



General Export Requirements for Halal Dairy Material and Halal Dairy Products

1 February 2018

TITLE

Animal Products Notice: General Export Requirements for Halal Dairy Material and Halal Dairy Products

COMMENCEMENT

- (1) Subject to subclauses (2) and (3), this Animal Products Notice comes into force 3 months after the date of issue.
- (2) Part 8 and clause 11.2 of this Notice come into force on the date of issue of this Notice.
- (3) Clauses 10.1(2) and 10.2(2) of this Notice come into force 7 months after the date of issue of this Notice.

ISSUING AUTHORITY

This Animal Products Notice is issued pursuant to sections 60(1) and 167(1)(ja) of the Animal Products Act 1999.

Dated at Wellington this _____ day of _____ 2018.

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(acting under delegated authority of the Director-General)

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Introduction

This introduction is not part of this Notice but is intended to indicate its general effect.

Purpose

The purpose of this Notice is to specify the requirements that must be met in order for dairy material and dairy products to be eligible:

- a) to be labelled as halal when exported; or
- b) for export with a halal certificate.

Background

This Notice establishes a regulatory framework for halal certification of dairy material and dairy products intended for export, based on partnership between the dairy industry, halal certification agencies and Government.

Industry is primarily responsible for implementing halal processing requirements in accordance with their approved halal programme and the Notice when processing halal dairy material and halal dairy products.

Approved halal organisations (AHOs) (i.e. halal certification agencies) are primarily responsible for providing halal certification and verification services to industry.

MPI is primarily responsible for approving halal premises and AHOs and overseeing the regulatory framework.

This Animal Products Notice specifies the requirements relating to the following matters:

- a) the process and criteria for approval as halal premises;
- b) the process and criteria for approval of halal premises' halal programmes;
- c) the process and criteria for approval as an AHO;
- d) the competency criteria for AHO employees who carry issue halal certificates and verify halal premises;
- e) halal processing requirements, particularly in relation to confirmation of the halal status of ingredients that are added to halal dairy products, labelling, and requirements for safeguarding the halal status of dairy products across the export supply chain;
- f) periodic assessment of halal premises by AHOs;
- g) issuing of halal certificates in AP E-cert; and
- h) the establishment of an Approved Halal Organisations Forum and Halal Academy.

Who should read this Notice?

- (1) This Notice should be read by all persons involved in processing, exporting or certification of halal dairy material and halal dairy products.

Why is this important?

This Notice is important because any dairy material or dairy products that fail to comply with any requirements of this Notice are not eligible:

- a) to be labelled as halal when exported; or
- b) for export with a halal certificate.

Additionally, for the purposes of section 135(1)(c) of the Animal Products Act 1999, a failure to comply with this Notice, without reasonable excuse, is an offence.

Part 1: Preliminary provisions

1.1 Application

- (1) This Notice applies to:
- a) dairy material and dairy products that are intended to be:
 - i) labelled as halal when exported; or
 - ii) exported with a halal certificate; or
 - iii) both i) and ii) above; and
 - b) exporters of dairy material or dairy products referred to in paragraph (a); and
 - c) operators of halal premises; and
 - d) approved halal organisations.
- (2) This Notice does not apply to dietary supplements containing dairy material.

1.2 Definitions

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

Act means the Animal Products Act 1999;

accreditation agency means the Joint Accreditation System of Australia and New Zealand (JASANZ);

AP E-cert means the Animal Products Electronic Certification System specified for the raising and issuing of export declarations, halal certificates, official assurances, halal premises registration certificates, and transfer documents;

approved halal organisation (AHO) means an Islamic organisation approved and listed by the Director-General under Part 6 of this Notice, and includes deemed approved halal organisations under Part 11 of this Notice;

consignment means a definite quantity of dairy material or dairy products delivered at one time and required to be described in a halal certificate, which may consist of a batch, portions of a batches, several batches, or a portion of multiple batches;

Director-General means the Director-General of MPI;

eligible for export as halal means:

- a) prior to export, that a consignment meets or is capable of meeting all applicable requirements in this Notice to be exported to its intended destination; or
- b) at export, that a consignment meets all applicable requirements in this Notice to be exported to its intended destination;

final manufacturer means the halal premises, which undertakes any activities involved with converting dairy material into halal dairy product (with or without other substances or ingredients), and its preparation in a dairy factory for export;

food additive(s) has the same meaning as in Standard 1.3.1 of the Australia New Zealand Food Standards Code;

halal dairy material means dairy material that is eligible for export as halal;

halal dairy products means dairy products that are eligible for export as halal;

halal certificate means a consignment based certificate issued by an approved halal organisation in accordance with Part 10 of this Notice, which confirms the halal status of halal dairy material and halal dairy products intended to be exported by an exporter;

halal certification services means the activities undertaken by an approved halal organisation for a halal premises as set out under this Notice, which include approval of halal programmes, periodic assessment of halal premises, and issuing of halal certificates;

halal export assurance system means the requirements in this Notice that specifically relate to the processing and labelling of halal dairy material and halal dairy products, and includes any country-specific OMAR;

halal mark means:

- a) the identification mark specified by the operator in an approved halal programme in agreement with their AHO(s); or
- b) where a country-specific OMAR specifies a logo, that logo;
- c) where a country-specific OMAR requires a logo without specifying one, or where there is no country-specific OMAR requiring a logo, any of the logos allowed under clause 2.3.1(3)(b);

Guidance

The halal mark is for traceability purposes only.

halal premises means a premises that is listed by the Director-General under Part 4 of this Notice;

halal premises registration certificate means the certificate issued to the operator of halal premises under clause 3.8(8) of this Notice;

haram material means anything that is derived from a haram species, and includes any substance containing material from haram species or carrion, alcohol beverages and any other material that may cause intoxication; and **haram product** has a corresponding meaning;

haram species means:

- a) porcine;
- b) canine;
- c) equus asinus (donkey);
- d) wild animals;
- e) animal which lives both on land and water; and
- f) amphibians that are used as ingredients, additives or processing aids; and
- g) where notified in a country-specific OMAR, insects and their extracts;

ISO means International Organisation for Standardisation and is an international developer and publisher of international standards;

label means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:

- a) is attached to the packaging of halal dairy material and halal dairy products; or
- b) accompanies and is provided to the importer or consumers at the importing country with the halal dairy material and halal dairy products; or
- c) is displayed in connection with halal dairy material and halal dairy products when exported;

MPI means the Ministry for Primary Industries;

non-halal dairy material means any dairy material, other than haram material, that is not processed in accordance with this Notice;

non-halal dairy products means any dairy products, other than haram product, that are not processed in accordance with this Notice;

NZQA means the New Zealand Qualifications Authority;

premises of final control means the halal premises where a consignment of halal dairy material or halal dairy products is physically located before it is transferred for export;

processing aid has the same meaning as in Standard 1.3.3 of the Australia New Zealand Food Standards Code; and

site specific process means a process that is specific to one manufacturing site, that therefore has its own individual documented process.

- (2) Any term used but not defined in this Notice that is defined in the Act has the same meaning as in the Act.

Draft for
Consultation

Part 2: General requirements

2.1 Role of approved halal organisations

- (1) Approved halal organisations' role in the halal export assurance system created by this Notice includes the following:
 - a) assessing and approving halal programmes; and
 - b) assessing halal premises; and
 - c) ensuring the competency of their halal assessment and approval persons and issuing officers and provide a list of competent persons and officers to the Director-General upon request; and
 - d) creating and maintaining a documented programme for training their assessment and approval persons and issuing officers and evaluating their competencies; and
 - e) issuing halal certificates and halal premises registration certificates; and
 - f) participating in the Approved Halal Organisations Forum in accordance with Part 8 of this Notice.

2.2 Exporter to ensure compliance with halal requirements

- (1) An exporter must not export any dairy products that are labelled as halal unless the products are eligible for export as halal.

2.3 Traceability requirements

2.3.1 Traceability through inventory control system

- (1) Operators of halal premises must keep and maintain an inventory control system, which:
 - a) demonstrates that the halal dairy material and halal dairy products they receive, process or transfer are eligible for export as halal;
 - b) ensures that only dairy material and dairy products that are processed in accordance with the premises' approved halal programme and this Notice are labelled as halal;
 - c) ensures that halal certificates are only requested for dairy material and dairy products that are processed in accordance with the premises' approved halal programme and this Notice; and
 - d) ensures that halal dairy material and halal dairy products are distinguishable from non-halal dairy material and non-halal dairy products at all times.
- (2) Where halal dairy material and halal dairy products are to be marked as halal for export, the operator must apply the halal mark to the wrapping and/or packaging before the halal dairy material and halal dairy products are transferred from the premises of final control for export.
- (3) To avoid doubt, where an importing country does not specifically require dairy material and dairy products to have a halal label, the exporter may do any of the following before the dairy material or dairy products are transferred from the premises of final control for export:
 - a) choose not to apply any halal label; or
 - b) choose to label halal dairy material and halal dairy products using any of the following:
 - i) the AHO logo; or
 - ii) the logo specified in Annex 4 of this Notice; or
 - iii) a logo recognised by the relevant national authority in the importing country; or
 - iv) any other globally-recognised logo relevant to the certification covering the production of the halal dairy material or halal dairy products.
- (4) For the purposes of subclause (3)(b)(i), where the approved halal organisation intends to change their logo, the organisation must:

- a) notify the exporters and operators who use their logo in advance; and
- b) provide a reasonable transition period which allows for product and packaging stocks to be managed to the satisfaction of the exporter.

