



Official Assurances Specifications for Dairy Material and Dairy Products

29 March 2017

TITLE

Animal Products Notice: Official Assurances Specifications for Dairy Material and Dairy Products

COMMENCEMENT

This Animal Products Notice comes into force on 7 April 2017.

REVOCATION

On 7 April 2017, this Animal Products Notice revokes and replaces the Animal Products Notice: Official Assurances Specifications for Dairy Material and Dairy Products, which was issued on 5 April 2016.

ISSUING AUTHORITY

This Animal Products Notice is issued pursuant to sections 60, 62(4), 63(1), 64(2), and 167(1)(k) and (l) of the Animal Products Act 1999.

Dated at Wellington this 29th day of March 2017.

[signed]

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(acting under delegated authority of the Director-General)

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Introduction

This introduction is not part of the Animal Products Notice, but is intended to indicate its general effect.

Purpose

This Notice is issued under the Animal Products Act 1999 (the Act) for the purposes of:

- a) specifying requirements in relation to the issue and control of official assurances for dairy material and dairy products under section 62 of the Act; and
- b) specifying requirements in relation to the obtaining of official assurances for dairy material and dairy products under section 63 of the Act, including the approved manner for applying for an official assurance; and
- c) specifying the approved application procedure for the reissue of official assurances for dairy material and dairy products under section 64 of the Act; and
- d) specifying requirements under section 60 of the Act that are necessary or desirable for the purposes of facilitating access to overseas markets and safeguarding assurances provided by New Zealand.

Background

This Notice establishes New Zealand's official assurances framework for dairy material and dairy products. It specifies the requirements to be met in order for official assurances to be issued in respect of dairy material and dairy products.

Official assurances are a government to government arrangement, which means they are issued where the government of the importing country requires it. Most of New Zealand's major trading partners require official assurances (for example China, European Union, Eurasian Economic Union). As the head of the government agency responsible for administering the Act, the Director-General oversees the issue and control official assurances for dairy material and dairy products on behalf of the New Zealand Government.

An official assurance, which is issued in the form of an export certificate, is an assurance from the New Zealand Government to the government of the importing country that the exported animal material or animal products are fit for their intended purpose and compliant with New Zealand standards and any additional specific requirements of the importing country.

The official assurances framework established by this Notice complements other parts of our wider export assurance system for dairy material and dairy products, which include:

- a) applicable requirements in the Act, such as the requirement for dairy material and dairy products to be processed in premises operating under an approved risk management programme, and the requirement for dairy exporters to be registered with MPI; and
- b) animal product standards in regulations issued under the Act, such as the following standards in the Animal Products (Dairy) Regulations 2005:
 - i) standards relating to fitness for purpose; and
 - ii) standards relating to production and processing of dairy material and dairy product; and
 - iii) standards relating to identification, labelling and record-keeping; and
- c) specifications and export requirements issued under the Act or regulations, such as:
 - i) the Animal Products (Dairy Processing Specifications) Notice 2011; and
 - ii) the Animal Products (Export Requirements – Dairy Products) Notice 2005; and
 - iii) overseas market access requirements (OMARs).

The official assurances framework established by this Notice is applicable as well as all of the above requirements. Exporters should not apply for official assurances under this Notice unless they have the necessary chain of evidence which proves compliance with all applicable export requirements.

In terms of official assurances, this Notice specifies requirements relating to:

- a) the responsibilities of dairy exporters and dairy operators to ensure dairy material and dairy products are eligible for export; and
- b) the process for raising and issuing transfer documents in AP E-cert to support applications for official assurances; and
- c) the process of applying for official assurances in AP E-cert; and
- d) the process to be followed by authorised persons when issuing official assurances; and
- e) the process to be followed by official assurance verifiers; and
- f) the traceability of dairy material and dairy products intended for export to countries for which official assurances are required; and
- g) business continuity plans that dairy operators and dairy exporters must have as contingency to when AP E-cert is not available.

Who should read this Animal Products Notice?

Any person who processes or exports dairy material and dairy products intended for destinations requiring official assurances should read this Notice. Official assurance verifiers and authorised persons should also read this Notice.

Why is this important?

MPI will not issue an official assurance for a consignment of dairy material or a dairy product that does not comply with this Notice. If the country of import requires an official assurance and you do not have one, you will be ineligible to export dairy material or dairy products to that country.

For the purposes of section 135(1)(c) of the Act, a failure to comply with this Notice, without reasonable excuse, is an offence.

Other information

This Notice does not contain a list of all the prerequisites needed for dairy material or dairy products to be eligible for export. It is the responsibility of dairy operators and exporters to ensure familiarity with the Act, and regulations and notices issued under the Act.

Part 1: Preliminary provisions

1.1 Application

- (1) This Notice applies to:
- a) dairy material and dairy product intended for export to countries for which official assurances are required; and
 - b) authorised persons; and
 - c) authorised users; and
 - d) dairy exporters who export or intend to export dairy material or dairy product to countries for which official assurances are required; and
 - e) dairy operators who process dairy material and dairy product intended for export with an official assurance; and
 - f) official assurance verifiers; and
 - g) suppliers of security papers approved under Part 10 of this Notice.

1.2 Incorporation by reference

- (1) The "AP E-cert Help File" is incorporated by reference in this Notice under s 168 of the Animal Products Act 1999.

1.3 Definitions

- (1) In this Notice, unless the context otherwise requires,:

Act means the Animal Products Act 1999;

AP E-cert means the Animal Products Electronic Certification System specified for the raising and issuing of eligibility declarations (EDecs), eligibility documents (EDs) and export certificates in respect of all animal material and animal products requiring official assurances;

AP E-cert Help File means the manual published on MPI's website detailing how to raise and submit transfer documents and how to apply for export certificates in AP E-cert;

authorised person means a person designated by the Director-General under section 65 of the Act as able to issue, withdraw or reissue official assurances;

authorised user means a person who has been both approved by MPI to access AP E-cert to raise a type of transfer document and/or to apply for export certificates, and is designated by a dairy operator or dairy exporter to access AP E-cert on their behalf;

compliance database means the system that is provided in accordance with clause 3.15 of this Notice;

consignee in relation to transfer documents, means the dairy operator or dairy exporter to which a consignment is being transferred;

consignment means an identified lot or lots of dairy material or dairy products required to be described in a transfer document or export certificate;

consignor means:

- a) in relation to transfer documents:
 - i) the dairy operator who is transferring dairy material or dairy products to another dairy operator, premises or dairy exporter; or

- ii) the exporter who is transferring dairy material or dairy products to another dairy exporter;
and

b) in relation to export certificates, the dairy exporter;

dairy exporter means an exporter registered under section 55 of the Act who exports or intends to export dairy material or dairy products to countries for which official assurances are required;

dairy ingredient means an ingredient that is derived from a dairy source;

dairy operator means the operator of an RMP for an animal product business that processes dairy material or dairy product;

eligibility declaration (EDec) means the document raised in AP E-cert by an authorised user declaring an identified consignment of animal material or animal products is eligible for export;

eligibility document (ED) means the document issued by an official assurance verifier confirming an identified consignment of animal material or animal products is eligible for export;

eligible for export means:

