# Class Determination Request

**ACVM 15 (June 2022)**

* Use this form to apply for a class determination (CD) under section 8A(1)(a) (exemption by regulations) of the Agricultural Compounds and Veterinary Medicines (ACVM) Act 1997.
* A class determination is not an approval. It is an opinion by the ACVM team about the status of a trade name product (TNP) under the ACVM Act based on current ACVM Policy. It does not provide advice about requirements under any other legislation. A class determination may be reviewed at the discretion of MPI.
* A class determination of ‘exempt from registration’ does not abrogate a person’s continuing obligation to ensure full compliance with the regulations and applicable exemption conditions applied to the product under the ACVM Regulations 2011.
* Use the [guideline](https://www.mpi.govt.nz/dmsdocument/12106-class-determination-request-guideline), to help you complete this application. Send it with the required fee (see section 10) electronically (as a Word document if possible) to the above email address. Electronic signature is acceptable.
* If your application covers more than one product, attach information on separate cover sheets (see guideline).
* Refer to the Privacy Act 2020 and Official Information Act 1982 notices at the end of this form regarding collection of information by MPI.

**Processing time is 15 working days from the time we determine that your application is complete.**

|  |
| --- |
| 1 Applicant’s Full Legal Name*Registered company name or partnership names (including the trading name) or individual name.* |
|  |
| **New Zealand Business Number (NZBN)** if applicable |  |
| If this application is needed to clear product/s currently detained at the border, please provide the Biosecurity Authority/Clearance Certificate (BACC) number and attach the Biosecurity Authority/Clearance Certificate (BACC) issued with this application |
| **BACC Number:** |  |
| **If this determination request is being made as a result of a MPI compliance investigation please provide the ACVM non-compliance (NC) reference number with this application** |
| **ACVM reference number:** i.e. NC-XX-XXX |  |

|  |
| --- |
| 2 Applicant’s Business Address and Contact Details |
| **Street/Physical** (location of actual premises) | **Postal, including post code** (for communication) |
|  |  |
| **Contact Name** | **Tel** |  |
| **Mobile** |  |
|  | **Email** |  |

|  |
| --- |
| 3 Importing Person/Company*Complete only if different from above.* |
| **Street/Physical** (location of actual premises) | **Postal, including post code** (for communication) |
|  |  |
| **Contact Name** | **Tel** |  |
| **Mobile** |  |
|  | **Email** |  |

|  |
| --- |
| **4A Trade Name Product Details: NEW application for a product(s) which you have not previously requested a class determination.***See* [*guideline*](https://www.mpi.govt.nz/dmsdocument/12106-class-determination-request-guideline) *for help to complete this table and for advice on multiple applications. For multiple products, group together by use*, 20 products per application. |
| **Trade name** | **Active ingredient(s)***(See guideline)* | **Use claim/purpose of product** *(describe the intended use of the product)*  | **For agricultural chemicals**: Will the product be used solely in the home garden on non-food/ animal feed crops? |
|  |  |  | **Yes** | [ ]  |
| **No** | [ ]  |
|  |  |  | **Yes** | [ ]  |
| **No** | [ ]  |
|  |  |  | **Yes** | [ ]  |
| **No** | [ ]  |
|  |  |  | **Yes** | [ ]  |
| **No** | [ ]  |

|  |
| --- |
| 4B Trade Name Product Details: RENEWAL application for a product(s) that you have previously been provided a class determination.*Complete the table below and attach a copy of the previous ACVM CD advice letter and label.* |
| **Trade name** | Have there been any changes (see guideline) since the previous class determination that might affect the class determination advice? *Tick NO or YES below**If yes, highlight changes in the copy of new label provided and provide a copy of the label provided with the previous application. For multiple products, group together by use*, maximum of 20 products per application. |
|  | **No**  | [ ]  |
| **Yes**  | [ ]  |
|  | **No**  | [ ]   |
| **Yes** | [ ]  |
|  | **No**  | [ ]  |
| **Yes**  | [ ]  |
|  | **No**  | [ ]  |
| **Yes**  | [ ]  |

|  |
| --- |
| 5 Website and Marketing Materials (Advertising) |
| Does or will the label-referenced website, New Zealand websites under your control or any marketing material used in New Zealand make any claims other than those made on the label provided?*If yes, MPI may require further information*. *See guideline.* | **No**  | [ ]  |
| **Yes**  | [ ]  *If Yes, provide details and link in space below* |
|  |

|  |
| --- |
| 6 For Oral Nutritional Compounds Only (for example, animal feeds and pet foods) |
| **Is the product imported from Australia?**If yes, the product may be subject to the Trans-Tasman Mutual Recognition Agreement (TTMRA). *See guideline.* | **No**  | [ ]  |
| **Yes**  | [ ]  |

