



**ANIMALS PRODUCTS ACT 1999
OVERSEAS MARKET ACCESS NOTIFICATION**

01/172 Import of Foreign Animal Material and Animal Products and Return to New Zealand of New Zealand Animal Material and Animal Products for Domestic Use or Export

Meat/Seafood Overseas Market Access Requirements		Priority	Normal
From:	Phil Ward, Technical Policy Manager	File:	
Date:	7 November 2001 (1)	Publication Ref:	OMAR

1	<p>Purpose</p> <p>1. Incorporation of Overseas Market Access Requirements By Reference:</p> <p>All overseas market access requirements issued under the Animal Products Act 1999 are incorporated into this notice, in their current edition, under sections 60 and 168 of the Animal Products Act 1999, for the purpose of regulating the export of animal products and animal materials to which those requirements apply. The requirements incorporated apply according to their tenor, to the re-export of New Zealand product and material from New Zealand, as well as to foreign product, foreign material and foreign product and material blended or mixed with New Zealand product and material which is exported from New Zealand and provided with official assurances under the Animal Products Act 1999.</p> <p>2. Export Product Specifications Applicable to New Zealand Product and Material That Has Been Returned to New Zealand And is Being Re-Exported:</p> <p>The Specifications contained in this notice are issued under section 60 Animal Products Act 1999 for the purpose of enabling New Zealand Authorities to exclude non-complying animal product and material which, in the case of animal product, is assessed as being not fit for purpose, and in the case of animal material is assessed as not complying with its description or records, from being exported.</p> <p>3. Directions To Animal Product Officers:</p> <p>The Directions are issued to Animal Products Officers under section 81 Animal Products Act 1999 for the purpose of ensuring that animal product and animal material imported into New Zealand, whether of New Zealand origin or foreign origin, or mixed origin, is in compliance with the provisions of the Act and subordinate legislation made under the Act. The Directions are issued to animal product officers for the purpose of instructing them to exercise their powers under the Animal Products Act in the inspection of product and material arriving</p>
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	<p>from outside New Zealand.</p> <p>4. Directions to Persons in Control, or Reasonably Appearing to be in Control of Animal Product or Animal Material Imported Into New Zealand:</p> <p>Directions are issued under section 81 to any person in control of, or reasonably appearing in control of, animal product or animal material arriving from outside New Zealand. The purpose is to require imported animal products or material to be presented for inspection to enable confirmation of compliance with the Act or to have further action taken so that the product or material complies with the legislative requirements.</p> <p>This notice takes effect from the date of signature with the exception of clauses 4.7, 4.8, 4.9, 4.10 & 5.2 which take effect on 21 January 2002.</p> <p>Dated at Wellington this 7th day of November 2001.</p> <p>(Signed)</p> <p>Tony Zohrab Director – Animal Products (Acting under delegated authority)</p> <p>Certified in order for signature</p> <p>(Signed)</p> <p>Legal Services 7 / 11 / 2001</p>
2	Overseas Market Access Requirements
2.1	<p>Pursuant to sections 60 and 168 of the Animal Products Act 1999 all Overseas Market Access requirements issued under the Animal Products Act are incorporated by reference in their current edition into this notice. These overseas market access requirements apply to all animal material and product to be exported from New Zealand as New Zealand product, or where an official assurance is required to be issued under the Animal Products Act 1999.</p> <p>The Overseas Market Access Requirements are available from</p> <p>Manor House Press Ltd, P.O. Box 38-071, Wellington Mail Centre,</p> <p>or from the MAF website located at</p> <p>https://www.foodsafety.govt.nz/industry/exporting/market-access/</p>
3	Specifications
3.1	<p>These specifications apply to and deal with inspection of animal material, animal product and product containing animal product that is claimed to be of New Zealand origin or containing animal product and animal material of New Zealand origin. The identity and fitness for purpose of the product is to be ascertained and a decision is to be made on its release from MAF control. In the case of animal material, the inspection is to determine the identity of the material and that it complies with the records and description provided.</p>
3.2	<p>Animal product and material arriving at the New Zealand border and claimed to be of New Zealand origin and intended for re-export must not be removed from the port of entry by any person until inspected by an animal product officer and a decision made on its fitness for intended purpose, or in the case of animal material, compliance with the description and records provided.</p>