- a) prior to export, that a consignment meets or is capable of meeting the necessary requirements in the Act, its regulations, and notices to be exported to its intended destination; or
- b) at export, that a consignment meets the necessary requirements in the Act, its regulations, and notices to be exported to its intended destination;

and **eligibility for export** has a corresponding meaning;

export certificate in relation to dairy material and dairy product, is the form of official assurance for dairy product and dairy material as determined by the Director-General pursuant to section 62 of the Act;

export certificate set means the original export certificate form plus the appropriate number of copies;

export requirement means a requirement specified under section 60 of the Act and include overseas market access requirements;

first-hand knowledge means knowledge obtained through direct observation of dairy processing undertaken within the relevant premises by an authorised user or official assurance verifier;

import certificate means the official sanitary certificate associated with an identified consignment of imported dairy material or dairy product and issued by the government of the exporting country;

imported dairy material or dairy product means dairy material or dairy product imported into New Zealand and includes New Zealand dairy material or dairy product that is mixed with dairy material or dairy product imported into New Zealand;

individual identifier means:

- a) in relation to dairy operators or operators of transit stores, the RMP registration number and/or the unique location identifier; and
- b) in relation to dairy exporters, the exporter registration number;

ineligible for export means a consignment has failed to meet a requirement in the Act, its regulations or notices which renders it unable to meet the requirements necessary to be exported to its intended destination, and **ineligibility for export** has a corresponding meaning;

interim null eligibility means a consignment is eligible for export but for an outstanding step or steps which can be remedied before the consignment is exported;

inventory control system is a record-keeping system to demonstrate the identity, traceability and eligibility of dairy material or dairy product, including any ingredients and processing aids used;

issued means:

- a) in relation to paper transfer documents, signed by an official assurance verifier or an authorised user (as applicable); and

- b) in relation to AP E-cert transfer documents, showing 'approved' status in AP E-cert; and
 - c) in relation to export certificates, that the certificate both has been signed by the Director-General or an authorised person, and is showing 'approved' status in AP E-cert;
- and **issue** has corresponding meanings;

listing requirement means an overseas market access requirement that dairy material or dairy product intended for export to a country must be processed at particular premises listed for that country;

MPI means the Ministry for Primary Industries;

New Zealand Standard Export Certificate means a standardised export certificate issued under Part 11 of this Notice;

notice means any notice issued by the Director-General under the Act, including specifications and export requirements;

official assurance verifier means a person or agency recognised under any of sections 101 to 105 of the Act to undertake official assurance verification, or an animal product officer appointed under section 78 of the Act;

official assurance verification means the process of an official assurance verifier confirming dairy material or dairy product complies with New Zealand law, including any relevant export requirements;

operator has the meaning under section 4(1) of the Act;

overseas market access requirements (OMAR) means an export requirement specific to an identified overseas market or markets;

premises means a place to which an RMP applies to process dairy material or dairy products;

premises of final control means the final premises where a consignment is physically located before it is transferred to a port of export;

processing aid has the same meaning as in standard 1.1.2 - 13 of the Australia New Zealand Food Standards Code or any definition that replaces that definition;

raise means:

- a) in relation to paper eligibility documents or paper application forms for export certificates, complete the correct template and submit it to an official assurance verifier or an authorised person (as applicable) for approval; and
- b) in relation to paper eligibility declarations, complete the correct template; and
- c) in relation to AP E-cert transfer documents or applications for export certificates, complete and submit for approval a transfer document or application for an export certificate;

and **raised** has a corresponding meaning;

RMP means a registered risk management programme;

shoulder number means the unique number of the transfer document or export certificate applied by AP E-cert for electronic documents, or at or before signature for paper documents;

signatory seal means the unique stamp issued by MPI to authorised persons and official assurance verifiers;

transfer means:

- a) to physically move a consignment between an operator's premises, the premises of multiple operators, or between an operator's premises and a port of export; or
- b) to move responsibility for a consignment from the premises of final control to an exporter;

transfer document means, the official documents that can execute a transfer, collectively, eligibility declarations and eligibility documents; and

transit store means a freight forwarding coldstore or drystore.

- (2) Any term or expression that is defined in the Act or regulations made under the Act and used, but not defined in this Notice, has the same meaning as in the Act or regulations.

Part 2: General requirements

2.1 Requirements on dairy operators

2.1.1 Requirements to ensure export eligibility

- (1) Dairy operators must:
 - a) ensure that dairy material and dairy products are eligible for export; and
 - b) take all reasonable steps to ensure separation between dairy material and dairy products that are eligible for export and those that are not.
- (2) For the purposes of clause 2.1.1(1), dairy operators must carry out specific checks on incoming consignments of dairy material or dairy products against export requirements, including production, storage, transport conditions, product item marks, labels and any other identifying features.

2.1.2 Requirements about transfer documents

- (1) Dairy operators must:
 - a) raise, manage or amend transfer documents in accordance with the provisions of this Notice, any applicable notices issued under section 60 of the Act, and the AP E-cert Help File; and
 - b) not send transfer documents to foreign governments, or overseas agents or importers, except where authorised by the Director-General.

2.1.3 Record-keeping requirements

- (1) Dairy operators must:
 - a) keep test results obtained during production and processing of dairy material and dairy products; and
 - b) clearly identify and record in the business' inventory control system and any transfer documents:
 - i) all consignments of imported dairy material or dairy products received by the operator; and
 - ii) all dairy products that contain imported dairy material; and
 - iii) any ingredients and processing aids used; and
 - c) keep copies of transfer documents associated with incoming and outgoing consignments of dairy material and dairy products.
- (2) Dairy operators must have a system that clearly demonstrates any movement of dairy material or dairy products from the incoming transfer documents to the outgoing transfer documents.
- (3) Dairy operators must ensure that the system required by clause 2.1.3(2) has:
 - a) sufficient security built in to restrict access to persons who are authorised to access it; and
 - b) the capability to track any changes and identify persons who made them.

2.1.4 Requirement to incorporate procedures into RMP

Dairy operators must include procedures of how the requirements of this clause will be met in their RMPs.

2.2 Requirements on dairy exporters

2.2.1 Requirement to ensure eligibility to export

- (1) Dairy exporters must ensure that dairy material and dairy products are eligible for export to the intended destination country before export commences.
- (2) Where export requirements stipulate the official sealing of containers or cargo holds of a craft carrying dairy material or dairy products, the dairy exporter must ensure that the sealing is completed before applying for an export certificate.

2.2.2 Requirement to provide adequate information to support export certification

- (1) When applying for an export certificate, a dairy exporter must supply adequate information to satisfy the Director-General or authorised person that the dairy material or dairy products for which the certificate is sought are eligible for export to the intended destination country.

Guidance

In most cases, the final eligibility declaration or eligibility document supporting the export certificate application would meet the requirement of this clause 2.2.2.

2.2.3 Requirement not to send transfer documents to certain people

- (1) Dairy exporters must not send transfer documents to foreign governments, or overseas agents or importers except where authorised by the Director-General.

2.3 Director-General or authorised persons may require further information

- (1) The Director-General or authorised person may require further information from the dairy operator, dairy exporter or official assurance verifier in order to confirm compliance with export requirements and any applicable requirements under the Act or regulations and notices issued under the Act.
- (2) Without limiting the available discretion, the Director-General or the authorised person may refuse to issue an export certificate for a consignment if the dairy operator, dairy exporter or official assurance verifier fails to provide any information required under clause 2.3(1).

2.4 Communication with foreign authorities or with New Zealand diplomatic or trade posts without Director-General's approval not allowed

- (1) The following agencies or persons must not engage in any direct communication with foreign governments or with New Zealand overseas diplomatic or trade posts on matters relating to official assurances issued for dairy material and dairy products, without the prior authorisation from the Director-General:
 - a) official assurance verifiers, which include:
 - i) animal product officers;
 - ii) recognised agencies; and
 - iii) recognised persons; and
 - b) authorised persons;
 - c) official assessors; and

- d) any other MPI employee not specifically assigned to undertake such communications within the scope of their formal delegations or job function.