|  |
| --- |
| 7 General Requirements |
| * Check the [ACVM (Exemptions and Prohibited Substances) Regulations 2011](http://www.legislation.govt.nz/regulation/public/2011/0327/latest/DLM3982848.html?search=ts_regulation_Agricultural++Compounds_resel&p=1&sr=1) for prohibited substances, conditions of exemption (Schedule 2), general requirements (Regulations 7-11, 13-15), and labelling requirements (Regulation 12). Read the ACVM’s [Products regulated under the ACVM Act](https://www.mpi.govt.nz/dmsdocument/2979-products-regulated-under-the-acvm-act) and the [ACVM Notice: Agricultural Compounds Exempt from Registration](https://www.mpi.govt.nz/dmsdocument/21653-agricultural-compounds-exempt-from-registration-requirements-for-conditions-of-exemption) in conjunction with the Regulations.
* Imported products made from ingredients of biological origin (plant, animal, microorganism) must also meet requirements under the Biosecurity Act 1993. See [Biosecurity Approval of Imported ACVMs](https://www.mpi.govt.nz/dmsdocument/28005-biosecurity-approval-of-imported-acvms-guideline) or contact animal.imports@mpi.govt.nz or plantimports@mpi.govt.nz
* Imported p**r**oducts containing a live organism and/or a hazardous substance must also meet requirements under the Hazardous Substances and New Organisms Act 1996. See [www.epa.govt.nz](http://www.epa.govt.nz)
* If this application is needed to clear product/s currently detained at the border, please provide the Biosecurity Authority/Clearance Certificate (BACC) number and attach the Biosecurity Authority/Clearance Certificate (BACC) issued with this application.
* If this determination request is being made as a result of a MPI compliance investigation, please provide the ACVM non-compliance (NC) reference number.
* All labels and supporting information submitted in this application must be in English and clearly legible.
 |

|  |
| --- |
| 8 Documentation Requirements |
| **NEW APPLICATION:** Provide a copy of the label with the application. The label must be in English and all wording must be clearly legible. (To see if the label meets information requirements, check [Regulation 12](http://www.legislation.govt.nz/regulation/public/2011/0327/latest/DLM3982250.html?search=ts_regulation_Agricultural++Compounds_resel&p=1) of the ACVM (Exemptions and Prohibited Substances) Regulations 2011.)Any other information referenced on the label e.g. SDS or product specification sheet. | *Label*  | [ ]  |
| *Other information* | [ ]  |
| **RENEWAL APPLICATION:** Provide a copy of the previous ACVM CD advice letter, a copy of the current label (with highlighted changes as applicable), and a copy of the label supplied with your previous class determination application | *Previous CD*  | [ ]  |
| *Current label* | [ ]  |
| *Previous label* | [ ]  |
| 9 Applicant Statement |
| I confirm that:* I am authorised to make this application as the applicant OR a person with legal authority to act on behalf of the applicant noted in section 1; and
* I am aware of my obligations under Regulations 7-15 of the ACVM (Exemptions and Prohibited Substances) Regulations 2011 and under the ACVM Notice: Agricultural Compounds Exempt from Registration; and
* the information supplied in and with this application is truthful and accurate to the best of my knowledge.
 |
| **Name** |  | **Tel** |  |
| **Signature** |  | **Email** |  |
| **Date** |  |

|  |
| --- |
| 10 MPI Service Charge |
| ON PAYMENT THIS BECOMES A TAX INVOICE GST No: 64-558-838**APPLICATION FEE:** $**155.25** (incl. GST)**.** Any additional assessment time required (over one hour) will be billed at the rate of $155.25 (incl. GST)/hour. For multiple determinations**,** see guideline. **PAYMENT OPTIONS:**Payments comprising multiple fees must be supported by a remittance advice. Attach your payment confirmation to this application or send it separately to: **approvals@mpi.govt.nz****MPI does not accept cash**. Payment must be made using **credit/debit card or direct credit**. (Please mark your choice with an X and fill in the appropriate section.) |
| **APPROVED CREDITOR** [ ]  |
| **CREDIT CARD:** [ ] Go to <https://www.mpi.govt.nz/food-safety/payments> and follow the instructions. [ ]  I have attached my credit card payment receipt |
| **DIRECT CREDIT:** [ ] 1. Pay into Bank Account no. **03 0049 0001709 002**
2. In the ‘Reference’ details:for veterinary medicines put the code **CDVM** for agricultural chemicals put the code **CDAC**
3. Enter the date of deposit and the payer’s name on this form below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Date of Deposit** |  | **Payer Name** |  |

 |

|  |
| --- |
| Collection of Information  |
| **Collection of Personal Information**Pursuant to Principle 3 of the Privacy Act 2020 we advise that:* This information is being collected for the purpose of determining the class of an agricultural compound under the ACVM Act; and
* The recipient of this information, which is the agency that will collect and hold the information, is the Ministry for Primary Industries, Wellington 6140; and
* The information will be held on file by MPI; and
* The supply of this information is voluntary; and
* Failure to provide the requested information is likely to result in MPI being unable to determine the status of the compound under the ACVM Act; and
* Under Principles 6 and 7 of the Privacy Act 2020, you have the right of access to, and correction of, any personal information, which you have provided.

**Collection of Official Information**All information provided to the Ministry for Primary Industries is official information and may be subject to a request made under the Official Information Act 1982. If a request is made under that Act for information you have provided in this application, the Ministry for Primary Industries will consider any such request, taking into account its obligations under the Official Information Act 1982 and any other applicable legislation. |