



Export Approved Premises

8 August 2018

Draft for
Consultation

TITLE

Animal Products Notice: Export Approved Premises

COMMENCEMENT

This Animal Products Notice comes into force on _____.

REVOCATION

This Animal Products Notice revokes and replaces the Animal Products (Export Approved Premises) Notice 2011.

ISSUING AUTHORITY

This Animal Products Notice is issued pursuant to section 167(1) for the purposes of section 60 of the Animal Products Act 1999.

Dated at Wellington this _____th day of _____ 2018.

Allan Kinsella
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(acting under delegated authority of the Director-General)

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Introduction

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

Purpose

This Animal Products Notice is issued under the Animal Products Act 1999 for the purposes of facilitating market access and safeguarding assurances provided by New Zealand for animal material and animal products.

Background

This Notice specifies requirements in relation to the processing of the following two classes of animal material and animal products for export to countries for which official assurances are required:

- (a) animal material and animal products that are not intended for human or animal consumption and are therefore not required to be processed within the scope of a risk management programme (RMP) or regulated control scheme (RCS); and
- (b) animal material and animal products that are intended for human or animal consumption but are not required to be processed within the scope of an RMP or RCS.

Examples of the class of animal material and animal products referred to in paragraph (a) include animal fibre, hides and skins, bovine embryos, animal semen and marine shells. Examples of the class of animal material and animal products referred to in paragraph (b) include animal material and animal products that are, or are being processed to become or form part of, a medicine or related product that is subject to the [Medicines Act 1981](#).

Both classes of animal material and animal products are not required to be processed within the scope of an RMP or RCS. However, since the intended importing countries require official assurances, it is necessary that the processing of these classes of animal material and animal products are subject to certain requirements that:

- (a) appropriately manage any associated risks; and
- (b) safeguard the integrity of associated official assurances; and
- (c) are in accordance with, or can reasonably be expected to satisfy, the requirements of the relevant authority of importing countries.

Who should read this Animal Products Notice?

This Notice should be read by operators of premises which process either or both classes of animal material and animal products to which this Notice applies and persons who may wish to export those animal material or animal products.

Why is this important?

Operating other than in accordance with this Notice will result in animal material or animal products not being eligible for export with an official assurance. MPI will not issue export certificates for an animal material or animal products that fail to comply with any provision of this Notice.

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

Other information

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

Exporters and operators should note that compliance with any other applicable export requirements is required in order for an official assurance to be given, in particular, the Animal Products Notice: Official Assurances Specifications for Animal Material and Animal Products. Also, certain importing countries for specific commodities, for example the European Union, require that the official assurance verification be undertaken by a government official. This should be considered when an operator elects which verification company will conduct the verification.

In addition to being MPI approved, certain countries may require specific country listings and audits.

The amendments in this version relates primarily to germplasm and live poultry exporters. Requirements pertaining to all other classes of animal material and animal products remain unchanged.

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

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Part 1: Preliminary provisions

1.1 Application

- (1) This Notice applies to the following two classes of animal material and animal products that are intended for export to countries for which official assurances are required:
- a) animal material and animal products that:
 - i) are not intended for human or animal consumption; and
 - ii) are not required to be processed within the scope of a risk management programme or regulated control scheme;
 - b) animal material and animal products that:
 - i) are intended for human or animal consumption; and
 - ii) are not required to be processed within the scope of a risk management programme or regulated control scheme.
- (2) This Notice does not apply to:
- a) dairy material and dairy products;
 - b) the processing of animal material and animal products by a primary producer for the purposes of supplying an export approved premises provided the animal material and animal products are sourced from:
 - i) animals owned by the primary producer; or
 - ii) animals under the direct care and maintenance of the primary producer; or
 - iii) wild animals killed, captured or harvested by the primary producer; or
 - c) the processing of game trophies, where the associated official assurances only attest to the origin of the game trophies.

Guidance

- In relation to clause 1.1(2)(c), processing of game trophies are not required to be within the scope of an RMP (section 13 of the Act and clause 8 of the Animal Products (Exemptions and Inclusions) Order 2000). As per clause 1.1(1), this Notice covers the processing of game trophies if an official assurance will be required and the assurance will attest to the processing or packing of game trophies occurring at an export approved premises.
- In relation to obtaining official assurances, operators of export approved premises should be aware that the Animal Products Notice: Official Assurances Specifications for Animal Material and Animal Products applies.

