ii) an official assurance will be required for that animal material or animal product; and
 - (iii) the processing of that animal material or animal product is not within the scope of a registered risk management programme or regulated control scheme; and
 - (iv) the Director-General has determined the risks are such that registration as an export approved premises is necessary and sufficient as a basis for issuing an official assurance.
- (2) Applications must be made to the Director-General, using the application form approved by the Director-General.
- (3) The Director-General may only approve a premises if satisfied that—
 - (a) the application is properly made; and
 - (b) the premises is a premises to which subclause (1) applies; and
 - (c) any prescribed fee has been paid; and
 - (d) the applicant is a fit and proper person to operate an export approved premises; and
 - (e) the applicant is likely to comply with the requirements of this notice and other relevant export requirements.
- (4) Where the Director-General determines to approve a premises, the Director-General must—
 - (a) include the applicant and the applicant's premises on the list of export approved premises; and
 - (b) notify the applicant in writing accordingly.

9 Exemption of Animal Fibre Suppliers

- Operators are exempt from the requirements of this notice to the extent that they—
- (a) supply export approved premises with animal fibre sourced solely from animals owned by the operator; or
 - (b) supply export approved premises with animal fibre sourced solely from animals that the operator has been actively engaged in the day to day maintenance of, or

- (c) supply export approved premises with animal fibre sourced solely from wild animals that the operator has killed, captured or harvested.

10 Exemption of Hides and Skins Suppliers

Operators are exempt from the requirements of this notice to the extent that they—

- (a) supply export approved premises with hides or skins sourced solely from animals owned by the operator; or
- (b) supply export approved premises with hides or skins and have been actively engaged in the day to day maintenance of the animals from which the hides and skins are sourced; or
- (c) supply export approved premises with hides or skins sourced solely from wild animals that the operator has killed, captured or harvested; or
- (d) provide on-farm recovery of hides and skins for supply to an export approved premises; or
- (e) supply hides and skins to an export approved premises and are a homekill or recreational catch service provider directly involved in the slaughtering or processing of the animals from which the hides and skins are sourced.

11 Exemption of Game Trophy Operators

- (1) Operators are exempt from the requirements of this notice with respect to the processing of game trophies.
- (2) Despite subclause (1) operators must meet the requirements of this notice where official assurances for game trophies attest specifically to the processing or packing that occurred at that premises.

12 Other Exemptions

Where the Director-General considers the approval of a premises is unnecessary for the purposes of safeguarding official assurances, the Director-General may, by notice in writing, exempt any operator or class of operators from any or all of the requirements of this notice.

13 Refusal to Approve a Premises

- (1) If the Director-General determines to refuse to approve a premises, the Director-General must, as soon as practicable, notify the applicant in writing of—
 - (a) this decision; and
 - (b) the reasons for the decision.

14 Director-General to Maintain a List of Export Approved Premises

- (1) The Director-General must keep and maintain a list of premises approved in accordance with clause 8.
- (2) The Director-General must—
 - (a) keep the list open for public inspection, without fee, during ordinary office hours at the head office of the Ministry and at such other places as the Director-General determines; and
 - (b) supply to any person a copy of all or part of the list on request and payment of a reasonable charge for the production of the copy.
- (3) The list may be kept in such manner as the Director-General thinks fit.

15 Matters to be Shown in the List of Export Approved Premises

- (1) The list of export approved premises must contain the following particulars in relation to each premises—
 - (a) the name and address (including the electronic address, if available) of the operator;
 - (b) the address or location of the premises;
 - (c) the category of business undertaken at the premises;

- (d) the date of approving the premises;
- (e) such other particulars as may be prescribed by notice or regulation under the Act.

16 Withdrawal of Approval of a Premises and Delisting

- (1) The Director-General may withdraw an approval and delist premises—
 - (a) if satisfied that the operator has—
 - (i) failed to comply with this notice; or
 - (ii) failed to comply with any other relevant export requirement; or
 - (iii) failed to pay any prescribed fee; or
 - (b) if satisfied that—
 - (i) the criteria for being an export approved premises no longer apply; or
 - (ii) the place is no longer operated as a business that is required to be an export approved premises; or
 - (c) upon request by the listed operator.
- (2) The Director-General must, where reasonably practicable, give notice to the operator before withdrawing approval and delisting the premises on the grounds set out in subclauses (1)(a) and (b).
- (3) The notice referred to in subclause (2) must—
 - (a) be in writing; and
 - (b) clearly describe the grounds for the intended withdraw of approval; and
 - (c) specify a reasonable period within which the operator must remedy any non-compliance, or make submissions to the Director-General regarding the non-compliance or the matters referred to in (1)(b), or make payment of any outstanding fee.
- (4) Despite sub-clauses (2) and (3), the Director-General may immediately remove the premises from the list of export approved premises where non-compliance threatens the integrity of official assurances issued under the Act.
- (5) The delisting of any export approved premises under this clause does not affect the right of a person to make a further application for listing.

17 Review of the Decision to Refuse to Approve or to Delist

If the Director-General determines to refuse an application for approval, or delists any export approved premises, the operator may seek a review of the decision following the process described in section 162 of the Act.

18 Country Listing

Nothing in this notice alters the requirements for export approved premises to be additionally listed under specific country listing provisions as established in the overseas market access requirements (OMAR) for certain countries. Approval under this notice does not automatically confer specific country listing on any premises. The operator must make separate application for the country listings they need, in accordance with existing country listing procedures.

Part 4 Transitional Provisions and Revocations

19 Transition of Premises on Existing Lists

- (1) Premises that immediately prior to the commencement of this notice were approved as germplasm premises and poultry hatcheries will be deemed export approved premises for the purposes of this notice and listed as export approved premises.
- (2) Premises that immediately prior to the commencement of this notice were listed as export approved premises will remain as export approved premises.

20 Revocations

- (1) The following Notices are revoked on the commencement of this Notice:—
- (a) The Animal Products (Export Approved Premises) Notice 2006 issued on the 15th May 2006;
 - (b) The Animal Products (Export Requirements for Live Animals and Germplasm) Notice 2011 issued on the 28th June 2011.

Explanatory Note

The claims made on official assurances must be substantiated in order to maintain the integrity of New Zealand as a trading partner and MAF's reputation as a competent authority. This is achieved through systems allowing information relating to the assurances to be independently verified and for the product status and country eligibility to be transferred between establishments.

Therefore where animal material or animal product is exported with an official assurance, the animal material or animal product business involved must be a part of this system. This notice provides the mechanism through which certain operators must become a part of this system, thus enabling the resulting animal material or animal product to be potentially eligible for an official assurance.

Operators should note that listing as an Export Approved Premises does not automatically entitle any animal product or material to an official assurance. Listing simply provides a means for determining - through verification and traceability - whether a given product or material is eligible for an official assurance.

Exporters and operators should note that compliance with the Official Assurance Programme and any relevant export requirements is required in order for an official assurance to be given. Certain importing countries, for example the European Union, require that the official assurance verification be undertaken by a government official. This should be considered when an operator elects which verification company will conduct the verification.

Issued under section 60 of the Animal Products Act 1999.

Date of notification in Gazette:

This notice is administered in the Ministry of Agriculture and Forestry.