Guidance

- Operators of halal programmes should check with their approved halal organisation(s) to ensure that labelling or product descriptions are not offensive to Islam.

Draft for
Consultation

Part 3: Halal programmes

3.1 Object of this Part

- (1) The object of this Part is to set the requirements for a halal programme.

3.2 What is a halal programme?

- (1) A halal programme is a documented system designed to control and manage halal processing of dairy material and dairy products at halal premises to ensure compliance with this Notice.

Guidance

- Operators may choose to incorporate any notified country-specific halal requirements into their halal programme.

3.3 Who must have a halal programme?

- (1) The following dairy RMP premises must operate under an approved halal programme:
- a) the final manufacturer of halal dairy material or halal dairy products; and
 - b) any premises that supplies the final manufacturer with dairy material if that supplying premises incorporates non-dairy animal material or product, ingredients, processing aids or food additives into the dairy material unless listed in Annex 5.

Guidance

- To avoid doubt the following premises are not required to operate under an approved halal programme(s):
 - a) premises that provide NZ origin dairy liquid streams or dairy ingredients to the final manufacturer, which have not had other ingredients, processing aids or food additives added; and
 - b) independent cold stores or independent dry stores which are not physically located within a halal premises.

3.4 Duties of operators of premises operating under halal programmes

- (1) The operator of a premises operating under an approved halal programme must:
- a) develop a halal programme that complies with clauses 3.5 and 3.6 of this Notice;
 - b) arrange for the approval of the halal programme by an approved halal organisation; and
 - c) keep a copy of the approved halal programme, and provide this to the Director-General or an animal product officer on request; and
 - d) ensure that the programme is consistent with the requirements of regulations and notices in force from time to time under the Act; and
 - e) adequately implement and resource all operations under the programme, including provision for the instruction, competency, and supervision of staff to ensure the delivery of halal dairy material and halal dairy products; and
 - f) ensure that all operations under the programme are commensurate with the capability and the capacity of the premises or place, facilities, equipment, and staff to ensure the delivery of halal dairy material and halal dairy products; and

- g) give their relevant approved halal organisation(s) the freedom and access that is necessary to allow them to effectively carry out halal certification services authorised under this Notice.

3.5 Form and scope of halal programmes

- (1) A halal programme must be in writing in a form agreed between the operator and the approved halal organisation which provides halal certification services to the premises.
- (2) If a halal programme applies to more than one premises, any site-specific processes must be clearly described in the programme.

Guidance

- For clarification, subclause (2) does not impose a mandatory requirement for multiple premises covered by a common set of manufacturing processes to have their own specific processes in addition to the common processes.

3.6 Contents and requirements for halal programmes

- (1) A halal programme must specify:
- a) the trading name of the company and the name of the parent company if applicable;
 - b) the physical address of any premises covered by the programme;
 - c) the RMP identifier(s), including the Unique Location Identifier(s) of any premises covered by the programme;
 - d) the name of the operator;
 - e) the product categories to which the programme relates;
 - f) the scope of the halal activities carried out at any of the premises covered by the programme;
 - g) the physical boundary(ies) and/or the buildings within the premises covered by the programme;
 - h) a list of position titles of members of the operator's halal decision-making body; and
 - i) the name of the approved halal organisation(s) that provides halal certification services to the premises.
- (2) A halal programme must:
- a) contain the traceability inventory control system required by clause 2.3 of this Notice; and
 - b) set out the controls and process for ensuring compliance with halal processing requirements in Part 5, in particular (where applicable):
 - i) sourcing of halal food ingredients, processing aids and food additives, and
 - ii) manufacturing of halal dairy products; and
 - iii) halal labelling.

Guidance

- A premises' halal programme may reference applicable parts of that premises' RMP.

3.7 Application for approval of halal programmes

- (1) The operator of a premises of the type specified in clause 3.3 must submit an application for approval of a halal programme to the approved halal organisation responsible for providing halal certification services to operator's premises.
- (2) The application must:
- a) be in writing; and
 - b) include a copy of the halal programme.

- (3) Where there is more than one approved halal organisation providing halal certification services to a premises, the application must be submitted to each approved halal organisation.

3.8 Approval of halal programmes by an approved halal organisation(s)

- (1) An approved halal organisation which receives an application for approval of a halal programme may approve that halal programme if satisfied that:
 - a) the contents of the programme comply with the requirements of clause 3.6 of this Notice; and
 - b) the programme (including multi-premises programme) is directly relevant to the premises to which it applies; and
 - c) the programme will consistently and reliably produce halal dairy material and halal dairy products; and
 - d) the premises to which the programme applies is adequately equipped to ensure the effective implementation of the programme at the premises.
- (2) For the purposes of subclause (1), the approved halal organisation(s) must carry out a site inspection of each premises covered by the programme.
- (3) In addition to subclauses (1) and (2), where clause 3.5(2) applies (i.e. one halal programme covering multiple premises), the approved halal organisation(s) must not approve the halal programme unless satisfied that:
 - a) the programme adequately covers all the premises it applies to; and
 - b) the operator in charge of the programme will have sufficient control, authority, and accountability for all matters covered by the programme in relation to all premises subject to its coverage; and
 - c) the operator in charge of the programme has obtained the consent or otherwise taken into account the views of operators of premises that are to be covered by the programme; and
 - d) each operator whose premises is to be covered by the programme is aware of the implications for his or her operation in the event of a suspension of the programme.
- (4) Where clause 3.7(3) applies (i.e. where a premises has more than one approved halal organisations), the responsible assessment and approval person from each approved halal organisation must, prior to approving the halal programme:
 - a) consult each other to ensure that:
 - i) the same version of the programme is being approved; and
 - ii) where the programme contains components of a market-specific OMAR, those components are approved only by the approved halal organisation that is approved and/or listed for that market; and
 - b) agree on the approval and assessment person who is to issue the halal premises registration certificate in accordance with subclause (8).
- (5) The approved halal organisation must, as soon as practicable after approving a halal programme, provide a confirmation of approval and an authorised copy of the approved halal programme to the applicant.
- (6) Where clause 3.7(3) applies (i.e. where a premises has more than one approved halal organisations),:
 - a) each approved halal organisation may provide a confirmation of approval and an authorised copy of the approved halal programme to the applicant, as consulted between the approval and assessment persons; or
 - b) the approved halal organisations may agree together to provide a single confirmation of approval and a single authorised copy of the approved halal programme with the signatures of their assessment and approval persons who are involved in processing the application.
- (7) The operator must keep confirmation of approval and the current version of the approved halal programme.

- (8) Where the halal programme has been approved, the approved halal organisation which approves the halal programme must also issue a halal premises registration certificate in AP E-cert to the operator within 48 hours and in the template provided by the Director-General in AP E-cert.
- (9) The premises registration certificate must state the halal product categories manufactured at the premises (for example, milk powder, yoghurt, cream etc.).
- (10) The premises registration certificate that is issued with an approved multi-premises halal programme covers all premises to which the programme applies.
- (11) The approval of the halal programme and the halal premises registration certificate are valid for 3 years from the date of approval of the halal programme specified on the halal premises registration certificate and the halal programme must be reapproved at the end of 3 years in accordance with clause 3.14.

Guidance

- Halal premises registration certificates generated in AP E-cert will be printed directly from AP E-cert by the relevant approved halal organisation and the paper certificate, stamped and signed by that organisation.

3.9 Refusal to approve halal programmes

- (1) An approved halal organisation which receives an application for approval of a halal programme may refuse to approve the application if:
 - a) the approved halal organisation is not satisfied that the criteria in clause 3.8(1) or 3.8(3) where applicable, have been met; or
 - b) after conducting a site inspection under clause 3.8(2), the approved halal organisation is not satisfied that the halal programme can be properly implemented at the premises.
- (2) Where an approved halal organisation proposes to refuse to approve a halal programme, the approved halal organisation must:
 - a) notify the applicant in writing of the intention to refuse the application and such particulars as will clearly inform the applicant of the grounds on which the approved halal organisation proposes to refuse the application; and
 - b) give the applicant a reasonable opportunity to respond to the proposal to refuse the application.
- (3) Where clause 3.7(3) applies (i.e. where a premises has more than one approved halal organisations), the approved halal organisation which is proposing to refuse the application must notify the other approved halal organisation(s) of their proposal and the reason(s).
- (4) Where the approved halal organisation finally determines to refuse to approve a halal programme, it must as soon as practicable notify that fact in writing, and provide the rationale for the refusal to:
 - a) the applicant; and
 - b) the Director-General.

3.10 Halal programme not transferrable

- (1) The approval of a halal programme applies only to the particular operator and any premises specified in the programme and may not be transferred to a different operator.
- (2) For the avoidance of doubt, where an animal product business, which is covered by an approved halal programme changes name, nothing in subclause (1) prevents the transfer of the approved halal programme to the newly named business without further approval.

