



Regulated Control Scheme - Transportation and Handling of Products for Export with an Official Assurance

17 July 2018

TITLE

Animal Products Notice: Regulated Control Scheme -Transportation and Handling of Products for Export with an Official Assurance

COMMENCEMENT

This Animal Products Notice comes into force on 1 August 2018

REVOCATION

This Notice revokes and replaces the following Notices:

- (1) the Animal Products Notice: Regulated Control Scheme –Transportation and Handling of Products for Export with an Official Assurance 1 May 2018
- (2) the Animal Products (Regulated Control Scheme – Transport of Export Animal Products and Animal Material for Export With an Official Assurance) Notice 2009
- (3) the Animal Products (Regulated Control Scheme – Handling of Animal Products and Animal Material at Wharves) Notice 2010

ISSUING AUTHORITY

This Animal Products Notice is issued under section 167(1) of the Act for the purposes of sections 38(2)(b) and 40(1)(b) of the Act

Dated at Wellington this 17th day of July 2018

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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

The purpose of this Notice is to impose a regulated control scheme (RCS) on the transportation and handling within New Zealand of animal material and animal product for human or animal consumption that is intended for export with an official assurance.

Background

- (1) This Notice and the Animal Products Notice: Export Requirements for Transportation of Products for Export with an Official Assurance replaces 3 existing Notices (refer to Document History). There is now more focus on traceability and security of animal material and animal products.
- (2) The new Notices have requirements for transportation and handling (including at wharves) of relevant goods and additional requirements for the transportation of refrigerated relevant goods. The RCS covers goods transported and handled by road, rail, air or sea, and includes transport by courier.
- (3) The RCS does not apply to operators who operate under risk management programmes (RMPs) because the RMPs will address the risks covered by the RCS e.g. transport, operational controls etc.

Who should read this Animal Products Notice?

- (1) This Notice should be read by any operator who transports and handles (including at wharves) animal material and animal product for human or animal consumption that is intended for export with an official assurance. This includes any operator of a depot (including a vehicle docking facility or VDF), or export loading facility (ELF) where those goods may be handled, unless the depot or facility is operated under an RMP.

Why is this important?

- (1) All people with responsibilities under this Notice must comply with its requirements. Failure to do so is an offence under section 135 of the Animal Products Act 1999.
- (2) Any animal product or animal material that does not comply with this Notice could be ineligible for export with an official assurance.

Document History

- (1) The requirements for transport and handling at wharves for export were legislated as market access requirements in 2000, in particular for the European Union (EU) and were formalised in legislation by notices issued in 2009 and 2010. These were the:
 - a) Animal Products (Transport of Export Animal Products and Handling at Point of Export) Notice 2009;
 - b) Animal Products (Regulated Control Scheme – Transport of Export Animal Products and Animal Material for Export with An Official Assurance) 2009; and
 - c) Animal Products (Regulated Control Scheme – Handling of Animal Products and Animal Material at Wharves) Notice 2010.

Other information

- (1) Requirements that are relevant to the transportation of refrigerated animal material and animal product for human or animal consumption are listed in the [Transport, Stores & Wharves Road Map](#).

Part 1: Requirements

1.1 Regulated control scheme imposed

- (1) A regulated control scheme (RCS) is imposed on the transportation of relevant goods by road, rail, air or sea.
- (2) The RCS applies:
 - a) to operators who are not RMP operators; and
 - b) from the time that relevant goods leave the first processor of the goods through to the point at which they are loaded for export.
- (3) Couriers are exempted from the following clauses of this Notice:
 - a) Clause 3.1(4);
 - b) Clause 3.2(2);
 - c) Clause 4.2 (3)(d); and
 - d) Part 5.

1.2 Prime purpose of the scheme

- (1) The prime purpose of the RCS is to:
 - a) ensure that relevant goods remain fit for purpose throughout their transportation;
 - b) ensure that relevant goods can be traced from the first processor through to loading for export; and
 - c) minimise the opportunities for substitution of goods during transportation.