1.2 Definitions

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

Act means the Animal Products Act 1999;

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

compartment means an animal subpopulation contained in one or more establishments under a common risk management system with a distinct health status with respect to a specific disease or specific diseases for which required surveillance, control and measures have been applied for the purpose of international trade; and

export requirement means a requirement specified under section 60 of the Act and includes requirements that are specific to an identified overseas market;

germplasm means embryos, semen and ova;

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

MPI means the Ministry for Primary Industries;

official assurance verifier means a person or agency recognised under any of sections 101 to 105 of the Act to undertake official assurance verification and includes an animal product officer; and verifier has a corresponding meaning;

official assurance verification means the process of an official assurance verifier confirming animal material or animal products comply with New Zealand law, including any relevant export requirements;

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

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

Guidance

- The term 'process' includes the collection of germplasm and preparation of hatching eggs and day-old chicks for export.

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

subpopulation means a distinct part of a population identifiable according to specific common animal health characteristics.

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

Part 2: Processing of animal material and animal products at export approved premises

2.1 Processing of animal material and animal products

- (1) Animal material and animal products must be processed in an export approved premises.

2.2 Application for approval as an export approved premises

- (1) To become an export approved premises for the purposes of clause 2.1, the operator of the premises must apply to the Director-General for approval of that premises.
- (2) An application for approval as an export approved premises must:
 - a) be in the application form made available by the Director-General; and
 - b) include the relevant fee, if any is prescribed by regulations; and
 - c) include the verification report of the initial verification required under clause 2.7.1; and
 - d) include the following information:
 - i) the name and address (including the electronic address, if available) of the operator; and
 - ii) the physical address or location of the premises; and
 - iii) the registered company address of the premises if different from sub paragraph (ii); and
 - iv) the category of animal material or animal products and types of processing carried out at the premises; and
 - v) such other particulars as may be prescribed by export requirements.

2.3 Approval as an export approved premises

- (1) Subject to subclause (2), the Director-General may approve an application that is submitted in accordance with clause 2.2.
- (2) The Director-General may refuse an application for approval of a premises as an export approved premises if the Director-General considers that:
 - a) the applicant is not a fit and proper person to operate an animal product business, having regard to any conviction of the applicant or any director or manager of the applicant, whether in New Zealand or overseas, for any offence relating to fraud or dishonesty, or relating to management control or business activities in respect of animal products; and
 - b) there are grounds for considering that the applicant will be unable to comply with the requirements of this Notice and other relevant export requirements.
- (3) If the Director-General determines to refuse to approve an application, the Director-General must, as soon as practicable, notify the applicant in writing of the decision and the reasons for the refusal.
- (4) Where the Director-General approves an application, the Director-General must notify the applicant in writing accordingly and add the premises to the list referred to in clause 2.5.

2.4 Term of approval and renewal

- (1) The approval of an export approved premises is effective for 2 years from the date the approval is granted.
- (2) The operator must apply for re-approval in accordance with clause 2.2 before the approval expires.

2.5 Director-General to maintain a list of export approved premises

- (1) The Director-General must keep and maintain a list of export approved premises on the MPI website for the purposes of:
 - a) enabling animal product officers, authorised persons, exporters, importers, official assurance verifiers, and operators to know which premises are approved for processing animal material and animal products to which this Notice relates; and
 - b) facilitating the compliance, audit, and other supporting and administrative functions that are necessary under this Notice or the Act.
- (2) The list of export approved premises must be publicly available and contain all or any of the information specified in clause 2.2(2)(d) in relation to each premises as the Director-General deems fit.

Guidance

- Where a country specific export requirement requires the listing of export approved premises, any approval or listing of an export approved premises under this Part will not automatically result in the premises being also listed for that country. The operator must make a separate application for the country listings in accordance with existing country listing procedures.

2.6 Revocation of approval as an export approved premises and removal from the list

- (1) The Director-General may revoke an approval of a premises as an export approved premises:
 - a) if the Director-General reasonably believes that:
 - i) the operator has failed to comply with this Notice or any other applicable export requirement; or
 - ii) the operator has failed to pay any prescribed fee; or
 - iii) the criteria for being an export approved premises no longer apply; or
 - iv) the premises is no longer operated as a business that is required to be an export approved premises; or
 - b) upon request by the operator of the premises.
- (2) The Director-General must, where reasonably practicable, give notice to the operator before revoking the approval on the grounds set out in sub clause (1)(a).
- (3) The notice referred to in sub clause (2) must:
 - a) be in writing; and
 - b) clearly describe the grounds for the intended revocation of approval.
- (4) Despite sub-clauses (2) and (3), the Director-General may immediately revoke an approval of a premises as an export approved premises if a non-compliance threatens the integrity of official assurances issued for animal material and animal products to which this Notice applies.
- (5) If the Director-General determines to refuse an application for renewal of approval as an export approved premises, or revoke an approval under this clause the Director-General must remove the premises from the list specified in clause 2.5.