Guidance

- MPI strongly recommends that dairy product businesses consult with their AHO(s) to ensure that the new name is not offensive to consumers of halal products.

3.11 Amendments to approved halal programmes

- (1) The operator of a halal premises must amend an approved halal programme applying to that premises, and apply for approval of the amended programme, where any change, event, or other matter means that the programme:
 - a) is no longer appropriate, or will no longer be appropriate, to the dairy material or dairy product, processes, or premises covered by the programme; or
 - b) adversely impacts, or will adversely impact the halal premises' capability to consistently and reliably produce halal dairy products.
- (2) An application for approval of an amended programme under subclause (1), must be made:
 - a) in accordance with clause 3.7; and
 - b) before implementing any change.
- (3) Approved halal organisations may approve or refuse an application to amend an approved halal programme in accordance with clauses 3.8 and 3.9 respectively.

Guidance

- For the purposes of clause 3.11, the following may constitute the need for an amendment to be made to an approved halal programme:
 - a) the relocation of the business or operation to another location; and
 - b) the inclusion of a new type of dairy material or dairy products, to be processed in the premises to which the programme relates; and
 - c) the introduction of any new processes or process modifications, for the production and processing of halal dairy material and halal dairy products; and
 - d) the merging or splitting of existing approved halal programmes.
- It is recommended that operators check with their AHO(s) when making any change to their approved halal programme, even if they consider that subclause (1) does not apply.

3.12 Suspension of a halal programme

- (1) An approved halal organisation providing halal certification services to a halal premises may suspend the approved halal programme for that premises if no longer satisfied that the programme complies with the applicable requirements under clause 3.8(1) and clause 3.8(3) where applicable.
- (2) Before imposing a suspension under subclause (1), the approved halal organisation must:
 - a) notify the operator in writing of the intention to suspend the approved halal programme and such particulars as will clearly inform the applicant of the grounds on which the approved halal organisation proposes to suspend the programme; and
 - b) give the applicant a reasonable opportunity to respond to the proposal to suspend the approved halal programme.
- (3) Where there are more than one approved halal organisations providing halal certification services to a halal premises, all of those organisations must:
 - a) consult each other before any suspension is proposed; and

- b) consult each other on how to implement any of the requirements set out in subclauses (2), (5)(a), (7) and (8).
- (4) Where the approved halal organisation finally determines to suspend the approved halal programme, the approved halal organisation, must as soon as practicable, notify that fact in writing, and provide the rationale for the suspension to the operator.
- (5) Where an approved halal programme is suspended:
 - a) the approved halal organisation must also suspend the affected premises registration certificate in AP E-cert; and
 - b) the operator of the programme must not label any dairy material or dairy products processed at any suspended premises as halal, for the duration of the suspension.
- (6) Where an operator accidentally labelled as halal any dairy material or dairy products processed at any affected suspended premises the operator must indelibly cross out or remove the halal label.
- (7) The approved halal organisation may lift the suspension if it is satisfied that appropriate corrective actions have been completed and must notify the operator of this decision.
- (8) The approved halal organisation must notify the Director-General immediately when:
 - a) a suspension is imposed; and
 - b) a suspension is lifted.

Guidance

- An approved halal organisation should not suspend an approved halal programme due to issues unconcerned with this Notice or halal programme.
- Where a suspension is imposed under this clause, the halal eligibility of any halal dairy material or halal dairy products processed at or received into the affected halal premises prior to the suspension remains unaffected unless there are sound documented reasons to believe that haram material may have been mixed with such dairy material or products.
- Suspension of a halal programme should be a measure of last resort after all other potential avenues, including a mutually agreed management plan between the AHO and the operator, have failed to achieve compliance.

3.13 Approved halal organisations to keep and provide assessment reports

- (1) Approved halal organisations must keep copies of assessment reports in relation to all halal programmes they assessed for 4 years after the date of assessment, and provide such reports to the Director-General or an animal product officer immediately upon request.

3.14 Renewal of approval of halal programme

- (1) The approval of a halal programme must be renewed before it expires.
- (2) Unless the approved halal programme has been significantly amended, an application for renewal may include only a written confirmation that the programme is exactly the same as sighted by the approved halal organisation during the most recent periodic assessment visit.
- (3) Where the approved halal programme has been significantly amended, clause 3.11 applies.

- (4) Where an approved halal organisation has approved an application for renewal of the approval of a halal programme, the approved halal organisation must issue a renewal approval letter to the operator who submitted the application.
- (5) The operator must submit a copy of the renewal approval letter and, where the halal programme has been amended during renewal, a copy of the approved amended halal programme to the Director-General.
- (6) Where a renewal application is refused, the process specified under clause 3.9 applies.

3.15 Review of decisions made by approved halal organisations

- (1) The Director-General may, upon the application of an operator, review a decision made by an approved halal organisation under clause 3.9, 3.11(3), 3.12 or 3.14(6) to assess whether the approved halal organisation has followed proper process when making the decision.
- (2) An operator may make a request to the Director-General, in the following manner, for a review of a decision made by an approved halal organisation in clause 3.9, 3.11(3), 3.12 or 3.14(6):
 - a) the request must be in writing; and
 - b) the request must clearly outline the reasons as to why the approved halal organisation's decision is unjustified; and
 - c) the request must be made within 10 working days of the decision being notified to the operator.
- (3) The Director-General must notify the result of his or her review to the applicant and the approved halal organisation as soon as a decision is made and the applicant and the approved halal organisation must comply with the decision.

Guidance

- The Director-General's review of AHOs' decisions under this clause is limited to assessing whether due process was followed. It does not include a review of the merits of AHOs' decisions.

Part 4: Halal premises

4.1 Premises to be listed as halal premises

- (1) Dairy RMP premises of the type specified in clause 3.3 of this Notice must be listed by the Director-General in order to become a halal premises and to be able to carry out halal processing under this Notice.

4.2 Application for listing

- (1) An application for listing as a halal premises must:
 - a) be made by the operator of the premises in writing to the Director-General in a form made available by the Director-General for that purpose; and
 - b) include all of the following:
 - i) a copy of the approval letter issued by the approved halal organisation for the approval of the premises' halal programme;
 - ii) the name, physical address and RMP identifier(s) (including the Unique Location Identifier) of halal premises covered by the halal programme;
 - iii) the relevant halal processing operation;
 - iv) a copy of the premises' approved halal programme, which must include the date of approval.
- (2) The Director-General may refuse to process an application that does not comply with subclause (1).

4.3 Listing of halal premises

- (1) Upon receipt of an application that complies with clause 4.2, the Director-General may, as soon as practicable, list the premises as a halal premises on a publicly available website administered by the Director-General.
- (2) Operators and exporters must not label as halal any dairy material or dairy products intended for export unless the dairy material or dairy products are processed in a halal premises.

Guidance

- Where a premises has multiple halal programmes covering different operations carried out at that premises, the operator of the premises will have to include each approved halal programme in the application for listing. The scope of listing (i.e. parts of the operation that are specified in the programme(s)) will need to be identified.
- The D-G may decide not to list a premises as a halal premises.

4.4 Director-General to be notified about significant change in circumstances

- (1) The operator of a halal premises must give written notice to the Director-General of any of the following changes immediately or as soon as otherwise practicable after the occurrence of such changes:
 - a) any change in the information that was provided under clause 4.2;
 - b) when the approved halal programme has been amended under clause 3.11 of this Notice;
 - c) expiry or refusal of renewal of the approved halal programme;
 - d) suspension of the programme under clause 3.12 of this Notice;

- e) the death or incapacity of the operator of the halal premises; and
- f) change in ownership, bankruptcy, receivership, voluntary administration, or liquidation of the halal premises.

4.5 Revocation of listing as a halal premises

- (1) The Director-General may remove a halal premises from the list if:
 - a) the premises' approved halal programme(s) has been suspended; or
 - b) the premises' approved halal programme(s) has expired but was not renewed; or
 - c) the premises has been excluded from the coverage of an approved multi-premises halal programme.
- (2) Where the Director-General removes a halal premises from the list, he or she must notify the operator of the premises in writing.

4.6 Periodic assessment of halal premises

4.6.1 Approved halal organisations and operators of halal premises to arrange periodic assessment of halal premises

- (1) The approved halal organisation(s) that carries out halal certification for an operator of a premises and that operator must arrange for periodic assessment of any halal premises covered by the operator's approved halal programme(s).
- (2) To avoid doubt, where a premises is being provided halal certification services by more than one approved halal organisation, the periodic assessment must be carried out by each approved halal organisation.
- (3) The commencement of initial assessment must be set as follows:
 - a) for halal premises that are not deemed under Part 11 of this Notice, from the date of site inspection stated in clause 3.8(2) of this Notice; and
 - b) for halal premises that are deemed under Part 11 of this Notice, from the commencement date of this Part (i.e. 3 months after the date of issue of this Notice).