3.3	The animal product officer must determine the identity and fitness for intended purpose of the product and must not release the product until satisfied that it accords with its description and intended purpose or is reclassified and is in compliance with this notice. In the case of animal material the animal product officer must determine the identity and conformity with description and records before release.
3.4	The product and material must be inspected by MAF immediately after biosecurity clearance is granted under the Biosecurity Act 1993.
3.5	<p>The person responsible for the importation of the product or material must provide the animal product officer with the following documentation:</p> <ul style="list-style-type: none"> (a) Details of the re-imported product: (b) Where appropriate, copies of the MAF export certificates covering the original export from New Zealand: (c) copies of bills of lading from the original export from New Zealand: (d) A summary of why the product or material is being returned to New Zealand along with any relevant documents issued by foreign governments, ship's masters, or other authorities: (e) An outline of the intended use of the imported product or material, such as re-processing, or immediate re-export: (f) A description of the journey taken by the product or material since it left New Zealand including ports of call, transit and discharge: (g) Details of why any circumstances differ from those present at the time of original export from New Zealand, such as missing MAF container seals or changed shipping containers.
3.6	<p>For the purposes of clause 3.5(d) and in the event that the product or material was landed in a foreign port, the importer may provide the following documents issued by the foreign government:</p> <ul style="list-style-type: none"> (a) In the case of product or material not opened by the foreign government and with product seals and shipping container seals intact, a certificate of non-manipulation; (b) In any other case, a certificate, notice or other form of communication confirming the actions carried out by the foreign government and, where appropriate, the reasons for rejection of the consignment.
3.7	An animal product officer must conduct an inspection of all imported animal product or animal material consignments intended to be re-exported or further processed and exported. The purpose of the inspection is to determine whether or not the product remains fit for intended purpose, conforms to the product description given in the MAF export certificate (if any), bears appropriate labels, marks or brands, and shows evidence of tampering or product substitution, or in the case of material, to determine its identity and compliance with description and records provided.
3.8	The animal product officer must not complete inspection of the consignment until all the documentation required by clause 3.5 is provided.
3.9	<p>The minimum inspection must consist of a product quantity correlation and a labelling authenticity check against the documentation. A physical inspection of the product or material within the packaging or wrapping is discretionary. Where the officer determines to carry out a physical inspection it may be carried out in the following manner:</p> <ul style="list-style-type: none"> (i) The inspection must be undertaken at approved premises with facilities suitable for handling exposed product: (ii) The product must be sent to the approved premises by secure means and under MAF control and released to the animal product officer responsible for supervision of those premises.

3.10	After completion of inspection of imported product or material the animal product officer may release it if satisfied that the identity of the product conforms to the accompanying documentation and the officer has no reason to believe the product is not fit for its intended purpose, or in the case of material, the animal product officer believes it is in compliance with its identity and description.
3.11	Imported animal product or animal material of New Zealand origin intended for re-export from New Zealand that is cleared by the animal product officer after inspection, must be sent by secure means and under MAF control directly to the export premises nominated by the importer, and released to the animal product officer responsible for supervision of those export premises.
3.12	The animal product officer must provide the animal product officer at those export premises with appropriate details of the inspection before the consignment is sent to the premises.
3.13	The nominated export premises must be approved premises.
4	Direction To Animal Product Officers
	<i>Imported Animal Product of New Zealand Origin</i>
4.1	Imported animal product or animal material of New Zealand origin intended for sale or use in New Zealand must be examined immediately after biosecurity clearance provided under the Biosecurity Act 1993. The purpose of the inspection is to determine whether or not the product remains fit for intended purpose, conforms to the product description given in the MAF export certificate (if any), bears appropriate labels, marks or brands, and shows evidence of tampering or product substitution. In the case of animal material the purpose is to determine whether it complies with its, description and records. The documents specified in clause 3.5 must be taken into account.
4.2	The animal product officer, once satisfied that the identity of the product conforms to the accompanying documentation, and the labels and seals have been dealt with in accordance with clause 4.3 and in the case of product, is of the opinion that it is fit for its intended purpose may release it. Where the product or material is intended for re-export release is to be for transit by secure means and under MAF control to the approved premises specified by the importer.
4.3	Imported animal product of New Zealand origin that is fit for human consumption and intended for sale or use in New Zealand must not be released from the port of entry or the premises specified in clause 4.5 until the labels and, if used, any MAF carton seals are marked by the importer or the importer's agent in such a manner that they cannot be mistaken for product that is eligible for export.
4.4	If an animal product officer changes the purpose for which re-imported animal product is fit for use and the product markings and labelling do not reflect the new purpose, the product must not be released from the port of entry or the premises specified in clause 4.5 until the markings and labels are removed and replaced or altered accordingly by the importer or the importer's agent.
4.5	(a) In order to complete any alteration to markings and labels required by clauses 4.3 and 4.4 the animal product officer may authorise the movement of the product by secure means and under MAF control to other premises which are under the supervision of an animal product officer, with the agreement of the operator of the premises. (b) The person in charge of the product must move the product directly to the other premises without delay. (c) The other premises must be approved premises.
4.6	(a) If the documentation or inspection, or both, reveals that the imported product or

