



Animal Products (Official Assurance Specifications – Dairy Products) Notice 2005

Pursuant to section 167(1) (k) and (l) of the Animal Products Act 1999, I, Carol Anne Barnao, Director (Dairy & Plant Products), issue the following notice for the purposes of:

- (a) setting specifications in relation to the issue and control of official assurances for dairy material and product under section 62 of that Act; and
- (b) setting specifications in relation to the obtaining of official assurances for dairy material and product under section 63 of that Act, including the approved manner for applying for an official assurance.

This notice also provides the approved application procedure for the reissue of official assurances for dairy material and product for the purpose of section 64 of that Act.

Signed at Wellington this 1st day of June 2005

Carol Anne Barnao
Director (Dairy & Plant Products)
New Zealand Food Safety Authority
(Acting under delegated authority)

Certified in order for signature

Solicitor
Legal Services

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Notice

1 Title

This notice is the Animal Products (Official Assurance Specifications – Dairy Products) Notice 2005.

2 Commencement

This notice comes into force on 1 June 2005

Part 1 Preliminary Provisions

3 Application

- (1) This notice contains specifications that apply to official assurances issued under Part 5 of this Act in relation to dairy material and product produced under Parts 2, 3 and 4 of the Act.
- (2) All the clauses in this notice apply to E-cert documents unless any clause specifically provides otherwise.

4 Interpretation

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

Act means Animal Products Act 1999 unless otherwise stated

authorised person means a person designated by the Director-General under section 65 of the Act as an authorised person for the purpose of issuing official assurances for dairy product.

consignment means the goods identified in one bill of lading.

designated signatory means a person who is authorised by the RMP operator to sign operator verification information on the operator's behalf and is listed as a designated signatory on the NZFSA website.

E-cert, in relation to dairy product, means the electronic programme provided by the NZFSA for the requesting and issuing of export certificates, and includes the NZFSA help file in that electronic programme

export certificate in relation to dairy material and product, is the form of an official assurance for dairy product determined by the Director-General pursuant to section 62 of the Act.

export certificate set means the original export certificate form plus the appropriate number of copies

export requirement means the requirements issued by notice under section 60 of the Act.

imported dairy material or product means dairy material or product imported into New Zealand.

importing country requirement means the importing country requirements and associated specifications issued or made available under section 60 of the Act.

issued in relation to the issuing of an export certificate, means signed by an authorised person; or in the case of E-cert documents means, approved by an authorised person; and **issue** has a corresponding meaning.

lot means a quantity of dairy material or product manufactured during a discrete period of time, typically not exceeding 24 hours, in one continuous process.

NZFSA signatory seal or **signatory seal** means the unique signature stamp issued by NZFSA to authorised persons.

NZFSA refers to New Zealand Food Safety Authority within the Ministry of Agriculture and Forestry.

NZFSA website refers to <http://www.nzfsa.govt.nz>

operator verification information means the information prepared and signed by a designated signatory providing to the NZFSA a summary of the records and test reports and other information relevant to the dairy material or product pertaining to a specific lot of dairy material or product and includes declarations made regarding the product and any additional information required by the relevant importing country requirement for the purposes of obtaining official assurances.

RMP means risk management programme

test report means a report prepared by a dairy laboratory recognised as a Category 1 recognised agency in accordance with ISO Guide 25/ISO Standard 17025, which accurately, clearly and unambiguously presents test results and other information relevant to the dairy material or product.

- (2) Unless the context otherwise requires, any term or expression that is defined in the Animal Products Act 1999, Animal Products (Ancillary and Transitional Provisions) Act 1999, or regulations made under those Acts and used, but not defined, in this notice has the same meaning as in those Acts or regulations.

Part 2 General requirements

5 RMP operators and designated signatories

- (1) The RMP operator may designate an employee or other person including but not limited to a dairy processor who manufactured the final product as the designated signatory and authorise them, in writing, to sign and make declarations for particular purposes on their behalf and provide the operator verification information to NZFSA for the purpose of obtaining an official assurance.
- (2) The RMP operator must advise NZFSA of the names and signatures of all designated signatories authorised by them, including the purposes for which they have been authorised, and of any changes in their status and details. This information must be provided in a form approved by the Director-General.

