
Exporter obligations under the APA: Information Pamphlet

Animal Products Act 1999

March 2009

Export non-compliances can have a serious impact on trade and compromise New Zealand's reputation as a trusted supplier of food and food related products. This is a reminder to all exporters of animal products and animal material of the legal obligations with specific regard to reporting export non-compliances.

Refer: *Animal Products Act 1999*, Part 5 Export of animal material and products, Section 51 Duties of exporters: **Exporters are required to notify the Director General (Chief Executive NZFSA) as soon as possible, and in any case not later than 24 hours after the event or first knowledge of the event**, in any case where animal material or products exported or to be exported by the exporter

- i. Are not fit, or are no longer fit, for intended purpose, **from any event which occurred or could have occurred prior to entry into the importing country (regardless of when the event was detected)**; or
- ii. Are refused entry by the foreign government concerned; or
- iii. Do not or no longer meet relevant requirements notified or made available under section 60A; or
- iv. Do not have, or no longer have, the required official assurances.

If in doubt contact the Programme Manager (Verification) directly to discuss on +64 4 894 2416

These obligations should already be incorporated into your existing procedures as required by section 51(d) of the Act.

In the case of products "to be exported", i.e. not yet left New Zealand, the exporter's obligation to notify begins at the time the product leaves the final NZFSA registered / listed operator (excludes transporters).

Where animal product has been refused entry at the border due to export certificate errors, and a replacement certificate or additional official assurance is needed to gain entry, the [normal replacement request process](#) must be followed **in addition** to completion and submission of this form.

Note: Failure to comply with these obligations is a serious non compliance. Refer also to *Animal Products Act 1999*, Part 10 Offences & Penalties, Section 135 Failure to comply with Act etc.

Some exporters use a form to report these non-compliances. This ensures all the information required by NZFSA is captured. A generic form for exporters is available on the NZFSA website. There is a form for dairy products and a form for non-dairy animal products: [Exporter Non-Conformance Form](#)

All notifications are to be sent directly to the Programme Manager (Verification) by emailing alisa.bradley@nzfsa.govt.nz. In some cases NZFSA may be able to provide assistance to resolve market access issues. We cannot do this unless we are advised of the non-compliance and have all relevant details.

While notification is obligatory, use of the form is optional and exporters may submit the necessary information in a format of their choosing, as long as it is written notification.

Disclaimer:

This publication is not a legal interpretation of the Animal Products Act or the Animal Products (Ancillary and Transitional Provisions) Act and is intended only as a guide.