1.3 Definitions

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

Act means the Animal Products Act 1999

courier means the owner or person in charge of a business that transports small individual packages of relevant goods

depot means a facility that is used to tranship relevant goods in the course of a journey and includes a vehicle docking facility (VDF)

export loading facility (ELF) means a wharf or other facility from which sealed transportation units of relevant goods are loaded onto vessels or aircraft for export and includes associated facilities identified in the operating procedures of the operator (e.g. container transit facilities, etc.)

first processor, in relation to relevant goods, means the first RMP operator that processes the goods (primary or secondary processor)

journey means a journey between:

- a) an RMP operator; and
- b) another RMP operator or an ELF

maintenance compound has the same meaning as maintenance compound in the Animal Product Regulations 2000

non-complying relevant goods means relevant goods that are transported in breach of this scheme

operator means the operator of a business that transports relevant goods within New Zealand, including operators of depots and ELFs

preservation temperature, in relation to particular refrigerated relevant goods, means the range of temperatures specified in regulations or notices made under the Act or otherwise as specified by the consignor, at which the relevant goods preserve their fitness for purpose

RCS or scheme means the regulated control scheme imposed by this Notice

recognised verifier means a person recognised under section 103 of the Act to perform verification functions or activities for the purposes of this scheme

refrigerated relevant goods means relevant goods that are chilled or frozen at the point that they leave the first processor and intended to be received in a chilled or frozen state

relevant goods means animal material or animal product that is:

- a) intended for human or animal consumption; and
- b) intended for export from New Zealand with an official assurance

RMP operator means an operator who operates an animal products business under a registered risk management programme

transhipment means the transferring of relevant goods between transportation units at a depot as part of the journey, then onto another destination

transport and transportation, in relation to relevant goods, includes any transhipment or handling that is incidental to the loading, unloading, and transhipment of goods in the course of a journey and holding and handling of relevant goods at an ELF

transportation unit means a container, or a compartment or part of a vehicle or vessel, that is used to contain relevant goods during a journey

vehicle means any motorised conveyance that holds or carries, or that includes, one or more transportation units on or in it and is designed to travel by road or rail

- (2) Terms that are defined in the Act and used, but not defined, in this Notice, have the meanings set out in the Act.

1.4 Transitional provisions

- (1) Operators who are registered under the RCS imposed by the Animal Products (Regulated Control Scheme – Transport of Animal Products and Animal Material for Export with an Official Assurance) Amendment Notice 2009 and the Animal Products (Regulated Control Scheme – Handling of Animal Products and Animal Material at Wharves) Notice 2010 are deemed to be registered under this RCS until the close of the anniversary of the operator’s registration under the 2009 or 2010 Notice that first falls after 1 August 2018.

Guidance

For guidance on when an operator’s anniversary falls on the first renewal see the following examples:

Date of registration	Anniversary date	Expiry date	Renewal date
1 August 2011	1 August	1 August 2019	2 August 2019
17 February 2014	17 February	17 February 2019	18 February 2019
6 September 2017	6 September	6 September 2018	7 September 2018

Reminder letters will be sent out to operators in advance of their first renewal date and thereafter on the 3 yearly renewal expiry.

Part 2: Registration under the regulated control scheme

2.1 Requirement to be registered

- (1) A person to whom this RCS applies may not transport relevant goods unless they are registered by the Director-General.
- (2) A registered operator may conduct only those transport operations and use only those depots that are identified in the operator's application for registration or in any notification to the Director-General under 2.3 (5).

2.2 Application for registration

- (1) An application for registration must be made in writing to the Director-General, in the form and manner approved by the Director-General and must contain or be accompanied by the following:
 - a) the name and address (including the electronic address, if available) of the operator;
 - b) the type of operation(s) and locations of any depots;
 - c) the name, position, or designation of the person or persons nominated as responsible for the day-to-day management of the operation;
 - d) a report from a recognised verifier prepared in the 6 months immediately preceding the date of the application and confirming that the operator has a documented system that complies with [clause 3.6 Documented Systems for Ensuring Compliance](#);
 - e) any additional information that is required by the Director-General; and
 - f) the fee prescribed in regulations made under the Act (if any).
- (2) The Director-General may require an applicant to supply further information or other material before determining whether or not to register the applicant. If the information or material is not supplied within 3 months of the date of request, or within such further time as the Director-General allows, the application for registration lapses.
- (3) Registration is not transferrable from one operator to another.