Part 3: Traceability – transfer documents

3.1 Object of this part

- (1) The object of this part is to:
 - a) require the use of AP E-cert transfer documents for tracing the movement of dairy material and dairy products between premises, ensuring that:
 - i) dairy material and dairy products are only processed at premises subject to RMPs ; and
 - ii) where the products are intended for export to a country with a listing requirement (e.g. manufacturing, storage), the dairy material and dairy products are only processed as such within appropriately listed premises; and
 - b) require the use of AP E-cert generated transfer documents for communicating eligibility information associated with dairy material and dairy products when such material and products are transferred between premises; and
 - c) specify requirements relating to the raising, issuing, and management of transfer documents.
- (2) This part also specifies acceptable forms of a transfer document and sets eligibility declarations as the default form of transfer document for the transfer of all dairy material and dairy products intended for export to countries for which official assurances are required.
- (3) This part does not apply to fluid streams intended for further processing (but not packaging) and transferred between RMPs under common ownership.

3.2 What is a transfer document?

- (1) A transfer document is a document that is specifically associated with a consignment with the purposes of:
 - a) confirming a consignment's eligibility for export when it is transferred between two premises; and
 - b) confirming a consignment's eligibility for export to a dairy exporter for the purpose of supporting applications for export certificates; and
 - c) confirming a consignment's eligibility for export to the Director-General or authorised persons for the purpose of issuing official assurances; and
 - d) tracing the movement of dairy material and dairy products throughout the processing chain.

3.3 Forms of transfer document

- (1) Subject to clause 3.5 of this Notice, a transfer document may be in any of the following forms as authorised under this Notice:
 - a) an eligibility declaration raised and issued in AP E-cert in accordance with Part 4 of this Notice and the AP E-cert Help File; or
 - b) an eligibility document raised and issued in AP E-cert in accordance with Part 4 of this Notice and the AP E-cert Help File; or
 - c) an eligibility declaration in paper form raised and issued in accordance with Part 5 of this Notice; or
 - d) an eligibility document in paper form raised and issued in accordance with Part 5 of this Notice.
- (2) All transfer documents must:
 - a) be in the template made available by the Director-General, which must include information specified under clause 3.6 of this Notice; and
 - b) meet all requirements pertaining to a transfer document under this part.

3.4 Who may use AP E-cert?

- (1) Only authorised users may access AP E-cert for the purposes of submitting transfer documents or export certificate applications.
- (2) An operator or representative of the operator who wishes to become an authorised user must apply to the Director-General in the form and manner prescribed by the Director-General.
- (3) In order to approve an application as an authorised user, the Director-General must be satisfied that the applicant meets all of the following criteria:
 - a) understands the following principles:
 - i) authorised users must be familiar with the requirements for raising transfer documents and export certificate applications in AP E-cert and the MPI Terms and Conditions for use of MPI Web applications; and
 - ii) authorised users must not add to, or alter, or delete parts of the form of transfer documents or export certificate; and
 - iii) authorised users must seek further advice from their official assurance verifier or MPI if in doubt about making a submission in AP E-cert
 - iv) authorised users must ensure that no other person has access to their AP E-cert identity; and
 - b) has an understanding of the relevant requirements within and made under the Act, its regulations and any applicable notices and specifications issued under it.
- (4) In addition to clause 3.4(3), in order to approve an application as an authorised user who may raise eligibility declarations, the Director-General must also be satisfied that the applicant has current first-hand knowledge of the animal product business for which they are to be an authorised user.

Guidance

Authorised users should be aware that submitting information which they know or should have known to be untrue, misleading, or inaccurate may be an offence under section 127 of the Act.

3.5 Default form of transfer document to be electronic eligibility declaration

- (1) Transfer documents must be in the form of an electronic eligibility declaration or eligibility document raised in accordance with Parts 3 and 4 of this Notice, and the relevant parts of the AP E-cert Help File.

Guidance

An authorised user with approval to raise eligibility declarations (EDecs) has the ability to raise eligibility documents (EDs), but not all authorised users have the ability to raise EDecs.

- (2) Despite clause 3.5(1), where a notice issued under section 60 of the Act requires the exclusive use of a particular form of transfer document or different forms of transfer document in particular situations, consignors must comply with that requirement.

Guidance

For example general export requirements or OMARs may require greater oversight, so consequently, all transfers may need to be associated with eligibility documents only as opposed to eligibility declarations.

General export requirements or OMARs may, under certain circumstances, require the use of eligibility declarations for all transfers prior to the final transfer to the exporter but require that the

final transfer document to the exporter be in the form of an eligibility document. In this way the final document will always be subject to the verifier's approval.

- (3) Paper transfer documents must not be used unless:
- required by export requirements; or
 - required as part of an operator's business continuity plan in accordance with Part 12 of this Notice.

3.6 Contents of a transfer document

- (1) A transfer document must contain:
- the individual identifier of the consignor and the consignee; and
 - any other information marked mandatory in the relevant AP E-cert template; and
 - any other information identified as mandatory in the AP E-cert Help Files; and
 - any additional country-specific information required by OMARs.

3.7 When is a transfer document required?

- (1) Dairy material and dairy product may only be held at premises, which are places to which an RMP applies, and permits the relevant animal product business to process dairy material or dairy product.
- (2) Subject to clauses 3.7(3) and 3.8, a consignor must raise a transfer document to every consignee if a consignment is to be:
- transferred between premises, even if they have the same operators or RMPs; or
 - transferred between any operators, including dairy operators, dairy exporters, or within the same animal product business;
- (3) Despite clause 3.7(2), where there is an arrangement between the consignor at the premises of final control and the dairy exporter for a consignment to be transferred to a transit store en route to port of export, the consignor may raise the transfer document directly to the exporter instead of the transit store if all of the following applies:
- the consignment is packed for export at the premises of final control; and
 - the consignment is intended to be transferred directly to that transit store for further transfer on a flight within 12 hours of arrival at the transit store; and
 - the transit store is given third party access to the transfer document; and
 - the following declaration is included in the transfer document's product items comments field: "Transiting [transit store individual identifier]"; and
 - the operator of the transit store:
 - notifies their official assurance verifier of any consignment where inspection at loadin or loadout reveals that the consignment is no longer fit for its intended purpose; and
 - detains any consignment no longer fit for its intended purpose to prevent export; and
 - keeps records of shoulder numbers of all transfer documents for products that pass through the transit store.

3.8 When is a transfer document not required?

3.8.1 General exemptions

- (1) Despite clause 3.7(2), a transfer document is not required for the transfer of dairy material and dairy products:
- to or from vehicle docking facilities (VDFs); or

- b) between premises if all of the following apply:
 - i) the premises are within the same boundary fence;
 - ii) the premises are owned or occupied by the same operator; and
 - iii) the premises are subject to an inventory control system that provides for adequate traceability equivalent to that provided for by transfer documents; and
 - iv) the transfer is under the direct control of the operator; or
 - c) between premises, if all of the following apply:
 - i) neither the consignor nor the consignee premises are a mobile operation; and
 - ii) the consignor's and consignee's premises are directly adjoining and managed by a common managerial structure; and
 - iii) the consignor's and consignee's premises are subject to an inventory control system that provides for adequate traceability equivalent to that provided for by transfer documents; and
 - iv) the transfer is under the direct control of the operators.
- (2) Where transfer documents are not required, the operator must maintain records to demonstrate that:
- a) transferred dairy material or dairy products can be accurately and comprehensively identified through the business' inventory control system; and
 - b) the consignment remains eligible for export.