Guidance

- For premises that are new to the halal assurance system (i.e. those that currently do not carry out halal certification with an approved halal organisation) their initial assessment will be calculated from the date of site inspection stated in clause 3.8(2).
- For premises that are already in the halal assurance programme (i.e. those that are deemed under Part 11) their initial assessment will be calculated from the commencement date of this Part (i.e. 3 months after the date of issue of this Notice), since they will not be subject to site inspection under clause 3.8(2).

4.6.2 Frequency of periodic assessment

- (1) The frequency levels for assessment of halal premises are as set out in the following table:

Step	Assessment frequency
6	6 months
5	4 months
4	2 months

3	1 month
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- (2) The approved halal organisation must set the initial assessment frequency for halal premises at step 6 of the table unless specific risks have been identified, in which case, subject to subclause (6), a lower step may be imposed resulting in more frequent assessment.
- (3) Despite subclause (2), where a halal premises process halal dairy material or halal dairy products that are intended to be exported with a halal certificate, the approved halal organisation must set the initial assessment frequency for that halal premises at step 5 of the table unless specific risks have been identified, in which case, subject to subclause (6), a lower step may be imposed resulting in more frequent assessment..
- (4) Despite subclauses (2) and (3), where a halal premises has more than one approved halal organisation providing services to it, the assessment frequency as agreed between the operator and each AHO may apply provided:
 - a) the frequency agreed with at least one of the AHOs is the same as the frequency specified in subclauses (2) and (3) (i.e. 6 months where halal shipping certificates are not required and 4 months where halal shipping certificates are required); and
 - b) subject to subclause (5), none of the frequency(ies) agreed between the operator and any of the AHOs are greater than the frequency specified in subclauses (2) and (3) (i.e. assessments will not be required more often than every 6 months where halal shipping certificates are not required and 4 months where halal shipping certificates are required).
- (5) Subject to subclause (6), if the result of any subsequent assessment is an unacceptable outcome, the approved halal organisation must, after considering the nature of any non-compliance, increase the frequency of assessment by going down one step.
- (6) The lowest step that an approved halal organisation may impose is step 3.
- (7) Subject to subclause (8), if the result of any subsequent assessment is an acceptable outcome, the approved halal organisation must reduce the frequency of assessment by going up one step.
- (8) The highest step is step 5 where clause 4.6.2(3) applies or step 6 in all other cases.
- (9) Where an approved halal programme is amended in accordance with clause 3.11 of this Notice, an assessment must be carried out at a time which is mutually agreeable between the operator and the approved halal organisation.

Guidance

- For the purposes of subclause (9), it is recommended that the assessment of an amended approved halal programme should be carried out within 1 month of when the amendment is made.

4.6.3 Scope of periodic assessment

- (1) The approved halal organisation must assess whether or not the halal premises meet the following requirements:
 - a) the premises' halal operations comply with the approved halal programme and all other applicable requirements of this Notice; and
 - b) the premises have appropriate standard operating procedures for fulfilling any OMAR halal requirements for markets listed in the programme.
- (2) Where the assessment by the approved halal organisation reveals that the premises has failed to meet any of the requirements in subclause (1) or that the integrity of the halal product status is compromised, the approved halal organisation must record a non-acceptable assessment outcome.

4.6.4 Reporting of assessment results

- (1) The approved halal organisation must discuss any non-compliances identified during an assessment of a halal premises with the operator of that halal premises at the conclusion of the assessment.
- (2) The approved halal organisation must prepare an assessment report for each assessment being carried out.
- (3) For the purposes of subclause (2), an assessment report must:
 - a) document the process that the approved halal organisation followed for the assessment; and
 - b) state whether or not the halal premises' halal operations are acceptable; and
 - c) record any operator-specified corrective actions that have been accepted by the approved halal organisation(s); and
 - d) state when the approved halal organisation will next assess the halal premises in accordance with clause 4.6.2 of this Notice.
- (4) The approved halal organisation must:
 - a) provide the assessment report to the operator of the halal premises:
 - i) within 10 working days after completion of the assessment; or
 - ii) where there is a critical non-compliance which affects the halal eligibility of dairy material and dairy products processed at that premises, as soon as possible; and
 - b) provide the assessment report to the Director-General immediately upon request; and
 - c) keep a copy of the assessment report for four years.

4.7 Halal decision making body

- (1) The operator of an approved halal programme must ensure that there is an appropriate halal decision-making body which is responsible for developing, managing and evaluating the halal programme.
- (2) To avoid doubt, the halal decision-making body may be an existing decision-making body within a halal premises provided the make-up of that body complies with subclause (4).
- (3) Premises operating under an approved multi-premises halal programme may have a common decision-making body.
- (4) A halal decision-making body must consist of the following employees:
 - a) the halal quality assurance officer(s); and
 - b) at least one employee that carries out the following activities at each premises:
 - i) management of raw materials;
 - ii) formulation; and
 - iii) production.
- (5) A common halal decision-making body for halal premises operating under an approved multi-premises halal programme must consist of the following employees:
 - a) at least one member or representative from the quality assurance team; and
 - b) at least one employee from any of the premises that carries out the following activities:
 - i) management of raw materials;
 - ii) formulation; and
 - iii) production.
- (6) The operator of a halal premises or a multi premises halal programme must:
 - a) ensure that the responsibilities of the halal decision-making body are clearly defined; and
 - b) provide the halal decision-making body with the resources needed for the preparation, implementation and continual improvement of the halal programme.

- (7) The halal decision-making body must:
- a) arrange for an internal audit of the implementation of the approved halal programme at the premises at least once a year; and
 - b) ensure that the internal auditor who carries out the audit under this subclause is accredited to the same competency as specified in clause 4.8(1); and
 - c) ensure that any corrective actions specified in the audit report are followed up and closed out properly; and
 - d) ensure that the audit report is kept for 4 years and is made available to the premises' approved halal organisation(s) and the Director-General on request.

4.8 Halal quality assurance officer

- (1) A halal premises must have a halal quality assurance officer who is accredited to NZQA standards 29088 and one of the following standards within 12 months of commencement of this Notice:
- a) NZQA standard 25924; or
 - b) an alternative auditing competency standard that the Director-General considers to be equivalent (for example, NZQA standard 8086).
- (2) A halal quality assurance officer must:
- a) develop and use an audit check sheet; and
 - b) ensure that the halal premises' day to day operations are in accordance with its approved halal programme; and
 - c) report any major non-compliance which affects the halal eligibility of dairy material and dairy products processed at that premise to:
 - i) the operator of the premises; and
 - ii) the approved halal organisation(s); and
 - iii) the Director-General on demand; and
 - d) keep records which demonstrate that the approved halal programme is being complied with.

Guidance

- The role of a Halal Quality Assurance Officer is a new role that could be assumed by an already existing employee. This provision is not requiring a new full time position.
- The person undertaking the role of a halal quality assurance officer can be shared amongst premises operating under an approved multi-premises halal programme.
- An alternative auditing competency to NZQA 25924 may include NZQA 8086 or internal QA programmes delivered by a recognised agency or Industry Training Organisation

Part 5: Halal processing

5.1 Halal processing at halal premises

- (1) Processing of halal dairy material and halal dairy products must:
 - a) be carried out in halal premises; and
 - b) be within the scope of the halal premises' approved halal programme; and
 - c) comply with the requirements of this Part.

5.2 General restrictions and requirements involving halal processing

5.2.1 Restrictions in relation to contact with prohibited items

- (1) An operator of a halal premises must ensure that:
 - a) dairy material and dairy products are not labelled as halal where any of the following events occur:
 - i) the dairy material or dairy products have come into direct physical contact with, or have been contaminated by any haram material at any stage of processing; or
 - ii) the dairy material or dairy products have come into direct physical contact with unwrapped and unpackaged non-halal animal material or non-halal animal products at any stage of processing.

5.2.2 Dairy material used in the manufacture of halal dairy material or halal dairy products

- (1) Dairy material or dairy products are halal if:
 - a) the dairy material and dairy products have not been processed with any non-dairy animal material or product, or other ingredients, processing aids or food additives; or
 - b) the dairy material and dairy products have been processed with non-dairy animal material or product, or other ingredients, processing aids or food additives which are halal.
- (2) Where a halal premises which is the final manufacturer uses dairy material sourced from another dairy RMP premises in the manufacture of halal dairy products the dairy material sourced from that other premises must be halal.
- (3) Where a halal premises uses imported dairy material to manufacture halal dairy products, the imported dairy material must be halal.
- (4) For the purposes of subclause (2), the operator must obtain and keep written confirmation from the supplying premises:
 - a) that dairy material supplied for the manufacture of halal dairy products has not been processed with any non-dairy animal material or product, or other ingredients, processing aids or food additives; or
 - b) where the dairy material and dairy products have been processed with non-dairy animal material or product, or other ingredients, processing aids or food additives:
 - i) that the supplying premises is a halal premises; and
 - ii) that such material, product, or other ingredients, processing aids or food additives are covered in the halal programme.
- (5) For the purposes of subclause (4)(a):
 - a) the written confirmation must be an annual confirmation; and
 - b) the final manufacturer must have an arrangement in place with the supplying premises which obligates that premises to immediately inform the final manufacturer where it intends to

implement changes that may affect the halal integrity of the dairy material they supply to the final manufacturer.