6 Requirements on RMP operators

- (1) An RMP operator intending to process dairy material or product for export for which an official assurance is required must ensure dairy material and products are eligible for official assurances.
- (2) An RMP operator intending to produce dairy material or product for export for which official assurance is required must:

- (a) carry out specific checks of the received dairy material or product against the export requirements issued by notice under Section 60 of the Act including production, storage, transport conditions, product item marks, labels and any other identifying features; and
 - (b) keep records
 - (i) relating to the production and processing, of the dairy material or product, and any ingredients including processing aids used; and
 - (ii) to enable the usage and movement of the dairy material and product and any ingredients including processing aids used, to be traced.
 - (c) keep operator verification information for the relevant dairy material or product.
 - (d) keep test reports obtained during the production and processing of the dairy material or product
 - (e) include in its RMP a description on how the requirements of clause 6 of this notice will be captured and met.
- (3) An RMP operator intending to produce dairy material or product for export for which an official assurance is required must clearly identify and record in inventory records and operator verification information:
- (a) all consignments of imported dairy material or product, and ingredients including processing aids of animal origin received, and
 - (b) products that contain imported dairy material or product and ingredients including processing aids of animal origin received.

7 Records

- (1) The RMP operator or the dairy processor who manufactured the final material or product must provide the records under clause 6(2) and 6(3) to NZFSA, the relevant exporter or a recognised agency when requested to do so by the Director-General or authorised person.
- (2) For the purposes of this specification, records consist of any record that exists in written form, and can be either paper based or electronic, and where required, conform to the requirements specified under the Animal Products (Dairy) Regulations 2005 and Animal Products (Dairy Risk Management Programme) Specification 2005.
- (3) Copies of records may be provided to NZFSA, the relevant exporter, or a recognised agency for the purposes of verification, provided the copy is marked as such and annotated with the following declaration signed and dated by the designated signatory:

"I hereby declare that this is a true, complete and accurate copy of the original."

8 Test reports

- (1) The RMP operator or the dairy processor who manufactured the final material or product must hold test reports and provide these to the NZFSA, the relevant exporter, or a recognised agency when requested by the Director-General or authorised person.
- (2) Laboratories that are recognised as a Category 1 recognised agency who provide to the NZFSA test reports for the purposes of verification, must ensure the test report is accurate, unaltered and clearly presents test results and other information relevant to the dairy material or product.
- (3) Copies of test reports may be provided to the NZFSA, relevant exporter, or a recognised agency for the purposes of verification, provided the copy is marked as such and annotated with the following declaration signed and dated by a designated signatory:

“I hereby declare that this is a true, complete and accurate copy of the original.”

9 Requirements on exporters

- (1) All exporters must ensure the dairy material or product for export requiring an official assurance is eligible for an official assurance for the intended destination country before export commences.
- (2) All exporters seeking an official assurance must obtain operator verification information and any relevant test reports for the dairy material or product to be exported from the RMP operator or dairy processor who manufactured the final material or product.
- (3) The exporter must provide the operator verification information to the NZFSA in the appropriate form and manner approved by the Director-General.
- (4) All exporters seeking an official assurance must ensure that all supporting information that is essential for certification to take place is available to NZFSA. All exporters seeking an official assurance must supply adequate operator verification information and any test results and records to satisfy the Director-General or authorised person that the dairy product for which the assurance is sought is eligible for official assurance.
- (5) All exporters seeking an official assurance for dairy material or product containing imported dairy material or product must supply to the NZFSA the original certificate or certified copy of the certificate issued by the competent authority of the exporting country. Any specific requirements in the importing country requirements regarding imported dairy material or product and its certification are to be complied with.

10 Further information may be requested by NZFSA

The Director-General or authorised person may request further specific information from the RMP operator, exporter, recognised agency or dairy processor in order to verify compliance with the Animal Products Act 1999, the Animal Products (Dairy) Regulations 2005, any relevant dairy product standards and specifications.

11 Communications with foreign authorities

Recognised agencies, official assurance verifiers, animal product officers, official assessors, RMP operators, designated signatories, recognised persons, or authorised persons are not to engage in any direct communication with foreign governments or with New Zealand overseas diplomatic or trade posts on matters relating to official assurances, without prior authorisation from the Director-General.

Part 3 Obtaining an official assurance

12 Obtaining an official assurance

- (1) Only a registered exporter or an exporter exempt from registration under Part 5 of the Act may apply for official assurances. Registered exporters may apply for official assurances on behalf of exporters not required to be registered under Part 5 of the Act.
- (2) To obtain an official assurance in the form of an export certificate for dairy material or product, an exporter must apply to an authorised person on the approved application form.
- (3) Exporters must also comply with any additional requirements contained in the export requirements including the requirements of the intended importing country issued by notice under Section 60 of the Act.