3.8.2 Exemption in relation to ports of export that are airline holding facilities

- (1) Despite clause 3.7(2) a transfer document is not required for transfer of a consignment from the premises of final control to port of export that is an airline holding facility and has all of the following characteristics:
- a) no RMP; and
 - b) handles only consignments fully prepared and packaged for export; and
 - c) is situated within the security confines of the airport and adjacent to the tarmac.
- (2) Where a consignment of dairy material or dairy products is transferred from the premises of final control to an airline holding facility without a transfer document, the consignment:
- a) must be clearly identifiable so that verification can be carried out before export; and
 - b) must not be held at the airline holding facility for more than 24 hours after receipt; and
 - c) must be loaded directly onto an aircraft.

3.9 Availability of transfer documents before transfer

- (1) A consignee must not further transfer any dairy material or dairy products from their premises until the incoming transfer document from the consignor has been approved and is accessible in AP E-cert to that consignee.
- (2) A consignee may further process a consignment before the associated incoming transfer document is available, if:
- a) the details of the processing are recorded in the company's inventory control system and reflected in any outgoing transfer document; and
 - b) the link between the incoming and outgoing transfer documents is clearly established.
- (3) Despite clause 3.9(1), a consignee (operator B) may further transfer a consignment to another operator (Operator C) before the associated incoming transfer document is available from the original consignor (Operator A), provided:
- a) Operator B designates the consignment, and any other in-contact dairy material and dairy products as being of interim null eligibility; and
 - b) Operator C only stores the dairy material and dairy products and not further process them; and

- c) the transfer is necessary for logistical reasons; and
 - d) Operator B raises a new transfer document to Operator C, which is issued at or before the time of transfer, with NZ-only eligibility and a control declaration stating that further transfer is prohibited until eligibility for export is confirmed by amending the transfer document; and
 - e) the intention to use this procedure and the circumstances under which it will apply are recorded in Operator B's Standard Operating Procedures and acknowledged by the verifier.
- (4) A consignment of dairy material or dairy products that is transferred in contravention of clauses 3.9(1) or 3.9(3) is ineligible for export with an official assurance.

3.10 Unintended premises

- (1) Where dairy material or dairy products are diverted to a premises that is not its intended destination (unintended premises), as recorded in the transfer document:
- a) the consignee must:
 - i) notify the consignor of the diversion as soon as possible; and
 - ii) not further process or transfer the dairy material or dairy products until the associated transfer document is either amended or replaced by the consignor, clearly showing the unintended premises as the consignee; and
 - iii) where the amended or replacement transfer document is available and the dairy material or dairy products are to be further transferred, raise a transfer document to the new consignee.
 - b) the consignor must amend or replace the transfer document within 24 hours of being notified by the consignee, clearly showing the unintended premises as the consignee.
- (2) For the purposes of clause 3.10(1)(a)(ii), the word "process" does not include refrigeration or other means of preservation and storage necessary to ensure that the dairy material or dairy products can be held without deterioration.

3.11 Extending list of eligible countries

- (1) Where a consignee dairy operator wishes to add a country to the list of eligible countries in an incoming transfer document, the dairy operator must:
- a) identify any differences between export requirements for the additional country and the list of eligible countries; and
 - b) keep auditable records clearly demonstrating the resolution and verification of any differences through examination of the dairy material or dairy products, and the processes or procedures that have been applied at the consignee premises; and
 - c) include in the outgoing transfer document the declaration "eligibility extended", when extending eligibility to a market with additional requirements to those countries listed in the incoming transfer document.
- (2) Where it is not possible or practical to follow the procedure in clause 3.11(1) the consignee may arrange for the consignor to amend the incoming transfer document.
- (3) Where transfer documents are in the form of eligibility documents, the official assurance verifier:
- a) must identify any differences between the requirements for the additional country on the outgoing eligibility document and the countries on the incoming eligibility document; and
 - b) may issue the eligibility document with additions to the list of eligible countries where this is supported by:
 - i) official assurance verification of the dairy material or dairy products at the consignee premises; or
 - ii) the compliance database.

3.12 Control declarations on transfer documents

- (1) Where a transfer document contains a list of eligible countries, and controls additional to those in notices are necessary to achieve or maintain eligibility to export to those countries, or eligibility to export requires additional controls which are covered by notices, the dairy operator must:
 - a) include in that transfer document a control declaration stating precisely and succinctly what those additional controls are; and
 - b) ensure that those additional controls do not undermine existing notices in any way.
- (2) Where transfer documents are in the form of eligibility documents:
 - a) all control declarations must additionally be approved by the official assurance verifier responsible for verifying the premises, prior to their use; and
 - b) the official assurance verifier must keep a copy of all types of acceptable control declarations and a record of the circumstances in which each would be applicable, for a period of 4 years after the last use of the declaration.

3.13 Transfer documents for imported dairy material and imported dairy products

- (1) All transfer documents associated with imported dairy material or imported dairy products, must:
 - a) identify the country or countries of origin of the dairy material or dairy products concerned; and
 - b) refer to the relevant documentation issued by the exporting government.
- (2) A consignor who transfers imported dairy material or imported dairy products must, where applicable, ensure that a copy of the relevant import certificate is available to the consignee.
- (3) All dairy exporters seeking an official assurance for dairy product containing imported dairy material must supply to the authorised person the original documentation issued by the competent authority of the exporting country or a certified copy of the documentation.
- (4) For the purpose of clause 3.13(3), the following persons may certify a copy of the certificate as a true copy of the original:
 - a) an animal product officer; or
 - b) an authorised person or an inspector appointed under section 103 of the Biosecurity Act 1993; or
 - c) an official assurance verifier with current first-hand knowledge of the premises that first receives the imported dairy material or imported dairy product; or
 - d) a Customs Officer as defined in section 2(1) the Customs and Excise Act 1996.

Guidance

Exporters should be aware of their responsibility to ensure that any specific export requirements of the importing country regarding imported dairy material or imported dairy product and its certification are complied with.

3.14 Non-compliance with transfer document requirements

- (1) Subject to clause 3.16, the Director-General or an authorised person may refuse to issue an official assurance for a consignment if he or she believes on reasonable grounds that the consignment is or has been transferred in contravention with any requirements of this Part.
- (2) For the absence of doubt, in any case where a transfer of dairy material or dairy products fails to meet the requirements of this Part, the Director-General has discretion to authorise or prohibit the form of transfer or dispatch on a case by case basis.

3.15 Compliance database

- (1) Official assurance verifiers must ensure they have access, at all times, to a compliance database.
- (2) Official assurance verifiers must use the compliance database to record:
 - a) product restrictions (if any); and
 - b) verification results, including audit results from MPI and those conducted by overseas authorities; and
 - c) any other information relevant to the issuing of transfer documents and official assurances.
- (3) Official assurance verifiers must ensure that the information in their compliance database about premises they verify is accurate and current.

3.16 Dispensations by the Director-General

- (1) This clause applies where all of the following conditions are present:
 - a) an exporter, operator, dairy material or dairy product has failed to comply with any of the following requirements of this Part:
 - i) sub clauses 3.9(1) and (4); or
 - ii) clause 3.10; or
 - iii) clause 3.12; and
 - b) the dairy material or dairy product may lose its eligibility for official assurance because of the non-compliance; and
 - c) the non-compliance was due to circumstances not reasonably foreseeable by the exporter or operator.
- (2) Where sub clause (1) applies, the Director-General may issue a dispensation from any of the requirements listed in sub clause (1)(a)(i) – (ii) and allow the dairy material or dairy product to be eligible for an official assurance if the Director-General is satisfied that:
 - a) the dairy material or dairy product remains fit for purpose despite the non-compliance; and
 - b) the non-compliance does not breach any relevant overseas market access requirements.
- (3) Any exporter or operator seeking a dispensation must:
 - a) do so in writing to the Director-General or an official assurance verifier; and
 - b) outline the nature and reason(s) for the non-compliance; and
 - c) outline the corrective action(s) that would be carried out to minimise any chance of future non-compliance.