Guidance

- For the purposes of subclause (4)(a) a technical specification or manufacturing process flow diagram or material safety data sheet are accepted as “written confirmation”.

- (6) For the purposes of subclause (3), the operator must obtain and keep:
- a) the import halal certificate; or
 - b) confirmation from the relevant national authority of the exporting country that such material is halal; or
 - c) a copy of the current halal registration certificate (if any) of the overseas manufacturer.

5.2.3 Requirements in relation to other ingredients, processing aids and food additives

- (1) Operators of halal premises must, if they use ingredients, processing aids and food additives other than those specified in Annex 5, keep the following evidence as proof of the halal status of ingredients, processing aids and food additives:
- a) if the ingredients, processing aids or food additives are produced within New Zealand,:
 - i) a manufacturer’s declaration and/or an accompanying certificate of analysis; or
 - ii) an appropriate halal certificate or written confirmation from the halal premises’ approved halal organisation that such ingredients, processing aids or food additives are halal; or
 - b) if the ingredients, processing aids or food additives are imported,:
 - i) a manufacturer’s declaration and/or an accompanying certificate of analysis from a laboratory that is certified by an accreditation agency to ISO 17025; or
 - ii) an appropriate halal certificate or confirmation from the relevant national authority of the exporting country that such ingredients, processing aids or food additives are halal.
- (2) Where an approved halal organisation or operator believes that a particular material should be added to the list of halal material in Annex 5, a request may be made to the Director-General.

Guidance

- For the avoidance of doubt, where premises are covered by a multi-premises halal programme, the operator of the programme may establish a master register of ingredients, processing aids and food additives.
- Some countries-specific halal export requirements may require different verification steps for imported ingredients, processing aids or food additives.
- Clause 5.2.3 does not apply to non-dairy animal material used in the manufacture of dairy products. Such animal material must be halal.

5.3 Processing at halal premises

- (1) Non-halal dairy material and non-halal dairy products:
- a) may be stored in a halal premises and in the same room as halal dairy material and halal dairy products provided that:
 - i) both halal and non-halal dairy material and products are each in separate sealed packages; and
 - ii) both halal and non-halal dairy material and products are each stored on separate pallets; and

- iii) the premises operator's inventory system can, to the satisfaction of the approved halal organisation, reliably distinguish halal dairy material and products from non halal dairy material and products; and
- b) may be processed at a halal premises using the same processing line used for halal dairy material and halal dairy products provided that:
 - i) there is time separation between processing; and
 - ii) the processing line and equipment are cleaned according the premises' cleaning procedures as specified in their RMP before processing halal dairy material and halal dairy products to ensure no contamination of halal dairy material and halal dairy products with non-halal dairy material and non-halal dairy products.

Draft for
Consultation

Part 6: Approval and listing of Islamic organisations as ‘approved halal organisations’ by the Director-General

6.1 Object of this part

- (1) The object of this Part is to specify the requirements in relation to:
 - a) the approval of Islamic organisations to become approved halal organisations in order to fulfil the roles specified under clause 2.1 of this Notice; and
 - b) the listing of approved halal organisations that intend to issue halal certificates in respect of halal dairy material and halal dairy products intended for export to countries listed in Annex 2.

6.2 Approval as an approved halal organisation

6.2.1 Application for approval as an approved halal organisation

- (1) An Islamic organisation that intends to be an approved halal organisation for the purposes of this Notice must apply to the Director-General for approval in writing and in a form made available by the Director-General for that purpose.
- (2) An application for approval must contain evidence that demonstrates compliance with all of the following criteria:
 - a) the organisation must be managed and operated by people who are practising Muslims;
 - b) employees that are involved in the provision of halal certification services on behalf of the AHO must be practising Muslims;
 - c) the organisation must be accredited to ISO:17065 by an accreditation agency or commit to gaining this accreditation before 01 December 2019;
 - d) the organisation must have the ability to comply with the applicable requirements of this Notice;
 - e) the organisation must be accepted as a halal certification agency by a relevant national authority of one of the countries specified in Annex 1;
 - f) the person applying on behalf of the organisation, and any director or manager of the organisation, is a fit and proper person having regard to any conviction, whether in New Zealand or overseas for any offence relating to fraud or dishonesty;
 - g) the organisation’s assessment and approval persons and issuing officers have met the relevant competency criteria specified by the Director-General under clauses 7.2 and 7.3 respectively.
- (3) An Islamic organisation or its employees must not carry out any of the functions or roles of an approved halal organisation under this Notice unless that organisation has been approved as an approved halal organisation in accordance with this Part.
- (4) A registered New Zealand company may apply for approval as an approved halal organisation for one of its subsidiaries or divisions, provided that:
 - a) the subsidiary or division complies with the criteria set out under subclause (2)(b) to (g); and
 - b) that subsidiary or division is exclusively accountable and responsible for undertaking halal auditing or making any halal certification decisions; and
 - c) the registered company is not an operator of a halal premises under this Notice or any other halal notice issued under the Act.

6.2.2 Refusal to process an application

- (1) The Director-General may refuse to process an application that does not comply with clause 6.2.1.

6.2.3 Approval as an approved halal organisation

- (1) The Director-General may approve an application for approval as an approved halal organisation if the Director-General is satisfied that the applicant meets all of the criteria specified in clause 6.2.1(2) and, if applicable, (4) of this Notice.
- (2) Where the Director-General approves an application, the Director-General must:
 - a) publish the name of the approved halal organisation on a publicly available website administered by MPI; and
 - b) give the applicant written notice of the approval specifying the date on which the approval and listing takes effect and the duration of the approval.

6.2.4 Refusal to approve an application

- (1) The Director-General may refuse to approve an application for approval as an approved halal organisation if the Director-General is not satisfied that the applicant meets the criteria specified under clause 6.2.1(2) or (4) of this Notice.
- (2) Where the Director-General proposes to refuse an application for approval as an approved halal organisation, the Director-General must, as soon as practicable, give the applicant:
 - a) written notification that clearly states the grounds on which the Director-General proposes to refuse to approve the application; and
 - b) a reasonable opportunity to make submissions on why the application should not be refused.
- (3) Where the Director-General determines to refuse an application for approval as an approved halal organisation, the Director-General must notify the applicant of the refusal in writing and the reasons for doing so as soon as practicable.

6.2.5 Revocation of approval as an approved halal organisation

- (1) Subject to subclause (2) or (4), the Director-General may revoke the approval of an approved halal organisation if the Director-General has reasonable grounds to believe that:
 - a) the organisation is in substantive non-compliance with any of the applicable requirements specified under this Part; or
 - b) the organisation's practices regarding assessment and approval of halal premises and halal programmes, and issuing of halal certificates, are fraudulent or negligent or otherwise lack integrity; or
 - c) the organisation no longer meets an applicable requirement specified under clause 6.2.1; or
 - d) the organisation has not issued a halal certificate for a consignment of animal products of the type(s) they are approved to certify by the relevant national authority of the country or countries for which they are listed for 12 months or more; or
 - e) the organisation has failed to fully cooperate with an audit under clause 6.5.
- (2) Before revoking the approval of an approved halal organisation, the Director-General must:
 - a) notify the organisation in writing of his or her intention; and
 - b) give the organisation a reasonable opportunity to be heard.
- (3) Where the Director-General revokes the approval and listing of an approved halal organisation, the Director-General must:
 - a) give written notice of that fact to the organisation, including the reasons for the revocation; and
 - b) notify the operators of halal premises that are provided with halal certification services by the organisation; and
 - c) remove the organisation from the relevant website.
- (4) Where the approval of an approved halal organisation is revoked, the organisation must not perform any functions or roles under this Notice.

6.3 Listing requirements for specified markets

6.3.1 Listing required for specified markets

- (1) Approved halal organisations must not issue halal certificates in relation to halal dairy material and halal dairy products intended for export to countries listed in Annex 2 of this Notice unless they are listed for those markets.
- (2) Where an approved halal organisation is listed for a country listed in Annex 2 of this Notice, that organisation must only issue halal certificates in relation to halal dairy material or halal dairy products for which they are approved to certify by the relevant national authority of the country(ies).

6.3.2 Application and criteria for listing

- (1) An application for listing must:
 - a) be submitted to the Director-General in the form and manner specified by the Director-General, which may be the same as those specified under clause 6.2.1(1); and
 - b) contain written evidence of acceptance from the relevant national authority of the country or countries for which listing is sought; and
 - c) include the dairy product type(s) for which they are approved to certify by the relevant national authority of the country or countries for which listing is sought.

6.3.3 Listing by the Director-General

- (1) Where the Director-General is satisfied that the requirements in clause 6.3.2 has been met, he or she must:
 - a) list the name of that organisation, together with the relevant market or markets, and animal product types on a publicly available website administered by MPI; and
 - b) give the applicant written notice of the listing.

6.3.4 Suspension and revocation of listing

- (1) The Director-General must suspend or revoke the listing of an approved halal organisation for a country listed in Annex 2 if he or she has reason to believe that the relevant national authority for that country has withdrawn or suspended its acceptance.
- (2) Where the Director-General suspends or revokes the listing of an approved halal organisation for a country listed in Annex 2:
 - a) the Director-General must:
 - i) give written notice of that fact to the approved halal organisation; and
 - ii) remove the approved halal organisation from the list of approved halal organisations for that country; and
 - b) the approved halal organisation must refrain from issuing halal certificates or any other form of assurance under this Notice in relation to halal dairy material or halal dairy products intended for export to that country.