Part 4

Procedure for the issue of export certificates

13 Format and content of certificates

- (1) Export certificates shall be in the form determined by the Director-General under Section 62(1) of the Act.
- (2) When determining particular certificates the Director General may require the exporter to provide written confirmation of requirements from the competent authority of the importing country.
- (3) If practicable, the authorised person should not enter commercial information, such as contract numbers and bank arrangements, on an export certificate. If this is not practicable, commercial information may be considered on a case by case basis, and, if added to the certificate, must be placed in a bordered area under the heading "Unverified commercial data", or an alternative heading which has been agreed in an importing country requirement.
- (4) Information about New Zealand's animal health, sanitary controls, animal welfare or any other information required by or under the Act (including any importing country requirement) must not be entered on the export certificate under the heading of "Unverified Commercial Data".

14 Issue of export certificates

- (1) Export certificates may be issued by an authorised person provided the requirements of the Act, its regulations and export requirements including the requirements of the intended importing country have been met.
- (2) An authorised person must not issue an export certificate unless
 - (a) the certificate is covered by operator verification information and other documentation provided in accordance with the requirements of this notice and
 - (b) the authorised person considers that, based on the information provided in accordance with this notice or held by NZFSA, the product for which certification is sought complies with regulatory requirements, attestations made in the export certificate and importing country requirements.
 - (c) the certificate has been signed by a veterinary officer for attestations regarding animal health.
- (3) An export certificate must not be issued by an authorised person who knows, or has reason to suspect, that information provided by the exporter is incomplete, inaccurate, or, otherwise not in accordance with any requirement of the Act or relevant importing country requirements.
- (4) An authorised person must not issue an export certificate that has been altered or modified in any way other than in accordance with an importing country requirement or an authorisation given by the Director-General.

15 Multiple certification not permitted

- (1) Authorised persons may issue only one export certificate set of a particular type per consignment except where the importing country requirements provide otherwise.
- (2) Additional export certificate sets must not be issued to cover alternative destinations for the same consignment.
- (3) An authorised person may issue an additional export certificate for situations where supplementary certification is required for product transiting one country into a third country, and to enable an importing country to onward certify the product onto a third country. This certificate set must contain the same consignment details as the original export certificate set, including the same final destination and product

details, and may differ only in respect of the attestations required to meet the transit and third country's entry requirements.

16 Requirements for export certificates

- (1) Every certificate must be prepared using the certificate authorised under clause 13(1) or (2) and the information provided or required under this notice.
- (2) Every export certificate must have:
 - (a) the authorised person's name and qualifications (where applicable) inserted legibly below the signature and the authorised person's signatory seal; or
 - (b) where the export certificate only contains attestations regarding animal health, a veterinary officer's name and qualifications (where applicable) inserted legibly below the signature and the veterinary officer's signatory seal; and
 - (c) the date of issue.
- (3) The signature and signatory seal of an authorised person or a veterinary officer must be in a colour different from that of the text of the export certificate.
- (4) Where a hand-signed original export certificate is required an authorised person may issue only one hand-signed original export certificate as a single certificate or in a document set. A hand-signed copy, marked as "copy" is to be issued for those countries specified in the relevant importing country requirements issued under section 60 of the Act as requiring two hand-signed certificates.
- (5) Where the use of an electronic facsimile signature on an original export certificate is authorised by the Director-General, an authorised person may issue an original export certificate with an electronic facsimile signature as a single certificate or in a document set. An electronic facsimile signature applied to a copy, marked as "copy" is to be issued for those countries specified in the relevant importing country requirements as requiring two electronically signed certificates.
- (6) Where for commercial reasons, a certified copy of a certificate is requested by the exporter, the exporter must provide a statement with an explanation and supporting documentation for the request.
- (7) An authorised person may, if satisfied with the statement in subclause (6), and the explanation and supporting documentation provided, issue a certified copy of the original export certificate by;
 - (a) endorsing the photocopied original or copy of the certificate with the words: "I certify that this document is a true and accurate copy of the original.", and
 - (b) signing, dating and sealing the endorsed photocopy
- (8) Copies of export certificates must be printed on plain white paper not that used for original certificates or supplementary certificates.
- (9) Authorised persons must keep file copies of all export certificates they sign and all information used by the authorised person for the purposes of verification of product compliance for 7 years.

17 Numbering of export certificates

- (1) Authorised persons must ensure all export certificates are issued with a unique identification number taken from a numbering sequence controlled by the NZFSA.
- (2) For electronic export certificates, any E-cert unique identification number provided as part of the computer programme may be used.