Guidance

- To be satisfied about the fitness for purpose of product subject to a dispensation request, confirmation by the relevant official assurance verifier is likely to be required in most cases.
- Dispensations are highly unlikely to be issued where there are repeated non-compliances.

Part 4: Transfer documents – Eligibility declarations and eligibility documents

4.1 Object of this part

- (1) This part specifies requirements relating to eligibility declarations and eligibility documents.
- (2) Operators must ensure that any eligibility declarations or eligibility documents they raise meet all the requirements of Part 3 as well as the specific requirements of this Part.

4.2 Specific requirements for eligibility declarations

4.2.1 Verification of eligibility declarations

- (1) Official assurance verifiers must, on an ongoing basis, check at least 5% of eligibility declarations raised at each premises they are responsible for verifying, to verify compliance with this Notice.
- (2) In addition to clause 4.2.1(1), as part of the normal verification programme for that premises, the official assurance verifier must check all supporting documentation in relation to a selection of eligibility declarations, which have been raised to support applications for export certificate.
- (3) Verification in clause 4.2.1(2) must:
 - a) ensure that supporting documentation:
 - i) identifies lots; and
 - ii) has traceability via the inventory control system; and
 - iii) has traceability to incoming eligibility declarations; and
 - b) include examination of eligibility declarations to verify that there is sufficient information to support export certification.
- (4) Official assurance verifiers may also audit transfer document supporting documentation at any other time where there are reasonable grounds for doing so.

4.2.2 Non-compliance with eligibility declaration requirements

- (1) Where the Director-General believes, on reasonable grounds, that an authorised user has misused, or has failed, or is failing, to comply with the requirements in this Notice in relation to raising eligibility declarations, the Director-General may:
 - a) inform the authorised user, in writing, of this belief, clearly explaining the alleged non-compliance; and
 - b) direct the authorised user to carry out any necessary corrective actions to remedy the non-compliance, specifying the timeframe for completing such actions.
- (2) Despite clause 4.2.2(1), where non-compliance or misuse threatens the integrity of official assurances issued under the Act, the Director-General may:
 - a) immediately suspend the authorised user's access to raise eligibility declarations and direct them to raise eligibility documents instead; and
 - b) notify the authorised user in writing about any necessary corrective actions to remedy the non-compliance, specifying the timeframe for completing such actions before the authorised user can start raising eligibility declarations again.

4.3 Specific requirements for eligibility documents

4.3.1 Approval of eligibility documents by official assurance verifiers

- (1) Eligibility documents must only be approved by an official assurance verifier.

4.3.2 Requirements on official assurance verifiers

- (1) Official assurance verifiers issuing eligibility documents must:
 - a) have a thorough knowledge and understanding of this Notice and any export requirements applicable to the operator's business; and
 - b) have current first-hand knowledge of the operator's business so as to confirm that the details provided in the eligibility document are complete and accurate; and
 - c) have access to the contributing premises compliance status, product restrictions and other relevant information on the compliance database required by clause 3.15 of this Notice; and
 - d) comply with the following principles:
 - i) official assurance verifiers must be familiar with the requirements for submitting, amending and approving transfer documents in AP E-cert and the MPI Terms and Conditions for use of MPI Web applications; and
 - ii) official assurance verifiers must not add to, or alter, or delete parts of any forms of transfer document or export certificate; and
 - iii) official assurance verifiers must seek further advice from MPI if in doubt about making a decision in relation to a transfer document or the eligibility of a consignment;
 - iv) official assurance verifiers must ensure that no other person has access to their AP E-cert identity.

Guidance

Official assurance verifiers should be aware that submitting, approving, or attesting to information which they know or should have known to be untrue, misleading, or inaccurate may be an offence under section 127 of the Act.

- (2) Official assurance verifiers must only approve eligibility documents raised in accordance with the requirements of this Notice and the relevant parts of the AP E-Cert Help File.
- (3) Eligibility documents must not be issued if the details on the documents are incomplete, inaccurate or not in accordance with the requirements of the Act, its regulations, this Notice, or any relevant export requirements.

Part 5: Paper transfer documents

5.1 Object of this part

This Part specifies requirements on paper transfer documents authorised:

- a) by export requirements; or
- b) as part of a business continuity plan under Part 12 of this Notice.

5.2 Requirements for approval and numbering

- (1) Every signed paper transfer document must have a shoulder number sequence unique to the signing location and an E-cert style numbering format with the first part the New Zealand identifier and the year, the middle part the consignor premises identifier, and the last part the unique document serial number, for example: NZL2000/PH654/342.
- (2) In the case of eligibility declarations, the name of the authorised user signing the eligibility declaration must be shown legibly below the signature, and the date of signature.
- (3) In the case of eligibility documents:
 - a) the official assurance verifier's name and qualifications (where applicable) must be shown legibly below their signature, and the date of signature; and
 - b) where the official assurance verifier is an employee of MPI, the signatory seal of the verifier must be affixed to the document.

5.3 Corrections to paper transfer documents

- (1) All corrections, except for corrections to port of loading, flight or ship references, or port of discharge (within the same country), must be additionally signed by:
 - a) in the case of a paper eligibility document, an official assurance verifier familiar with the operation; or
 - b) in the case of an eligibility declaration, the authorised user.
- (2) Operators may make a maximum of four corrections per paper transfer document and each error may be corrected once only, and where more than four corrections are necessary then a replacement must be issued in accordance with clause 5.7 of this Notice.

5.4 Paper transfer documents to be provided to official assurance verifiers before consignments can be further processed or transferred

- (1) The consignee must provide the issued paper transfer document to the official assurance verifier of the business as soon as practicable and before the consignment can be further processed at or transferred from that premises.

5.5 Records and storage of paper transfer documents

- (1) The consignor must keep a copy of all raised paper transfer documents for a period of 4 years.
- (2) The consignee must keep a copy of all paper transfer documents for a period of 4 years.

- (3) Where paper eligibility documents are used, the official assurance verifier of the receiving premises must keep for a period of 7 years:
 - a) each original issued paper eligibility document received by the operator of the premises; and
 - b) a copy of all paper eligibility documents they sign.
- (4) Any file copy of a paper transfer document, unless a photocopy of the original, must be a faithful replica showing the correct:
 - a) shoulder number; and
 - b) name of the approving authorised user or official assurance verifier (as the case may be) in a legible form; and
 - c) date of signature; and
 - d) signatory seal, where the approver is an official assurance verifier employed by MPI.

5.6 Use of faxed or scanned paper transfer documents

- (1) An outgoing transfer document must not be issued on the basis of a copy of an incoming transfer document.
- (2) Notwithstanding clause 5.6(1), an authorised user or official assurance verifier (as the case may be), may at their discretion, issue outgoing transfer documents based on faxed or scanned incoming transfer documents for urgent airfreight consignments where the operator can show that standard procedures were impossible to apply.
- (3) When copies of transfer documents are used, they must be authenticated by the consignee within 5 working days by either:
 - a) the receipt of the signed original paper transfer documents; or
 - b) the raising of transfer documents electronically in AP E-cert to replace the paper raised transfer documents.