6.4 Director-General to be notified about significant change in circumstances

- (1) An approved halal organisation must give written notice to the Director-General of any of the following significant changes in circumstances within 24 hours of the change or them becoming aware of the change:

- a) any change that may result in that organisation not meeting the criteria under clauses 6.2.1 of this Notice; or
- b) where the national authority of a market or markets under Annex 2 for which the organisation is listed has withdrawn or suspended its acceptance; or
- c) the death or incapacity of the person who is in charge of the organisation, or any director or manager of the organisation; or
- d) change in ownership, bankruptcy, receivership, voluntary administration, or liquidation of the organisation.

6.5 Approved halal organisations to be audited

- (1) The Director-General may require approved halal organisations to be audited to determine whether they comply with applicable requirements of this Notice and are appropriately carrying out any functions or responsibilities imposed on them by any country specific halal market access requirement specified under Part 5 of the Act.

6.6 Duties of approved halal organisations

- (1) An approved halal organisation must:
 - a) have a documented training programme for training all halal assessment and approval persons and issuing officers; and
 - b) ensure that its issuing officers meet the prescribed criteria under clause 7.3 and issue halal certificates in accordance with the requirements of Part 10; and
 - c) ensure that its approval and assessment persons meet the prescribed criteria under clause 7.2; and
 - d) hold a list of all their accredited assessment and approval persons and issuing officers; and
 - e) notify the Director-General of any serious non-compliance affecting the approved status of any approved halal premises; and
 - f) notify the Director-General of any additional halal requirements that may be required by an importing country authority; and
 - g) not require an animal product business to comply with any matters other than the matters contained within this Notice and any other notices promulgated by the Director-General; and
 - h) have procedures relating to the evaluation of the competencies of halal assessment and approval persons and issuing officers; and
 - i) respond, in a timely manner, to requests from the Director-General to participate in audits carried out by or on behalf of the Director-General or importing market regulatory authorities; and
 - j) provide representation to the Halal Organisation Forum under Part 8; and
 - k) not disclose any confidential or commercially sensitive information they receive to any person, or make use of or act on that information for any purpose other than those specifically provided for under this Notice; and
 - l) not provide any undertakings to overseas regulatory authorities in respect of amending this Notice without prior consultation with the Director-General.
- (2) For the purposes of subclause (1)(a), a documented training programme must include:
 - a) ways to ensure that issuing officers can effectively undertake the requirements under Part 10 in relation to issuing halal certificates; and
 - b) ways to ensure that halal assessment and approval persons effectively undertake their responsibilities in relation to the assessment and approval of halal premises and halal programmes.

Part 7: Requirements for halal assessment and approval persons and issuing officers

7.1 Object of this Part

- (1) The object of this Part is to specify requirements for ensuring that employees of approved halal organisations are qualified to undertake halal certification activities.

7.2 Competency of halal assessment and approval persons

- (1) Approved halal organisations must ensure that the following roles of an approved halal organisation under this Notice are only carried out by their employees who are halal assessment and approval persons:
 - a) approval, suspension and renewal of halal programmes; and
 - b) periodic assessment of halal premises; and
 - c) assessment of whether or not any cleaning regime carried out under clause 5.3 of this Notice is acceptable.
- (2) In order to become a halal assessment and approval person, an employee of an approved halal organisation must:
 - a) be a practising Muslim; and
 - b) have attained competency in NZQA standards 25924, 25926, 26025 and 29088.

7.3 Competency of issuing officers

- (1) Approved halal organisations must ensure that the following roles of an approved halal organisation under this Notice are only carried out by their employees who are halal assessment and approval persons:
 - a) issuing halal certificates; and
 - b) issuing halal premises certificates.
- (2) In order to become an issuing officer, an employee of an approved halal organisation must:
 - a) be a practising Muslim; and
 - b) have attained competency in NZQA standards 25924, 25926, 26025 and 29088.

7.4 Approved halal organisation to keep evidence of competency

- (1) Approved halal organisations must maintain a current list of all their halal assessment and approval persons, and issuing officers, and for each person:
 - a) a photographic identity; and
 - b) evidence of competency.

7.5 Director-General may suspend halal assessment and approval persons and issuing officers from undertaking certain functions

- (1) Subject to subclause (2), the Director-General may suspend a halal assessment and approval person or an issuing officer from undertaking any of their roles if the Director-General has reasonable grounds to believe that the person:

- a) has failed to competently carry out their obligations and duties under this Notice; or
 - b) acts in a fraudulent manner, is negligent or otherwise lacks integrity.
- (2) Where the Director-General proposes to suspend a halal assessment and approval person or an issuing officer, he or she must give written notice of that fact to the approved halal organisation,:
- a) specifying the reason(s) for the proposed suspension; and
 - b) giving the approved halal organisation a reasonable opportunity to respond.
- (3) If the Director-General decides to suspend a halal assessment and approval person or an issuing officer after considering the approved halal organisation's response, the Director-General must notify the approved halal organisation of this fact outlining the reasons for suspension.

Guidance

- This clause is designed to allow the Director-General to suspend a halal assessment and approval person or issuing officer where such employees are allowed by their employers to carry on their roles despite the employer's knowledge of their incompetency or fraudulent conduct.

7.6 Restrictions on halal assessment and approval persons, and issuing officers

- (1) A halal assessment and approval person must not engage in any activities which conflict with or prejudice his or her independence of judgement or his or her integrity in relation to his or her assessment and approval functions.
- (2) Every issuing officer must not engage in any activities which conflict with or prejudice his or her independence of judgement or his or her integrity in relation to the issuing of halal certificates.

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Part 8: Establishment of an Approved Halal Organisations Forum

8.1 Approved Halal Organisations Forum

- (1) The Director-General and approved halal organisations must establish a forum called the Approved Halal Organisations Forum.

8.2 Membership of the Approved Halal Organisations Forum

- (1) Approved halal organisations must jointly decide the membership of the Approved Halal Organisations Forum, and in particular:
 - a) the number of members of the Forum; and
 - b) the number of representatives from each approved halal organisation; and
 - c) the Chairperson, who must be elected every three years from the date the forum was first convened.
- (2) For the purposes of subclause (1)(b), a representative of an Approved Halal Organisation must:
 - a) be an employee of the Approved Halal Organisation; and
 - b) be a practicing Muslim; and
 - c) have sound knowledge of halal principles and this Notice.
- (3) Nothing in subclause (1) prevents the Director-General from:
 - a) providing an MPI representative as a member of the Forum; or
 - b) directing industry to provide representation to the Forum.
- (4) If the approved halal organisations cannot mutually agree on the membership of the Forum under subclause (1), the Director-General must, after giving each approved halal organisation a reasonable opportunity to be heard, appoint members of the Forum and an independent Chairperson as he or she deems reasonable.

8.3 Functions and responsibilities of the Approved Halal Organisations Forum

- (1) The function of the Approved Halal Organisations Forum is to provide advice to MPI on halal operational matters that may arise from time to time.
- (2) Members of the Approved Halal Organisations Forum, when acting as members:
 - a) must act with honesty, integrity and in good faith; and
 - b) must not pursue their own interests or the interests of their approved halal organisation or any commercial organisation or business in New Zealand or overseas; and
 - c) must not disclose any confidential or commercially sensitive information they receive to any person, or make use of or act on that information for any purpose other than providing information required under this Notice to the Director-General.

8.4 Frequency of Meetings of the Approved Halal Organisations Forum

- (1) The Approved Halal Organisations Forum must meet at least once every 6 months after the date the forum first convened or as otherwise mutually agreed by members of the Forum.

Part 9: Establishment of a Halal Academy

9.1 Halal Academy

- (1) The Director-General may, from time to time, for the purposes of receiving independent expert advice on halal standards and related halal matters, establish a forum called the New Zealand Halal Academy.
- (2) Where the Director-General determines to establish the New Zealand Halal Academy, he or she must clearly specify the Terms of Reference for the Academy.

9.2 Membership of the Halal Academy

- (1) The Academy shall consist of:
 - a) an independent Chairperson, who is to be appointed by the Director-General; and
 - b) at least 3 persons nominated by the competent authorities of selected overseas countries; and
 - c) at least one New Zealand citizen with appropriate Islamic religious scholarship credentials nominated by the Approved Halal Organisations Forum.
- (2) If the Approved Halal Organisations Forum cannot mutually agree on their nomination under subclause (1)(c) the Director-General must, after giving the Forum a reasonable opportunity to be heard, appoint the person under subclause (1)(c) as he or she deems reasonable.