2.3 Registration

- (1) Subject to clause 2.2 (2), on receipt of a complete application, the Director-General must determine whether to register the applicant.
- (2) The Director-General may refuse to register an applicant if the Director-General considers that there:
 - a) has been a serious or repeated failure by the applicant to comply with:
 - i) the requirements imposed by the scheme (or any other regulated control scheme that imposed requirements on transportation of relevant goods in the past);
 - ii) any other requirements imposed by or under the Act; or
 - b) are reasonable grounds for considering that the applicant is likely in the future to fail to comply with the requirements imposed by the scheme.
- (3) Registration is for 3 years from the date of registration.
- (4) The Director-General must, as soon as practicable, after deciding whether to register an operator:
 - a) advise the operator in writing of the decision and if the operator is to be registered; and
 - b) the expiry date of the registration.

- (5) After the initial registration, the operator must promptly inform the Director-General in the event of any change of their registration details, as referred to in clause [2.2 Application for registration](#), in writing, and pay the fee prescribed in regulations made under the Act (if any).
- (6) Registration of the operator will continue in force for the period stated in clause 2.3 (3), unless the operator is de-registered in accordance with clause 2.5 (1).
- (7) If a person acting under the delegated authority of the Director-General decides to refuse the application, the operator may seek a review of the decision as if the decision were reviewable under section 162 of the Act.

2.4 Renewal of registration

- (1) An application for renewal of an operator's registration must be made by the operator and received by the Director-General at least 30 days before the expiry of the operator's current registration.
- (2) The application for renewal must be made in writing in the form and manner approved by the Director-General and must:
 - a) be accompanied by the most recent verification report, not older than 12 months prior to renewal, from a recognised verifier; and
 - b) the fee prescribed in regulations made under the Act (if any).
- (3) If the Director-General fails to determine the application for renewal before the date the current registration expires, the operator will remain registered under this scheme until the date the Director-General notifies the operator of his or her decision on the application.

2.5 De-registration

- (1) The Director-General may remove an operator from the register if the:
 - a) registered operator asks to be removed; or
 - b) registered operator is no longer engaged in business as an operator; or
 - c) Director-General is satisfied that the registered operator has seriously or repeatedly failed to comply with the requirements of this scheme.
- (2) Before de-registering an operator under clause 2.5 (1) (b) or (c), the Director-General must:
 - a) notify the operator of his or her intention to de-register, setting out the reasons for the proposed de-registration;
 - b) give the operator a reasonable opportunity to respond in writing;
 - c) consider any response received; and
 - d) give the operator notice of whether the decision to de-register is confirmed (with reasons) and, if so, stating the date on which de-registration takes effect.
- (3) If a person acting under the delegated authority of the Director-General de-registers an operator, the operator may seek a review of the decision as if the decision were reviewable under section 162 of the Act.
- (4) The de-registering of any registered operator under this clause does not preclude a person making a further application for registration.
- (5) When the operator is removed from the register:
 - a) the operator must not transport relevant goods, on and from the date that the de-registration commences;
 - b) the de-registration does not affect any other actions that the Director-General may take under the scheme; and
 - c) the Director-General may direct the following persons to take appropriate action to deal with any affected relevant goods:

- i) the operator;
- ii) the person who assumes charge of the operations of the business; or
- iii) the person who assumes ownership or control of the business.

2.6 Suspension of registration

2.6.1 Suspension of registration by operator

- (1) A registered operator may suspend registration by giving the Director-General written notification stating:
 - a) the period of suspension; and
 - b) the date on which the suspension commences, which must be after the date of the notification.
- (2) The suspension must be for a period of at least 3 months, but no more than 12 months.
- (3) The registered operator may extend the period of the suspension by giving the Director-General written notification stating the new period of the suspension, but the total period must not exceed 12 months.