18 Date stamping of export certificates

- (1) Authorised persons issuing export certificates must enter the actual date the export certificate is issued in the designated position on the certificate.
- (2) The date entered must be the actual date of issue of the export certificate and not any other.

19 Allocation of NZFSA signatory seals

Each authorised person is issued with a signatory seal by the Director-General. Each signatory seal has a unique individual number, which must be used only by the person to whom it is issued.

20 Use of NZFSA signatory seals

- (1) The NZFSA signatory seal must be affixed to each original export certificate at the time of issue and also to any copies that are hand-signed or have electronic facsimile signatures applied necessary to meet importing country requirements.
- (2) Where the Director-General has authorised applying an electronic facsimile signature to an original export certificate, an authorised person may issue an original export certificate with an electronic facsimile seal, as a single certificate or in a document set. An electronic facsimile seal applied to a copy, marked as “copy” is to be issued for those countries specified in the relevant importing country requirements as requiring two electronically signed certificates.

21 NZFSA signatory seals

- (1) For the purposes of this notice, the use of the NZFSA signatory seal by an authorised person is restricted to authorising export certificates.
- (2) NZFSA must have a documented procedure for the issue and control of NZFSA signatory seals and maintain a register of seals identifying the person each particular seal is issued to.
- (3) A copy of the register of seals as specified in subclause (2) must be available to the Director-General.
- (4) NZFSA must ensure that NZFSA signatory seals are withdrawn from any person ceasing to be an authorised person, and the seal destroyed, or kept secure and only issued to another person after an interval of at least two years since that seal was last used. All seal destructions must be recorded in the register of seals.

22 Export certificates

Export certificates remain the property of the Director-General until received by a foreign government.

Part 5 Lost paper export certificates

23 Procedure for lost export certificates

- (1) Where an original paper export certificate has been lost in New Zealand after issue, the exporter may:
 - (a) request the issue of a certified copy of the export certificate, except where the importing country requirements state the destination country will not accept a certified copy; or
 - (b) request the issue of a replacement export certificate.
- (2) The Director-General may approve on a case-by-case basis other procedures for the issue of replacement export certificates for dairy material or product which may perish or be condemned if not cleared promptly.

24 Issue of a certified copy

- (1) The procedure in this clause is only applicable where a legible photocopy of the lost original export certificate can be produced by the exporter.

- (2) The exporter must submit a signed statement of the circumstances of the loss and present it to an authorised person with a photocopy of the original lost export certificate.
- (3) Authorised persons may, if satisfied with the statement and the explanation provided, issue a certified copy of the original export certificate by:
 - (a) endorsing the photocopied certificate with the words:

“I certify that this document is a true and accurate copy of the original, which has been lost.”, and
 - (b) signing, dating and sealing the endorsed photocopy.

25 Issue of a replacement certificate

- (1) To obtain a replacement export certificate the exporter must request a replacement certificate and provide to an authorised person a signed statement that the certificate has been lost and detailing the circumstances of the loss for consideration..
- (2) The replacement export certificate set in the body of each document must be endorsed with the statement:

“This replaces document set ‘document set number’ (export certificate template number) issued (date of issue)” in the case of E-cert generated certificates

“This certificate replaces (export certificate number) issued (date of issue)” in the case of manually processed certificates.
- (3) Replacement export certificates must be issued with a new unique identification number. Authorised persons must record on the file copies of the original certificate that the certificate has been cancelled and replaced, and record the new unique identification number of the replacement certificate.

26 Export certificates lost overseas

- (1) In addition to the requirements under clause 25, where an original paper export certificate has been lost overseas the exporter must apply for a replacement certificate within the period of the voyage or as soon as practicable after arrival and inspection at the destination of the dairy material or product to which the certificate relates.
- (2) Authorised persons must obtain authorisation from the Director-General prior to signing a replacement certificate.

27 Notification of certain matters

As soon as is reasonably practicable after issuing replacement certificates, authorised persons must provide to the Director-General;

- (a) the unique identification number in full;
- (b) the exporter’s name and address;
- (c) the country of destination;
- (d) the vessel name (if applicable);
- (e) the known or approximate date of loss of the original export certificate;
- (f) the date the replacement export certificate was issued; and
- (g) the name and title of the authorised person issuing the export certificate.