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Part 10: Issuing of halal certificates

10.1 Halal certificate requests to be submitted in AP E-cert

- (1) An exporter may request a halal certificate if:
 - a) required by a country-specific OMAR; or
 - b) it is not required by a country-specific OMAR but the exporter requires it for commercial purposes.
- (2) All halal certificate requests must be submitted by exporters through AP E-cert using the applicable halal certificate templates made available by the Director-General.
- (3) When submitting a halal certificate request, the exporter must provide all information that is marked as mandatory in the halal certificate template.
- (4) The exporter must not request a halal certificate for dairy material or dairy products that are not eligible for export as halal.

Guidance

- As per the commencement clause, subclause (2) will come into force 7 months after the date of issue of this Notice. This means that during that initial 7 month period, exporters will have to submit halal certificate requests to their approved halal organisations in the manner and form currently agreed between the parties as opposed to AP E-cert.

10.2 Issuing of halal certificates

- (1) An approved halal organisation must approve a halal certificate request in if they are satisfied that all information on the request is correct, in particular, that the dairy material and dairy products to which the certificate relate are eligible for export as halal.
- (2) Where an approved halal organisation approves a halal certificate request, the organisation must:
 - a) print the halal certificate directly from AP E-cert; and
 - b) stamp and sign the certificate unless otherwise specified in a country-specific OMAR.

Guidance

- Issuing officers of an approved halal organisation should ensure that, as far as practicable, halal certificates are issued within 24 hours of the application being raised by the exporter in AP E-cert.

10.3 Responsibilities of approved halal organisations in relation to issuing of halal certificates

- (1) An approved halal organisation must, in issuing halal certificates, ensure that:
 - a) their issuing officers have satisfactory knowledge of this Notice and any other notices issued by the Director-General (including, without limitation, the nature and extent of enquiries, tests, or examinations that need to be undertaken); and
 - b) their issuing officers are impartial; and
 - c) neither them nor their issuing officers have any commercial interest in the halal dairy material or halal dairy products being certified; and

- d) their issuing officers are fully aware of the significance of the contents of each certificate they issued; and
 - e) their issuing officers only attest to information that they reasonably believe to be true; and
 - f) their issuing officers do not issue a halal certificate unless the consignment to which the certificate relates is sourced from a halal premises.
- (2) An approved halal organisation must have documented procedures for its issuing officers relating to the following matters:
- a) checks and controls that prevent false or misleading certification by issuing officers; and
 - b) checks and controls that prevent the fraudulent production or use of halal certificates or halal premises registration certificates; and
 - c) checks and controls that ensure halal certificates and halal premises registration certificates are not issued for any purpose other than the ones specified under this Notice; and
 - d) remedial actions for any instances of issuing false or misleading halal certificate or halal premises registration certificate.
- (3) The issue or use of a halal certificate for any purpose other than the purposes specified under this Notice or any other country-specific OMAR concerning halal status is prohibited.

Guidance

- For example, meeting market access requirements for markets to which this Notice applies, and includes official border clearance procedures in those markets.

10.4 Refusal to issue halal certificates

- (1) An issuing officer may refuse to issue a halal certificate for a consignment of dairy material or dairy products if he or she has reasonable grounds to believe that the dairy material or dairy products do not meet, or no longer meet the requirements of this Notice or any other country-specific OMAR concerning halal status.
- (2) To avoid doubt, the issuing officer must not refuse a halal certificate request due to issues unconcerned with compliance with the requirements of this Notice or any other country-specific OMAR concerning halal status.
- (3) Where the issuing officer proposes to refuse a halal certificate request, he or she must give written notice of that fact to the exporter,:
 - a) specifying the reason(s) for the proposed refusal; and
 - b) giving the exporter a reasonable opportunity to respond.
- (4) If the issuing officer decides to refuse to issue a halal certificate after considering the exporter's response, the officer must notify the exporter of this fact outlining the reasons for refusal.

10.5 Revocation of halal certificates

- (1) An approved halal organisation must revoke a halal certificate if:
 - a) the approved halal organisation has reasonable grounds to believe that the halal dairy material or halal dairy products to which the certificate relates do not or no longer meet any applicable requirements of this Notice; or
 - b) an error in relation to data entered in a halal certificate was identified by the approved halal organisation or an operator.
- (2) To avoid doubt, the issuing officer must not revoke a halal certificate due to issues unconcerned with matters specified under subclause (1).

Part 11: Deeming and transitional provisions

11.1 Application of new requirements in relation to approval of halal programmes and listing of halal premises

11.1.1 Deemed halal programmes and premises

- (1) Subject to subclause (2), where a dairy RMP premises of a type specified in clause 3.3(1) of this Notice was being provided with halal certification services by an approved halal organisation listed in Annex 3 and was operating to a documented system and procedures that was acceptable to that approved halal organisation before the date of commencement of clause 11.1:
 - a) such premises are, on the date that is 3 months after the date of issue of this Notice, deemed to be halal premises for the purposes of Part 4 of this Notice for 18 months; and
 - b) the respective documented system and procedures under which such premises were operating are, on the date 3 months after the date of issue of this Notice, deemed to be an approved halal programme for the purposes of Part 3 of this Notice for 18 months.
- (2) Operators of premises referred to in subclause (1) must:
 - a) apply for approval of their halal programme under clause 3.8 of this Notice before the expiry of the 18 months transitional period; and
 - b) apply for listing as a halal premises under clause 4.2 of this Notice before the expiry of the 18 months transitional period.
- (3) For the purposes of subclause (1), approved halal organisations listed in Annex 3 of this Notice must provide the Director-General with a list of premises to which they provide halal certification services immediately after the date of issue of this Notice.

11.1.2 Listing of deemed halal premises

- (1) Premises to which clause 11.1.1 applies must be listed by the Director-General in a website administered by the Director-General for the 18 month period for which they are deemed to be halal premises.
- (2) Approved halal organisations must, within 3 months of commencement of this clause, issue a premises registration certificate in AP E-cert for every premises it provides halal certification services to, which are of the type specified in clause 11.1.1.
- (3) Despite clause 3.8(8), the listing of deemed halal premises under subclause (1), and premises registration certificates issued under subclause (2) expire at the end of the 18 month period for which those premises are deemed to be halal premises.

11.2 Recognition of Islamic halal certification agencies providing halal certification services prior to commencement of the Notice

- (1) Islamic halal certification agencies listed under Annex 3 are, unless otherwise specified, recognised as approved halal organisations for the purposes of Part 6 of this Notice for providing halal certification services in respect of halal dairy material and halal dairy products intended for export.

Annex 1 – Compulsory countries for approval as an approved halal organisation

- (1) For the purposes of clause 6.2.1(2)(e) of this Notice, any halal certification agency applying for approval as an approved halal organisation are required to have the prior acceptance of the relevant national authority of at least one of the following countries:
- a) Indonesia;
 - b) Malaysia;
 - c) Saudi Arabia;
 - d) United Arab Emirates

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Annex 2 – Importing countries requiring approved halal organisations to be specifically listed for their country

- (1) For the purposes of clause 6.3 of this Notice, approved halal organisations that intend to provide halal certification services in respect of halal dairy material and halal dairy products intended for export to the following countries are required to go through the listing process specified in clause 6.3:
- a) Algeria;
 - b) Bahrain;
 - c) Egypt;
 - d) Indonesia;
 - e) Jordan;
 - f) Kuwait;
 - g) Libya
 - h) Malaysia;
 - i) Morocco
 - j) Oman;
 - k) Qatar;
 - l) Saudi Arabia;
 - m) Tunisia
 - n) United Arab Emirates

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Annex 3 – Deemed approved halal organisations

- (1) For the purposes of clause 11.2 of this Notice, the following halal certification agencies which have been providing halal certification services to dairy operators and exporters prior to the commencement of this Notice are recognised as approved halal organisations for the purposes of Part 6 of the Notice:
- a) Alkaussar Halal Food Authority Limited (For Indonesia but NOT UAE);
 - b) Asia Pacific Halal Services New Zealand (dairy for the Indonesian market only);
 - c) Federation of Islamic Associations of New Zealand Incorporated (NOT for UAE or Indonesia);
 - d) NZ Islamic Development Trust (not for Indonesia); and
 - e) NZ Islamic Meat Management Limited.

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Annex 4 – Halal mark



The size and orientation of the halal mark is to be determined by the operator or exporter and must be legible on the outer packaging. The halal mark may be pre-printed on product packaging or applied as an adhesive sticker.

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Annex 5 – Halal positive list of materials

Halal Positive List of Materials consists of all non-critical materials, in terms of their halal status, commonly used in processing industries.