2.6.2 Suspension of operations imposed by Director-General

- (1) The Director-General may suspend any or all operations of a registered operator up to 3 months if the Director-General is satisfied that:
 - a) there has been a serious or repeated failure by the operator to comply with requirements of this Notice or any relevant requirement imposed by a notice under section 60 of the Act; or
 - b) there have been other matters that cast doubt on the safety and suitability of relevant goods transported by the registered operator.
- (2) The Director-General may impose conditions and requirements relating to the suspension and resumption of operations.
- (3) If the Director-General suspends operations, the Director-General must give written notice to the operator stating:
 - a) the reasons for the suspension;
 - b) the period of suspension;
 - c) the date on which suspension commences, which must be after the date of the notice;
 - d) the operations to which the suspension applies; and
 - e) any conditions or requirements imposed by the Director-General.
- (4) The Director-General may extend the period of the suspension by giving the operator written notice for a further period not exceeding 3 months if the Director-General:
 - a) considers the extension is necessary in the circumstances;
 - b) has notified the operator of the proposed extension and the reasons for it before the expiry of the initial period of suspension; and
 - c) has given the operator a reasonable opportunity to make a submission.
- (5) The Director-General must notify the recognised verifier of any suspension or any extension under this scheme.

2.6.3 Effect of suspension of registration or operations

- (1) If the operations of a registered operator are suspended:
 - a) the operator must not transport relevant goods, on and from the date that the suspension commences;
 - b) the suspension does not affect any other actions that the Director-General may take under the scheme;
 - c) the suspension does not affect the date on which the operator's registration expires; and

- d) the Director-General may direct the following persons to take appropriate action to deal with any affected relevant goods:
 - i) the operator;
 - ii) the person who assumes charge of the operations of the business; or
 - iii) the person who assumes ownership or control of the business.

Part 3: Operator requirements

3.1 Design and construction

- (1) Depots, ELFs, transportation units, and equipment used for the handling and loading of relevant goods must be designed and constructed to maintain the status of relevant goods as fit for intended purpose and to minimise hazards and other risk factors.
- (2) Transportation units must be constructed from materials that will maintain relevant goods as fit for intended purpose.
- (3) Additionally transportation units must be:
 - a) designed and constructed to be easy to clean, maintain and inspect; and
 - b) made of material that cannot contaminate relevant goods.
- (4) Every transportation unit used in transporting refrigerated relevant goods must:
 - a) have a temperature-measuring device that is located where it can measure the internal temperature of the unit at its warmest point;
 - b) have a means of monitoring and maintaining the temperature in the unit; and
 - c) have internal surfaces that are impervious, durable, drain freely and are free from depressions, pits, cracks and crevices.

3.2 Operational controls

- (1) Depots, ELFs and transportation units must be operated in a manner that:
 - a) minimises the opportunity for relevant goods to be contaminated;
 - b) maintains any refrigerated relevant goods within preservation temperatures;
 - c) prevents the substitution of relevant goods; and
 - d) minimises the likelihood that the packaging of any relevant goods will be damaged.
- (2) Relevant goods must be identifiable as being intended for export.
- (3) Relevant goods must be adequately protected or separated from other goods that may be a source of contamination.
- (4) Relevant goods may only be transported in transportation units that comply with this scheme.
- (5) Relevant goods and their packaging must be protected from environmental elements.
- (6) Any employees or subcontractors transporting relevant goods must be made aware of the relevant requirements of this scheme and must be adequately trained in the operator's relevant documented system, including procedures and processes.

3.3 Handling during transportation

- (1) During a journey, operators must ensure that relevant goods are transhipped from one transportation unit to another only if:
 - a) the transfer takes place at a depot;
 - b) if refrigerated relevant goods are removed from the transportation unit at the depot, then the goods are held in a refrigerated compartment at the depot (refer clause [3.4 Maximum Time to Hold Relevant Goods at a Depot](#));
 - c) the depot and the transfer complies with the RCS; and
 - d) the goods are not transferred into a transportation unit that is their final export container.

3.4 Maximum time to hold relevant goods at a depot

- (1) Relevant goods must not be held at a depot for longer than necessary.
- (2) Transhipment of relevant goods at a depot must not exceed:
 - a) 12 hours for refrigerated relevant goods (for example meat, dairy, seafood); and
 - b) 24 hours for any other relevant goods (i.e. shelf-stable relevant goods).
- (3) The operator must:
 - a) notify the recognised verifier within 24 hours of the goods leaving the depot if the relevant goods cannot be transhipped within the timeframe specified in clause 3.4 (2); and
 - b) confirm the action taken to ensure the relevant goods remain otherwise compliant with the requirements of this scheme (refer to [Part 6 Notification and Verification](#)).