5.7 Replacement of incorrect paper transfer documents

- (1) Where a paper eligibility document contains or requires more than four separate corrections:
 - a) the operator must prepare a new eligibility document and provide it and the original eligibility document to the office where the original eligibility document was signed; and
 - b) the official assurance verifier:
 - i) may issue a new eligibility document endorsed, after the last data entry and above any delimiter line, with the statement:
"Replacement of eligibility document No Dated which is cancelled"; and
 - ii) must retain the incorrect original along with the file copy of the replacement document.
- (2) Where a paper eligibility declaration contains or requires more than four separate corrections, the authorised user must:
 - a) prepare and sign a new eligibility declaration endorsed, after the last data entry and above any delimiter line, with the statement:
"Replacement of eligibility declaration No Dated which is cancelled"; and
 - b) retain the incorrect original along with the file copy of the replacement document.

5.8 Replacement of lost paper transfer documents

- (1) Where paper eligibility documents have been lost or inadvertently destroyed,:

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- a) the operator must provide a new eligibility document to the office where the original eligibility document was signed, along with a signed statement explaining the circumstances of the loss or destruction; and
 - b) the official assurance verifier:
 - i) may issue a new eligibility document endorsed, after the last data entry and above any delimiter line, with the statement:
“Replacement of eligibility document No Dated which has been lost”; and
 - ii) must not issue a replacement document unless he or she is satisfied with the statement provided under clause 5.8(1)(a); and
 - iii) must ensure that their file copy of the lost or destroyed eligibility document and the new file copy must clearly state the circumstances of the loss or destruction.
- (2) Where paper eligibility declarations have been lost or inadvertently destroyed, the authorised user must:
- a) prepare and sign a new eligibility declaration endorsed, after the last data entry and above any delimiter line, with the statement:
“Replacement of eligibility declaration No Dated which has been lost”; and
 - b) ensure that their file copy of the lost or destroyed eligibility declaration and the new file copy clearly state the circumstances of the loss or destruction.

Part 6: Official assurances

6.1 Export certificates

- (1) Official assurances for dairy material and dairy products must be issued in the form of export certificates generated in AP E-cert.
- (2) Export certificates remain the property of the Director-General until received by a foreign government.

6.2 Who can apply for an export certificate?

- (1) A dairy exporter may apply for an export certificate in respect of a consignment of dairy material or dairy products if that person is:
 - a) a registered exporter in accordance with Part 5 of the Act; or
 - b) the New Zealand agent of an overseas-based registered exporter; or
 - c) a registered exporter applying on behalf of a person who is exempt from being a registered exporter under the Animal Products (Exemptions and Inclusions) Order 2000.
- (2) A dairy exporter applying for an export certificate is liable for all relevant duties for that consignment under section 51 of the Act and must maintain procedures and processes to demonstrate that those duties are met.

6.3 How to apply for an export certificate

- (1) To obtain an export certificate, the dairy exporter must apply to the Director-General or an authorised person.
- (2) An export certificate application for a consignment of dairy material or dairy products must be raised and submitted electronically in AP E-cert, unless:
 - a) paper applications for export certificates are required as part of a business continuity plan under clause 12.4 of this Notice; or
 - b) export requirements set a different method of submission.
- (3) An export certificate application for a consignment of dairy material or dairy products must be based on an issued transfer document from the operator of the premises of final control for that consignment.
- (4) Exporters must have appropriate evidence to demonstrate that the dairy material or dairy products to which the application relates are eligible for export to the intended destination country.

Part 7: Procedure for issuing export certificates

7.1 Format and content of export certificates

- (1) When determining the form and content of particular export certificates under section 62 of the Act, the Director-General may require the dairy exporter to provide written confirmation of requirements from the competent authority of the importing country.
- (2) Commercial information such as contract numbers and bank arrangements must not be entered on an export certificate unless:
 - a) it is practicable to do so; and
 - b) any such information is only entered in the following manner:
 - i) the information must be placed under the heading 'Unofficial commercial information' or an alternative heading which has been notified in an importing country requirement; and
 - ii) the information is not officially verified.
- (3) Information about New Zealand's animal health, sanitary controls, animal welfare or any other information required by or under the Act (including any importing country requirement) must not be entered on the export certificate under the heading of "Unverified Commercial Data".

7.2 Issuing of export certificates

- (1) An authorised person may issue an export certificate in respect of a consignment if he or she is satisfied that the applicable requirements of the Act, regulations, and notices have been met.
- (2) An authorised person must not issue an export certificate unless:
 - a) the export certificate application is supported by the relevant issued transfer document as required by clause 6.3(3) and other documentation required by this Notice; and
 - b) based on the information provided in accordance with this Notice or held by MPI, the product for which certification is sought complies with applicable regulatory requirements, attestations made in the export certificate, and OMARs; and
 - c) the certificate has been signed by an authorised person who is a veterinarian for the attestations regarding animal health.
- (3) An authorised person must not issue an export certificate if:
 - a) he or she knows, or has reason to suspect, that information provided by the dairy exporter to support certification is incomplete, inaccurate, or, otherwise not in accordance with any requirement of the Act, its regulations or notices; or
 - b) the export certificate has been altered or modified in any way other than in accordance with an importing country requirement or an authorisation given by the Director-General.
- (4) Where an eligibility declaration is used to support the issuing of an export certificate, the authorised person, prior to issuing the export certificate, must check the compliance status of the consigning premises, any product restrictions imposed on the dairy material or dairy product by MPI or the relevant official assurance verifier and any other relevant information on the compliance database.

7.3 Multiple certification not permitted

- (1) Authorised persons may issue only one export certificate set of a particular type per consignment except where the OMAR provides otherwise.
- (2) Authorised persons must not issue additional export certificate sets to cover alternative destinations for the same consignment.

7.4 Issue of certificates for onward certification

- (1) The following declarations may be added to export certificates and issued by an authorised person where requested in an application for export certificate:
 - a) If a third country has a listing requirement, the following declaration on the appropriate export certificate:

“The [product] described on this certificate has been produced in premises listed for [insert name of country or countries] and is eligible for export to [insert name of country or countries].”
 - b) If a third country has no listing requirement, the following declaration on the appropriate export certificate:

“The [product] is eligible for export to [insert name of country or countries].”
- (2) The product must be described as specifically as possible, and must match the description panel on the export certificate.
- (3) To support onward certification to a third country, supporting eligibility declarations or eligibility documents, must show eligibility to both the intermediate importing country and the third importing country.
- (4) Where the third importing country requires specific declarations to be included on export certificates consigned to intermediate countries and these declarations have been agreed to by MPI, these will be notified by way of OMAR, for the third importing country.