Number	Material	Remark
1	<ul style="list-style-type: none"> a) Metal/non-metal: Aluminium (Al), Chromium (Cr), Magnesium (Mg), Sodium (Na), Nickel (Ni), Silicon (Si), Tin (Sn), Titanium (Ti), Zinc (Zn) b) Metal/non-metal oxides: MgO, NiO, SiO₂, SnO, TiO₂, ZnO, c) Oxidizing reducing agent from metal/non-metal such as hydrogen peroxide (H₂O₂) and sodium borohydride (NaBH₄) d) Clay e) Activated earth/Bleaching earth: bentonite, diatomite, kaolin, zeolite f) Limestone g) Activated alumina h) Coal i) Asbestos j) Perlite k) Calcium oxide l) Lactic Acid m) Peroxyacid n) Acidified Sodium Chlorite (ASC) 	
2	<p><u>Gas:</u> hydrogen (H₂), chlorine (Cl₂), nitrogen (N₂), oxygen (O₂), carbon dioxide (CO₂), ammonia (NH₃), hydrogen sulfide (H₂S)</p>	
3	<p><u>Synthetic colours</u></p> <ul style="list-style-type: none"> a) E102 Tartrazine/FD&C Yellow 5 b) E104 Quinoline Yellow/Food Yellow 13 c) E110 Sunset Yellow FCF/FD&C Yellow 6 d) E122 Carmoisine/Azorubine e) E124 Ponceau 4R f) E127 Erythrosine BS/FD&C Red 3 g) E129 Allura Red AC/FD&C Red 40 h) E132 Indigotine/Indigo Carmine/FD&C Blue 2 i) E133 Brilliant Blue FCF/ FD&C Blue 1 j) E155 Eurocert Brown HT /Chocolate Brown HT k) E171 Titanium dioxide l) E103 Chrysoine resorcinol m) E105 Fast Yellow AB n) E107 Yellow 2G o) E128 Red 2G p) E131 Patent Blue V q) E142 Green S/Acid Brilliant Green BS r) E151 Black PN/Brilliant Black BN s) E154 Brown FK t) E170 Calcium carbonate u) E172 Iron oxides and hydroxides 	

Number	Material	Remark
	v) E180 Pigment rubine/Lithol rubine BK	
4	<u>Synthetic antioxidant (Butylated Hydroxyanisole)</u> a) BHT (Butylated Hydroxytoluene) b) TBHQ (Tertiary Butylhydroquinone)	
5	<u>Short-chain organic acids containing C1-7, including:</u> a) Acetic acid (C ₂ H ₄ O ₂) b) Benzoic acid (C ₇ H ₆ O ₂) c) Formic acid (HCOOH) d) Phthalic acid (C ₆ H ₄ (CO ₂ H) ₂) e) Fumaric acid (acid/trans-butenedioic acid, HO ₂ CCH:CHCO ₂ H) f) Gluconic acid (C ₆ H ₁₂ O ₇) g) Glucuronic acid (β-D-Glucopyranuronic acid, C ₆ H ₁₀ O ₇) h) Glutaric acid (C ₃ H ₆ (COOH) ₂) i) Hexanoic/caprylic acid (CH ₃ (CH ₂) ₄ COOH) j) (DL) Malic acid (hydroxybutanedioic acid, HO ₂ CCH ₂ CHOHCO ₂ H) k) Malonic acid (CH ₂ (COOH) ₂) l) Oxalic acid (H ₂ C ₂ O ₄) m) Pentanoic/valeric acid (CH ₃ (CH ₂) ₃ COOH) n) Propionic acid (CH ₃ CH ₂ COOH) o) Sorbic acid (2,4-hexadienoic acid, C ₆ H ₈ O ₂) p) Succinic acid (butanedioic acid) q) Tartaric acid (2,3- dihydroxybutanedioic acid)	
6	<u>Salts of organic acids</u> a) Ascorbate salt b) Benzoate salt c) Butyrate salt d) Hydrogen phthalate salt e) Lactate salt f) Oxalate salt g) Propionate salt h) Citrate salt i) Sorbate salt j) Succinate salt	
7	<u>Organic base</u> pyridine, THF (tetrahydropyran), triethylamine	
8	<u>Inorganic acids</u> boric acid (H ₃ BO ₃), phosphoric acid (H ₃ PO ₄), carbonic acid (H ₂ CO ₃), chloric acid (HC1), nitric acid (HNO ₃), perchloric (HC1O ₄), and sulphuric acid (H ₂ SO ₄)	
9	<u>Inorganic base</u> ammonium (NH ₄ OH), barium hydroxide (Ba(OH) ₂), potassium hydroxide (KOH), calcium hydroxide (Ca(OH) ₂), sodium hydroxide (NaOH)	
10	<u>Salt (Inorganic acid-base)</u> a) Phosphate salt group: sodium phosphate (Na ₃ PO ₄), sodium dihydrogen phosphate (NaH ₂ PO ₄), sodium	In commercial production scale, these materials are produced synthetically by reacting chemical materials originating from

Number	Material	Remark
	<p>hydrogen phosphate (Na_2HPO_4), ammonium phosphate ($(\text{NH}_4)_3\text{PO}_4$), Na-hexametaphosphate</p> <p>b) Carbonate salt group: ammonium carbonate ($(\text{NH}_4)_2\text{CO}_3$), potassium carbonate ($\text{K}_2\text{CO}_3$), sodium carbonate ($\text{Na}_2\text{CO}_3$)</p> <p>c) Chloride salt group: ammonium chloride (NH_4Cl), potassium chloride (KCl), calcium chloride (CaCl_2), sodium chloride (NaCl), sodium hypochlorite (NaClO), sodium chlorite (NaClO_2), sodium chlorate (NaClO_3)</p> <p>d) Nitrate salt group: potassium nitrate (KNO_3), sodium nitrate (NaNO_3)</p> <p>e) Nitrite salt group: sodium nitrite (NaNO_2)</p> <p>f) Sulphate salt group: aluminium sulphate/alum [$\text{Al}_2(\text{SO}_4)_3 \cdot 18\text{H}_2\text{O}$], ammonium sulphate ($(\text{NH}_4)_2\text{SO}_4$), ferro sulphate ($\text{FeSO}_4$), potassium sulphate ($\text{K}_2\text{SO}_4$), sodium sulphate ($\text{Na}_2\text{SO}_4$).</p> <p>g) Sulfite salt group: Na-metabisulfite</p>	<p>petrochemicals. If there is a purification stage in the production process, it is commonly done by using activated carbon which may be originated from wood, charcoal, coconut shell, or mine.</p> <p>Exception: if there are any additives such as anticaking.</p>
11	<p><u>Fresh/dried plant materials:</u></p> <p>a) Fruits</p> <p>b) Vegetables</p> <p>c) Cereals</p> <p>d) Tubers</p> <p>e) Nuts</p> <p>f) Simplisia (dried form)</p> <p>g) Seaweed</p>	<p>Fresh plant materials are those originating from plants without any further process.</p> <p>Dried plant materials are obtained by drying the materials using natural heat or heat produced by a machine. The materials can be in a whole/unprocessed plant or cut/ground form without any additives or processing aid.</p>
12	<p><u>Processed plant materials/by-products of processed plant material:</u></p> <p>a) Cassava flour</p> <p>b) Sago flour</p> <p>c) Rice flour</p> <p>d) Glutinous rice flour</p> <p>e) Corn flour</p> <p>f) Sweet potato flour</p> <p>g) Mung bean flour</p> <p>h) Soybean flour</p> <p>i) Sorghum flour</p> <p>j) Tapioca</p> <p>k) Corn starch</p> <p>l) Sago starch</p> <p>m) Corn grits</p> <p>n) Tofu</p> <p>o) Tofu skin/bean curd skin</p> <p>p) Soybean cake</p> <p>q) Peanut cake</p>	<p>Products are obtained from physically processed plant materials with or without any additives which are generally chemicals. Physical processes include grinding, cutting, sieving, precipitating, drying, etc.</p>
13	<p>Rice vermicelli, glass vermicelli, miso (dried)</p>	

Number	Material	Remark
14	<u>Plant oil:</u> a) Virgin sesame oil b) Virgin olive oil	Exception: if there are any additives
15	<u>Fresh/dried algae:</u> a) <i>Chlorella ellipsoides</i> b) <i>Spirulina spp</i> c) <i>Scenedesmus spp</i>	Algae are grown in ponds, harvested by centrifugation, and then washed and dried without any additives
16	<u>Materials resulted from halal animals:</u> a) Pure honey b) Fresh milk c) Fresh/salted egg	Materials are obtained from halal animals without any additional material or salt.
17	<u>Microbial products:</u> a) <i>Angkak</i> (Chinese fermented red rice) TN b) <i>Dadih</i> (fermented buffalo milk from West Sumatra) c) Raw Nata (nata de coco, nata de aloe, nata de pina, etc.) d) Natto e) Black <i>oncom</i> f) Red <i>oncom</i> g) <i>Tapai</i> (fermented glutinous rice or cassava) h) Tempeh	
18	<u>Gum-polymers or pure hydrokolid and their salts:</u> a) Alginate b) Galactomannan c) Glucomannan d) Guar gum e) Gum Arabic f) Carrageenan g) Konjac gum h) Tara gum	In commercial production scale, the materials are obtained by physically extracting plants followed by purification using chemicals. Salts from gum polymers or hydrokolid are generally obtained by reacting them with a chemical material. Exception: if there are any additives.
19	<u>Cellulose-based polymers:</u> Cellulose, CMC (Carboxy Methyl Cellulose), cellulose diacetate, cellulose ether cellulose triacetate	
20	<u>Synthetic polymers:</u> polyethylene (PE), polypropylene (PP), polystyrene (PS), polyvinyl alcohol (PVA), polyvinyl chloride (PVC), polyvinyl pyrrolidone, polyacrylate and its salts, polyether, polyurea, polyurethane, polyamine.	
21	Potable Water	