	<p>material claimed to have New Zealand origin had been traded in a foreign country or had been stored for extended periods on a vessel or in a foreign country, whether under customs bond or not, the product or material must be treated as product or material originating from a foreign country regardless of markings or labels on the product.</p> <p>(b) For the purposes of this clause the term 'extended periods' —</p> <p>(i) In the case of vessels, means any period exceeding the actual and reasonable transport time to the destination;</p> <p>(ii) In the case of storage in a foreign country, means any period of storage after arrival of the consignment other than that considered reasonable to officially clear the goods for entry into the country;</p> <p>(iii) Does not include any period when product or material is held at the foreign port pending a judgement by the foreign government or until a vessel or aircraft can be arranged for transport out of the foreign port.</p> <p>(c) Product or material to which this clause applies is not eligible for re-export from New Zealand to any country unless it is imported to New Zealand accompanied by export certificates issued by the veterinary authorities of the foreign country as if it were product or material of that foreign country. The conditions of Part 15 of the Official Assurances Programme apply. The Official Assurances Programme is available from</p> <p>Manor House Press Ltd, P.O. Box 38-071, Wellington Mail Centre.</p> <p>or from the MAF web site located at Official Assurances Programme</p>
	<i>Imported Foreign Animal Material or Animal Product</i>
4.7	Imported animal product or material of foreign origin intended for export or for further processing for export must be examined immediately after biosecurity clearance (pursuant to the Biosecurity Act 1993) to determine whether or not the product or material remains fit for intended purpose (in the case of product only), conforms to the product description given in the official assurance issued by the foreign government, bears appropriate labels, marks or brands, and shows evidence of tampering or substitution.
4.8	The animal product officer, once satisfied that the identity of the product conforms to the accompanying documentation and has no reason to believe the product is not fit for its intended purpose, may release the product for transit by secure means and under MAF control to the approved premises specified by the importer. In the case of animal material, the officer is to be satisfied that it complies with the description and records supplied.
4.9	If an animal product officer changes the purpose for which re-imported animal product is fit for use and the product markings and labelling do not reflect the new purpose, the product must not be released from the port of entry or from approved premises until the markings and labels are removed and replaced or altered accordingly by the importer or the importer's agent.
4.10	In order to complete any alteration to markings and labels required by clauses 4.9 the animal product officer may authorise the movement of the product, by secure means and under MAF control to approved premises which are under the supervision of an animal product officer, with the agreement of the operator of the approved premises.
5	Direction to Persons in Control of, or Reasonably Appearing to be in Control of, any Animal Material or Animal Product Imported Into New Zealand.
5.1	Animal material or animal product of New Zealand origin imported to New Zealand for sale on the domestic market must not be removed from the port of entry until such removal is

	approved by an animal product officer subject to any directions or requirements given or imposed by the animal product officer.
5.2	Animal material or animal product of foreign origin imported to New Zealand with the intent that it be exported or further processed for export must not be removed from the port of entry until such removal is approved by an animal product officer subject to any directions or requirements given or imposed by the animal product officer.
5.3	The transit of product or material from the port of entry to approved premises must be done directly and without delay.
6	Revocations
6.1	OMAR 01/146 'Re-importation of New Zealand Animal Products' is revoked.
7	Definitions
7.1	<p>For the purposes of this document:</p> <p>animal product and animal material has the same meaning as in the Act but does not include—</p> <p>(a) live animals, other than those packaged as food; and</p> <p>(b) germplasm.</p> <p>approved premises means premises licensed or approved under the Meat Act regime or subject to a registered risk management programme, for the type of animal material or animal product being imported and its intended use.</p> <p>certificate of non-manipulation means a statement issued by the foreign government of the country where the animal material or animal product has been held confirming that it has not taken any action to open the product or break any seals and that the animal material or animal product has been kept in a proper state of preservation under official control.</p> <p>export certificate is the form of an official assurance determined by the Director-General pursuant to section 62 of the Act.</p> <p>foreign government means the government of the country to which the animal material or animal product was previously exported from New Zealand.</p> <p>inspection includes any investigation carried out by the animal product officer.</p> <p>non-complying product means animal material or animal product that is prohibited entry into the foreign country by the government of that country.</p> <p>port of entry includes biosecurity transitional facilities used by MAF before granting a biosecurity clearance</p>
7.2	Any term or expression that is defined in the Animal Products Act 1999 and used but not defined in this document has the same meaning as in this Act.

Explanatory note

Many overseas market access requirements stipulate that various non-complying animal materials and animal products are excluded from materials and products sent to other countries. Most official assurances issued by MAF must state the origin of the materials or products. In order for MAF to provide these assurances, it is necessary to establish the fitness for purpose, identity and compliance with the Animal Products Act 1999, of certain imported or re-imported materials and products.

The re-importation of New Zealand products which are intended to be re-exported are dealt with in the specification in this notice.

The re-importation of New Zealand products which are intended for sale on the domestic market are dealt with by Director-General directions given in this notice. This product cannot be subject to specifications under section 60 of the Animal Products Act 1999 because either no overseas market

access requirements are applicable or the re-introduction of the product into the export system is too far removed from the initial re-importation.

The importation of foreign products intended for export or for further processing for export is dealt with by Director-General directions given in this notice. It is possible to include controls for these products within specifications but as they are accompanied by official assurances from foreign governments and the main purpose of the inspection is to confirm identity and to keep the products within the export system, then directions were considered to be more appropriate.

This notice does not control the importation of foreign products intended for the domestic market.

Animal product officers have powers provided by the Animal Products Act 1999 enabling them to take appropriate steps to ensure compliance with this notice. This notice allows animal product officers to reclassify products for purposes other than their initial intended purpose, where in the reasonable opinion of the officer the product is no longer suitable for that initial intended purpose. However should an animal product officer be unable to classify the product for any commercial use then the only remaining options are burning or burial unless the Director-General determines otherwise.