7.5 Preparation of export certificates

- (1) Every export certificate must be prepared using the paper authorised by the Director General and the information provided or required under this Notice.
- (2) Every export certificate must include:
 - a) the authorised person’s name and qualifications (where applicable) inserted legibly below the signature; and
 - b) the authorised person’s signatory seal; and
 - c) the date of signature.
- (3) The signature and signatory seal of an authorised person must be in a colour different from that of the text of the export certificate, except where automatically applied by AP E-cert during the printing process.
- (4) Where a hand-signed original export certificate is required, an authorised person may issue only one hand-signed original export certificate as a single certificate or in an export certificate set, with the word ‘ORIGINAL’ stamped in red unless it is pre-printed on the certificate by the approved supplier under clause 10.1 of this Notice.
- (5) Where an OMAR requires two hand-signed export certificates, an authorised person may issue a hand-signed copy, marked as “copy”, in addition to the original.
- (6) Where the use of an electronic facsimile signature on an original export certificate is authorised by the Director-General, an authorised person may issue an original export certificate with an electronic facsimile signature as a single certificate or in an export certificate set.
- (7) An electronic facsimile signature applied to a copy, marked as “copy” must be issued for those countries specified in the relevant OMAR as requiring two electronically signed export certificates.
- (8) Where for commercial reasons, a certified copy of an export certificate is requested by the dairy exporter, the exporter must provide a statement with an explanation and supporting documentation for the request.
- (9) An authorised person may, if satisfied with the statement in clause 7.5(8), and the explanation and supporting documentation provided, issue a certified copy of the original export certificate by:

- a) endorsing the photocopied original or copy of the export certificate with the words: "I certify that this document is a true and accurate copy of the original."; and
 - b) signing, dating and sealing the endorsed photocopy.
- (10) Copies of export certificates must be printed on paper that is:
- a) plain and white; and
 - b) not used for original export certificates.
- (11) Authorised persons must keep file copies of all export certificates they sign and all information they used for the purposes of verification of product compliance for 7 years from the date of issuing the certificate.

7.6 Numbering of export certificates

- (1) Authorised persons must ensure that all paper export certificates are issued with a unique identification number taken from a numbering sequence controlled by MPI.
- (2) For electronic export certificates, any AP E-cert unique identification number provided as part of the computer programme may be used.

7.7 Date stamping of export certificates

- (1) When issuing export certificates, authorised persons must enter the actual date (and no other date) on which the export certificate is issued in the designated position on the certificate.

7.8 Allocation of signatory seals

- (1) Authorised persons carrying out official assurances certification must each use a valid signatory seal with a unique individual number issued by the Director-General.
- (2) The signatory seal must only be used by the authorised person to whom the signatory seal has been issued.

7.9 Use of signatory seals

- (1) The signatory seal must be affixed to each original export certificate at the time of issue and to any copies that are hand-signed or have electronic facsimile signatures.
- (2) The signatory seal must only be used by an authorised person for the purposes of official assurances certification.
- (3) Where the Director-General has authorised applying an electronic facsimile signature to an original export certificate, an authorised person may issue an original export certificate with an electronic facsimile seal, as a single certificate or in a document set.
- (4) An electronic facsimile seal applied to a copy, marked as "copy" must be issued for those countries specified in the relevant OMAR as requiring two electronically signed certificates.

Guidance

MPI maintains a documented procedure for the issue and control of signatory seals, and a register of seals identifying the person each particular seal is issued to.

Where an authorised person ceases to be an authorised person, MPI ensures that the signatory seal that was issued to that person:

- a) is withdrawn and kept secure; and
- b) is only issued to another person after an interval of at least two years since that seal was last used; or
- c) is destroyed and the destruction recorded in the register of seals.

Part 8: Lost paper export certificates

8.1 Procedure for lost export certificates

- (1) Where an original paper export certificate has been lost in New Zealand after issue, the dairy exporter may:
 - a) request the issue of a certified copy of the export certificate, except where the OMAR states the destination country will not accept a certified copy; or
 - b) apply for a replacement export certificate.
- (2) The Director-General may approve on a case-by-case basis other procedures for the issue of replacement export certificates for dairy material or product which may perish or be condemned if not cleared promptly.

8.2 Issue of a certified copy

- (1) This clause only applies where a legible photocopy of a lost original export certificate can be produced by the dairy exporter.
- (2) The dairy exporter must submit a signed statement of the circumstances of the loss and present it to an authorised person with a photocopy of the original lost export certificate.
- (3) The authorised person may, if satisfied with the statement and the explanation provided, issue a certified copy of the original export certificate by:
 - a) endorsing the photocopied certificate with the words;
"I certify that this document is a true and accurate copy of the original, which has been lost.",
and
 - b) signing, dating and sealing the endorsed photocopy.

8.3 Issue of a replacement certificate

- (1) To obtain a replacement export certificate the dairy exporter must:
 - a) apply for a replacement certificate; and
 - b) provide to an authorised person a signed statement that the certificate has been lost which details the circumstances of the loss.
- (2) The replacement export certificate set must contain the following statement in the body of each document: "This replaces (replaced certificate number) issued (date of issue)".
- (3) Authorised persons must ensure that:
 - a) replacement export certificates are issued with a new unique identification number; and
 - b) the file copies of the original certificate clearly record that the certificate has been cancelled and replaced, and
 - c) the new unique identification number of the replacement certificate is recorded.

8.4 Export certificates lost overseas

- (1) In addition to the requirements under clause 8.1 of this Notice, where an original paper export certificate has been lost overseas the dairy exporter must apply for a replacement certificate within the period of the voyage or as soon as practicable after arrival and inspection at the destination of the dairy material or product to which the certificate relates.

- (2) As soon as is reasonably practicable after issuing replacement certificates, authorised persons must provide to the Director-General the:
- a) replacement certificate number; and
 - b) dairy exporter's name and address; and
 - c) country of destination; and
 - d) vessel name (if applicable); and
 - e) known or approximate date of loss of the original export certificate; and
 - f) date the replacement export certificate was issued; and
 - g) name and title of the authorised person issuing the export certificate.

Part 9: Reissue of export certificates

9.1 Procedure for fixing incorrectly prepared export certificates

- (1) This clause sets out the procedure for the reissue of an export certificate where the reissue is required due to the detection of an error other than by a foreign government.
- (2) The dairy exporter must apply for a replacement export certificate set in writing and provide reasons for the replacement.
- (3) In the case of AP E-cert generated export certificates, the dairy exporter must apply for a replacement export certificate and provide his or her reasons for the replacement certificate in the comments section of the AP E-cert application.
- (4) In the case of manually processed export certificates, the dairy exporter must complete a signed statement outlining the reasons for the replacement.
- (5) The replacement export certificate set must contain either one of the following statement in the body of each document:
 - a) in the case of E-cert generated certificates, "This replaces document set [replaced document set number] ([replaced certificate number]) issued [date of issue]"; or
 - b) in the case of manually processed certificates, "This certificate replaces [export certificate number] issued [date of issue]".
- (6) Where the error is a consequence of an inadvertent change of destination or method of conveyance of the consignment, the dairy exporter must provide the following information to the authorised person:
 - a) details of the circumstances and whether the consignment has been discharged in another country; and
 - b) any corrected documentation to support the issue of the replacement certificate; and
 - c) any prescribed fee; and
 - d) one of the following:
 - i) the original issued export certificate; or
 - ii) evidence that the original issued export certificate is held by a New Zealand diplomatic or trade post.
- (7) The authorised person must ensure the details entered on the replacement export certificate are consistent with the corrected documentation provided to the authorised person to support the issue of the replacement export certificate.
- (8) Authorised persons must ensure that:
 - a) replacement export certificates are issued with a new unique identification number; and
 - b) the file copies of the original certificate clearly record that the certificate has been cancelled and replaced; and
 - c) the new unique identification number of the replacement certificate is recorded.

9.2 Procedure where a foreign government is involved

- (1) This clause sets out the procedure for the reissue of an export certificate where the reissue is as a result of a foreign government detecting an error on the original issued certificate. The original issued certificate may be retained by that foreign government or be handed to a New Zealand diplomatic or trade post for destruction.
- (2) In addition to the duties under section 51 of the Act, the dairy exporter must provide full details of the consignment and the reasons for the detection and rejection to an authorised person accompanied by the prescribed fee.