Part 6

Reissue of export certificates

28 Procedure for incorrectly prepared export certificates

- (1) This clause sets out the procedure for the reissue of an export certificate where the reissue is required due to the detection of an error other than by a foreign government.
- (2) The exporter must in writing request a replacement export certificate set with reasons for the replacement.

In the case of E-cert generated certificates, the exporter must request a replacement export certificate and provide his or her reasons for the replacement certificate in the comments section of the E-cert application.

In the case of manually processed certificates, the exporter must complete a signed statement outlining the reasons for the replacement.

- (3) The replacement export certificate set in the body of each document must be endorsed with the statement:

“This replaces document set ‘document set number’ (export certificate template number) issued (date of issue)” – for E-cert generated certificates

“This certificate replaces (export certificate number) issued (date of issue)” – for manually processed certificates.

- (4) Where the error is a consequence of an inadvertent change of destination or method of conveyance of the consignment, the exporter must provide details of the circumstances and whether the consignment has been discharged in another country.
- (5) The exporter must present to the authorised person:
 - (a) the original issued export certificate; or,
 - (b) evidence that the original issued export certificate is held by a New Zealand diplomatic or trade post; and
 - (c) any corrected documentation to support the issue of the replacement certificate; and
 - (d) any prescribed fee.

- (6) The authorised person must ensure the details entered on the replacement export certificate are consistent with the corrected documentation provided to the authorised person to support the issue of the replacement export certificate.

- (7) Replacement export certificates must be issued with a new unique identification number. Authorised persons must record on the file copies of the original certificate that the certificate has been cancelled and replaced, and record the new unique identification number of the replacement certificate.

29 Procedure where a foreign government involved

- (1) This clause sets out the procedure for the reissue of an export certificate where the reissue is as a result of a foreign government detecting an error on the original issued certificate. The original issued certificate may be retained by that foreign government or be handed to a New Zealand diplomatic or trade post for destruction.
- (2) The exporter shall provide full details of the consignment and the reasons for the detection and rejection to the NZFSA, accompanied by the prescribed fee, so that the NZFSA can seek prior authorisation from the Director-General or authorised person for the reissue of the export certificate.

- (3) If the Director-General or authorised person authorises the reissue of the export certificate, the replacement export certificate set in the body of each document must be endorsed with the statement:
- “This replaces document set ‘document set number’ (export certificate template number) issued (date of issue)” in the case of E-cert generated certificates
- “This certificate replaces (export certificate number) issued (date of issue)” in the case of manually processed certificates.
- (4) The authorised person must ensure the details entered on the replacement export certificate are consistent with the supporting operator verification information and other information supplied to the authorised person for the issue of the original issued export certificate.
- (5) The exporter must provide to the authorised person:
- the original issued export certificate; or
 - evidence that the original issued export certificate is held by a New Zealand diplomatic or trade post or foreign government; and
 - any corrected documentation to support the issue of the replacement certificate;
 - any prescribed fee.
- (6) The authorised person must compare the details entered on the replacement certificate with the corrected documentation provided to support the issue of the replacement certificate. Any inconsistencies that relate to or originate from information received from the RMP operator or the dairy processor who manufactured the final product must be verified by the RMP operator signatory before the replacement certificate may be issued.
- (7) Replacement export certificates must be issued with a new unique identification number. Authorised persons must record on the file copies of the original certificate that the certificate has been cancelled and replaced, and record the new unique identification number of the replacement certificate.
- (8) The authorised person must keep the original export certificate attached to the new file copy, except where that certificate is retained by a foreign government or destroyed by a New Zealand diplomatic or trade post.

Part 7

Secure paper management

30 Approved supplier

- Secure paper used for printing of official assurances for dairy products may only be printed by a supplier approved by the Director-General.
- No secure paper may be produced or modified or made obsolete by the approved supplier without the prior approval of the Director-General.
- The approved supplier of secure paper must keep records for not less than 4 years detailing the procedures used for ordering, security, inventory supply and control.

31 Ordering of paper

- Secure paper can be ordered from the approved supplier by:
 - an authorised person; and
 - an official of NZFSA.
- No one other than a person specified in subclause (1) may be supplied with secure paper by an approved supplier for the purpose of providing official assurance for dairy products.

Part 8 Verification

32 Verification

- (1) Verification of compliance with this specification is undertaken by a recognised agency or persons when assessing the risk management programme and export requirements issued under Section 60 of the Act.

Issued under section 167(1) (k) and (l) of the Animal Products Act 1999

Date of notification in *Gazette*:

This notice is administered by the New Zealand Food Safety Authority in the Ministry of Agriculture and Forestry
