



Animal Products (Dairy Products – Food Standards Exemption)  
Notice 2009 No.2

Pursuant to section 60B and 167(1)(jb) of the Animal Products Act 1999, and having had regard to the requirements of the relevant overseas market, I, Carol Barnao, Director (Standards) issue the following notice for the purpose of exempting dairy products that are intended for export from the requirements of food standards issued under Part 2A of the Food Act 1981.

Signed at Wellington this 3<sup>rd</sup> day of November 2009

[signed]

Carol Barnao  
Director (Standards)  
New Zealand Food Safety Authority  
(Acting under delegated authority)

Certified in order for signature

[signed]

Solicitor

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### Schedule

### Notice

#### 1 Title

This notice is the Animal Products (Dairy Products – Food Standards Exemption) Notice 2009 No.2

#### 2 Commencement

This notice comes into force on 6 November 2009

### Part 1 Preliminary Provisions

#### 3 Application

- (1) This notice applies to any dairy products that are for export from New Zealand to a country specified in the schedule.
- (2) Nothing in this notice affects or limits any requirements imposed by or under the Act or the Food Act 1981 (including under any food standard) relating to the production of any dairy products that—
  - (a) are not for export from New Zealand; or
  - (b) are for export from New Zealand to a country other than a country specified in the schedule.

#### 4 Interpretation

- (1) In the notice, unless the context otherwise requires,—  
**Act** means the Animal Products Act 1999.

- (2) Any word defined by or under the Act or the Food Act 1981, but not defined in this notice, has the same meaning as in the Act in which it is defined.

## Part 2 Exemption

### 5 Exemption from standard for export purposes

Dairy products are exempt from the prohibition in the New Zealand (Australia New Zealand Food Standards Code) Food Standards 2002 (which adopts the Australia New Zealand Food Standards Code) that prohibits the use of enzymes other than the enzymes specified in the Australia New Zealand Food Standards Code if–

- (a) the dairy product is intended for export from New Zealand to a country specified in column 1 of the schedule; and
- (b) the origin of the enzyme used in the dairy product is of the origin specified in column 2 of the schedule of the corresponding row; and
- (c) the enzyme used in the dairy product is of the type specified in column 3 of the schedule of the corresponding row; and
- (d) the source of the enzyme used in the dairy product is from a source specified in column 4 of the schedule of the corresponding row.

## Part 3 Revocation and expiry

### 6 Revocation and expiry

- (1) This notice revokes the Animal Products (Dairy Products – Food Standards Exemption) Notice 2009 dated 1 May 2009.
- (2) The exemptions in the schedule for Germany and the Netherlands expire on 1 January 2012 or at such time as the European Union establishes a list of approved food enzymes and the food enzyme listed in the schedule is omitted, whichever is sooner.

## Schedule

Column 1	Column 2	Column 3	Column 4
Country	Origin of enzyme (for example, animal, plant, or microbial)	Enzyme	Source
Germany	Microbial	Metalloproteinase	Bacillus stearothermophilus
Japan	Microbial	Lipase, triacylglycerol EC 3.1.1.3	<i>Alcaligenes</i>

Netherlands	Microbial	Metalloproteinase	Bacillus stearothermophilus
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**Explanatory Note**

*Lipase, triacylglycerol from alcaligenes is recognised as a food additive in the List of Existing Food Additives (Notification No. 120 Japanese Ministry of Health and Welfare, 1996).*

*The European Union is currently harmonising regulation of food enzymes. As at the date of issue the enzyme exemption for Germany and the Netherlands is based on the food regulations for those countries. After harmonisation the exemption may or may not be valid. It is for this reason that the Germany and Netherland exemptions have been given an expiry date. Upon the expiry of the current exemption, NZFSA will re-assess the European Union situation.*

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Issued under section 167(1)(jb) of the Animal Products Act 1999.

Date of notification in Gazette: [            ]

This notice is administered in the New Zealand Food Safety Authority.

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