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- (3) If the Director-General authorises the reissue of the export certificate, the replacement export certificate set must contain the following statement in the body of each document:
 - a) in the case of E-cert generated certificates, "This replaces document set [replaced document set number] ([replaced certificate number]) issued [date of issue]"; or
 - b) in the case of manually processed certificates, "This certificate replaces [export certificate number] issued [date of issue]".
 - (4) The authorised person must ensure that the details entered on the replacement export certificate are consistent with the supporting transfer document and other information supplied to the authorised person for the issue of the original issued export certificate.
 - (5) The exporter must provide to the authorised person:
 - a) any corrected documentation to support the issue of the replacement certificate; and
 - b) any prescribed fee; and
 - c) one of the following:
 - i) the original issued export certificate; or
 - ii) evidence that the original issued export certificate is held by a New Zealand diplomatic or trade post or foreign government.
 - (6) The authorised person must compare the details entered on the replacement export certificate with the corrected documentation provided to support the issue of the replacement certificate. Any inconsistencies that relate to or originate from information received from the dairy operator of the premises of final control or the dairy operator who manufactured the final product must be verified by the operator's authorised user before the replacement certificate may be issued.
 - (7) Authorised persons must ensure that:
 - a) replacement export certificates are issued with a shoulder number; and
 - b) the file copies of the original certificate clearly records that the certificate has been cancelled and replaced; and
 - c) the new shoulder number of the replacement certificate is recorded.
 - (8) The authorised person must keep the original export certificate attached to the new file copy, except where that certificate is retained by a foreign government or destroyed by a New Zealand diplomatic or trade post.

Part 10: Security paper management

10.1 Approved supplier

- (1) Security paper used for the printing of export certificates for dairy material and dairy product may only be printed by a supplier approved by the Director-General.
- (2) No security paper may be produced or modified by the approved supplier without the prior approval of the Director-General.
- (3) The approved supplier of security paper must keep records for not less than 4 years detailing the procedures used for ordering, security, inventory supply and control.

10.2 Ordering of paper

- (1) Only an authorised person may order security paper from an approved supplier.
- (2) No one other than an authorised person may be supplied with security paper by an approved supplier for the purposes of providing export certificates for dairy material and dairy product.

Part 11: Official assurances certification for export to countries with no OMARs

11.1 Application

- (1) This part applies to all consignments of dairy material or dairy products to be exported to a country for which there are no OMARs.

11.2 Exporters may apply for New Zealand Standard Export Certificates

- (1) Where this part applies, a dairy exporter may apply for a New Zealand Standard Export Certificate in accordance with clause 11.3(1).
- (2) For the purposes of this part, a New Zealand Standard Export Certificate is a standardised export certificate that may be issued by the Director-General or an authorised person, at their discretion, where this part applies and where an exporter submits an application in accordance with clause 11.3(1).

11.3 Preparation of New Zealand Standard Export Certificates

- (1) A dairy exporter must apply for a New Zealand Standard Export Certificate in AP E-cert.
- (2) Where a dairy exporter has applied for a New Zealand Standard Export Certificate, the authorised person may issue a New Zealand Standard Export Certificate at his or her discretion.
- (3) Despite clause 11.3(2), the authorised person must not issue a New Zealand Standard Export Certificate if:
 - a) the application is contrary to any export requirements; or
 - b) the application is for the purpose of satisfying the exporter's commercial arrangements.

11.4 New Zealand Standard Export Certificates issued at exporters' commercial risk

- (1) Where a dairy exporter applies for a New Zealand Standard Export Certificate, which is subsequently issued by an authorised person, the exporter is accepting that:
 - a) the certificate is issued in good faith based on the exporter's assurances that all necessary enquiries have been made and there is no known impediment to entry of the dairy material or dairy product to the country concerned; and
 - b) MPI will not intervene if there is a refusal or failure of the relevant authority of an overseas market to admit dairy material or dairy product to that market.

Guidance

To avoid doubt, section 61A of the Act applies to New Zealand Standard Export Certificates issued under this part as well, meaning that the Crown will not be liable for any loss arising through the refusal or failure of the relevant authority of an overseas market to admit dairy material or dairy product to that market.

Part 12: Business continuity plan (BCP)

12.1 Object of this part

- (1) This Part specifies BCP requirements for when access to AP E-cert is interrupted due to a technical fault in the AP E-cert system (as opposed to a fault in the dairy exporter's, dairy operator's or official assurance verifier's submission system).

12.2 General obligation

- (1) As part of their BCP, dairy exporters, official assurance verifiers, and dairy operators who use AP E-cert must have an alternative (or back up) submission system to ensure that they can continue to raise transfer documents electronically in AP E-cert when their primary submission system becomes unavailable.

12.3 Business continuity plan - paper transfer documents

- (1) Where access to AP E-cert is interrupted due to a technical fault in the AP E-cert system (as opposed to a fault in the dairy exporter's, dairy operator's or official assurance verifier's submission system), the exporter, operator, or verifier may use paper transfer documents in accordance with the requirements of Part 5 of this Notice.
- (2) Where paper eligibility documents or eligibility declarations are used as part of a BCP under clause 12.3(1), the data on the paper eligibility declaration or eligibility document must be entered into the AP E-cert system within 5 working days of AP E-cert being restored, and the paper eligibility declaration or eligibility document must be cancelled.
- (3) The electronic version of the eligibility declaration or eligibility document must:
 - a) have the same shoulder number as the paper version; and
 - b) include "Previously raised on paper under BCP, on [date], and issued on [date]" in the product item comments box.
- (4) Despite clause 12.3(3), where the paper version was only in a raised state prior to the AP E-cert system becoming available, the electronic version must include the statement "Previously raised on paper under BCP", on [date]" in the product item comments box.

12.4 Business continuity plan - obtaining an official assurance

12.4.1 Application of this clause

- (1) Where access to AP E-cert is interrupted due to a technical fault in the APE-cert system (as opposed to a fault in the dairy exporter's submission system), the exporter may use paper transfer documents in accordance with the requirements of this clause.
- (2) Authorised persons must seek the permission of the MPI Market Access Counsellor E-cert before using the process set out under this Part.

12.4.2 Preparation of paper export certificates

- (1) Where AP E-cert is unavailable, the authorised person:
 - a) may print the required export certificate template onto security paper approved under Part 10 and provide this to the dairy exporter for preparation; and
 - b) must keep inventory records.

- (2) The dairy exporter must manually prepare the blank certificate according to Part 7 of this Notice, ensuring that the certificate shoulder number is typed or stamped and be in conformance with the AP E-cert shoulder number format, e.g. NZL2003/ELN6000/1234.
- (3) Once the authorised person has issued the completed certificate, the authorised person must send a copy of the issued certificate to the MPI Market Access Counsellor – E-cert.

12.4.3 Export certificate data to be entered into AP E-cert when transmission resumes

- (1) The dairy exporter must enter the data used on export certificates prepared in accordance with this Part into AP E-cert (raised) within one working day of AP E-cert becoming available.
- (2) All data entered, including the shoulder number must be identical to the data on the template paper certificate.
- (3) The same authorised person who signed the template paper certificate must issue the electronic export certificate unless it is not practical to do so, in which case an alternative authorised person may issue the electronically raised export certificate.
- (4) Where an alternative authorised person issues the electronic export certificate under clause 12.4.3(3), he or she must notify the MPI Market Access Counsellor – E-cert so that Counsellor can inform the importing country if necessary.
- (5) Once the electronic export certificate is approved the stationery serial number of the security paper must be entered into the electronic certificate.