3.5 Cleaning and maintenance

- (1) Operators must ensure that:
 - a) all areas in which relevant goods are handled are kept as clean as is necessary to ensure that relevant goods (or associated packaging) are not adversely affected; and
 - b) only maintenance compounds that have been approved by the Director General are used.
- (2) If transportation units are used to transport dairy products or dairy material, then only maintenance compounds approved or recognised by the Director-General for dairy processing must be used.
- (3) Maintenance compounds must be used in accordance with the manufacturer's instructions and in a manner that minimises contamination of relevant goods.
- (4) Any alterations, repairs and maintenance work (including to refrigeration equipment) must be done in a timely manner that minimises exposure of relevant goods to hazards.
- (5) If a transportation unit is found to have a maintenance problem that could adversely affect relevant goods transported in the unit, the unit must not be used for transporting relevant goods until the problem is fixed.

3.6 Documented system for ensuring compliance

- (1) Operators must develop, maintain, and document a system that details the operator's processes and procedures for ensuring compliance with all relevant requirements of this scheme.
- (2) Without limiting (1), the system must include processes and procedures for:
 - a) cleaning and maintenance of depots, ELFs, and transportation units and any equipment used to handle relevant goods;
 - b) distinguishing between relevant goods and other goods (such as goods that are not for export);
 - c) distinguishing between refrigerated relevant goods and other relevant goods.
 - d) preventing substitution during transportation;
 - e) pest control measures for depots and ELFs;
 - f) training employees and subcontractors on the requirements of the scheme and operator's processes and procedures;
 - g) dealing with non-compliances with this scheme;
 - h) establishing and maintaining an effective document control system that includes formally authorising and recording changes to the operator's processes and procedures; and
 - i) ensuring required records are kept and can be accessed by a recognised verifier if requested.

- (3) Operators must develop, and make available to staff and subcontractors, operating procedures that describe all of the activities, locations and operations covered by the scheme, including details of depots used in transporting relevant goods.

Part 4: Records

4.1 General records

- (1) Every operator must keep such records as to enable the operator, the Director-General, or recognised verifier, to readily ascertain:
 - a) that the business is operating in compliance with this scheme and the operator's documented system;
 - b) the nature and quantity of relevant goods being handled; and
 - c) the records as described in clauses [4.2 General Transport Records](#), [4.3 Export Loading Facilities Records](#) and [5.4 Consignment and Other Records](#).
- (2) All records that an operator is required to make and keep under this RCS must be:
 - a) kept up to date;
 - b) kept for at least 4 years (whether in hard copy or electronically);
 - c) legible; and
 - d) readily accessible and available to anyone with a right (under the Act or any regulations or notice made under it) to access to the records.

4.2 General transport records

- (1) This clause applies to all operators except for operators of ELFs.
- (2) Every operator must keep the following records, as appropriate:
 - a) a current list of all transportation units used by the operator to transport relevant goods;
 - b) a current list of all subcontractors used to transport relevant goods, including the business name and contact details; and
 - c) the current physical address of each depot and type of operation carried out at that depot.
- (3) Operators must keep the following records for every consignment of relevant goods transported:
 - a) the name and contact details of the consignor;
 - b) type of transport (ambient, chilled, frozen);
 - c) the quantity of relevant goods in the consignment;
 - d) the batch number of the consignment (for dairy material or dairy products);
 - e) the date and time on which the operator took possession of the consignment;
 - f) a reference number (such as a fleet number or registration plate) of the vehicle(s), aircraft, or vessel(s) used; and
 - g) the date and time on which the operator transfers possession of the consignment.
- (4) If the relevant goods are transhipped at a depot, the following records must be kept:
 - a) the name of the depot;
 - b) the date and time relevant goods are received into the depot; and
 - c) the date and time relevant goods leave the depot.
- (5) Consignment records referred to in clause 4.2 (3) and (4) must be sent to the receiving premises so that they are available when the consignment of relevant goods arrives at those premises

4.3 Export loading facility records

- (1) This clause applies to operators of ELFs.
- (2) Every operator must keep the following records as applicable:

- a) a list of each facility currently operated by the operator including the physical address; and
 - b) a list of all subcontractors currently used to handle relevant goods and their business name and contact details.
- (3) The following records must be kept for every consignment of relevant goods:
- a) either an eligibility document (ED) number of the consignment (if available) or the contact details of the consignor or exporter;
 - b) date and time when the relevant goods arrived at the facility;
 - c) where goods are held at a container transit facility (facility where sealed transportation units of relevant goods are transhipped prior to being transported to an ELF), the date and time the relevant goods were transferred to the next facility; and
 - d) date and time when the relevant goods are loaded for export.