2.7 Verification requirements

2.7.1 Initial verification

- (1) An operator intending to apply for approval of their premises as an export approved premises must arrange for an initial verification of the premises by an official assurance verifier no longer than 3 months prior to submitting an application pursuant to clause 2.2.

Guidance

- The Animal Products Notice: Export Verification Requirements specifies requirements such as the initial and ceiling frequency of verification, and how verification is carried out for seasonal premises operations.
- The purpose of the initial verification is to assess the premises' readiness to commence processing in compliance with this Notice and any other applicable export requirements.
- Ongoing verification of export approved premises is subject to the Animal Products Notice: Export Verification Requirements.

2.8 Additional requirements for germplasm and live poultry

2.8.1 Application

- (1) This clause 2.8 applies to germplasm and live poultry.

2.8.2 Premises to be associated with a veterinarian

- (1) The operator of an export approved premises must ensure that the premises is associated with a veterinarian approved by the Director-General.

2.8.3 Approval of premises' veterinarian

- (1) For the purposes of subclause 2.8.2, the Director-General may, on the recommendation of the premises' official assurance verifier, approve a veterinarian for that premises who:
- a) is registered with the Veterinary Council of New Zealand and holds a current practising certificate; and
 - b) has adequate knowledge of the day-to-day operations of the premises; and
 - c) has sound knowledge of applicable export requirements and industry standards; and
 - d) is able to be present at the premises at reasonable notice; and
 - e) is able to be present during ongoing verification.
- (2) An application for approval of a premises' veterinarian must be submitted by the operator in the form made available by the Director-General, and must contain the following information:
- a) the name and address of the premises;
 - b) the name and business address of the recommended veterinarian;
 - c) the name and business address of the premises' official assurance verifier; and
 - d) written confirmation by the official assurance verifier that the veterinarian meets all of the criteria specified in subclause (1).

2.8.4 Standard operating procedures

- (1) The operator of an export approved premises where germplasm and live poultry are processed must ensure that the premises has standard operating procedures that:
- a) document the premises' operation; and

- b) specify the countries where the live poultry or germplasm they process are eligible to be exported to; and
 - c) where clause 2.8.5 applies, document how any applicable compartmentalisation requirements may be met; and
 - d) specify how the requirements of this Notice or any other applicable export requirements may be met.
- (2) The operator must ensure that the premises' standard operating procedures, and any subsequent amendments, are:
 - a) approved by the export approved premises veterinarian and the official assurance verifier prior to implementation; and
 - b) re-assessed by the official assurance verifier every two years during the regular verification audit that coincides with, or is closest to the two year anniversary of when the procedures were last re-assessed.
- (3) Where germplasm and live poultry are processed at an export approved premises which is also an approved compartment, the operator of the premises must ensure that the standard operating procedures and any subsequent amendments is also approved by the Director-General.

2.8.5 Approval as a compartment

- (1) Where germplasm and live poultry are processed at an export approved premises, the operator may apply to the Director-General for approval of their premises as a compartment if:
 - a) necessary to facilitate market access; or
 - b) an importing country requires a recognised disease free status from New Zealand for a specific disease and either:
 - i) New Zealand's disease free status throughout the country is not recognised by the importing country; or
 - ii) establishing and maintaining a disease free status for the entire country may be difficult.
- (2) For the purposes of sub clause (1), the Director-General may process the approval of an export approved premises as a compartment, having regard to applicable principles specified in the OIE *Terrestrial Animal Health Code* guidelines in relation to compartmentalisation.

Part 3: Traceability and notification requirements

3.1 Operator record-keeping requirements

- (1) Operators of export approved premises must ensure that the records required to trace the movement and use of animal material or animal product includes the specific place and country of origin of the animal material or animal product being produced, and the place or country to which such material or product has been sent.
- (2) Operators of export approved premises must retain records for at least four years from the date the material or product concerned leaves the premises.

3.2 Obligations of operators

- (1) Operators of export approved premises must:
 - a) give relevant verifiers such freedom and access as will allow them to carry out their functions and activities under the Act, including verification functions and activities; and
 - b) pay any prescribed fee in relation to this Notice; and
 - c) notify the Director-General in writing of a change in the agency that is providing the verification service; and
 - d) notify the Director-General in writing of any change in operator, or any significant change of an export approved premises; and
 - e) notify the Director-General in writing of an intent to cease operations.
- (2) For the purposes of subclause (1)(d), a significant change means:
 - a) for poultry hatcheries and germplasm premises, a major change in facilities, species, the extent of processing that is to be carried out at the premises, or listing status; and
 - b) for all other types of export approved premises (excluding stores), a change in the class of animal product being processed (e.g. a wool processor changing to or adding hides and skins processing to their operations).