Part 5: Additional requirements for refrigerated relevant goods

5.1 Maintaining preservation temperatures

- (1) Operators must keep records as evidence of the maintenance of the preservation temperature during transportation (including transshipment at depots and when transportation units are stored at an ELF).
- (2) Operators must record the temperature of a transportation unit at least once per journey or every 12 hours (if not using a continuous temperature recording device), whichever timeframe is the shorter.
- (3) Where products are transported in a transportation unit that does not have power (off power) or the electricity is not maintained for the entire journey, the operator must have evidence that the preservation temperature of the relevant goods was maintained during this time.
- (4) ELF operators must record the temperature, at least every 12 hours (if not using a continuous temperature recording device) of refrigerated transportation units holding refrigerated relevant goods at the ELF.

5.2 Calibration of a temperature measuring device

- (1) Temperature measuring devices must:
 - a) have the accuracy, precision and conditions of use appropriate to the task performed; and
 - b) be uniquely identified to enable the traceability of the calibrations and to identify calibration status.
- (2) Temperature measuring devices must be calibrated:
 - a) against a reference standard showing the traceability of calibration to a national or international standard of measurement (where available); or
 - b) on a basis that is documented in, or incorporated by reference into the documented system (if no such reference standard exists).
- (3) Calibration must be done at least annually or more often when the following is considered:
 - a) the stability of the piece of equipment;
 - b) the nature of the measurement; and
 - c) the manufacturer's instructions.
- (4) Safeguards must be in place to prevent unauthorised adjustments to the calibration of the measuring equipment, including movement of the equipment where this may invalidate the calibration.

5.3 Consignment and other records

- (1) Operators must keep the following additional records for every consignment of refrigerated relevant goods:
 - a) the specified preservation temperatures of the refrigerated relevant goods;
 - b) the set point (if relevant);
 - c) the amount of time that the relevant refrigerated goods were transported without power (if relevant);
 - d) the temperature records required by clause 5.1 (2); and
 - e) if the relevant goods were transferred to a refrigerated compartment:
 - i) the date and time when they are put into it;
 - ii) the date and time when they are removed from it; and
 - iii) the temperature of the refrigerated compartment immediately prior to loading, the set point and when they are taken out of it (if not using a continuous temperature recording device).

Part 6: Notification and verification

6.1 Notifying owners of problems with relevant goods

- (1) The operator in possession of relevant goods must notify the owner of relevant goods as soon as practicable if the operator becomes aware that the:
 - a) goods are or may be non-complying goods for any reason; or
 - b) condition, traceability, or security of the goods has been compromised.

6.2 Notification to an animal products officer

- (1) An operator must report any non-complying relevant goods to an animal products officer as soon as practicable.
- (2) Further to clause 6.1 (1)(a), the operator must provide a written report as soon as practicable to the animal products officer with details of:
 - a) what has occurred and whether this has or may have resulted in relevant goods becoming non-complying relevant goods;
 - b) an inventory of affected goods;
 - c) any corrective action undertaken; and
 - d) what was done with the goods when the situation was discovered.

6.3 Notification to recognised verifiers

- (1) An operator must immediately notify the recognised verifier of:
 - a) any changes in the name and address of the operator;
 - b) any changes in the type of operation(s) and locations of any depots; and
 - c) a change in the responsible person(s) for the day-to-day management of the registered operation.

6.4 Verification of operators

- (1) This clause imposes verification requirements on operators that are additional to the requirements in the Animal Products Notice: Export Verification Requirements.
- (2) Operators must give recognised verifiers such freedom and access as will allow them to carry out their verification functions.
- (3) During an announced verification visit, the person or persons responsible for the day-to-day management of the operation must be available to meet in person with the recognised verifier.