

Reprint
as at 1 July 2008

Dairy Industry (IMA Certification)
Regulations 2000

(SR 2000/116)

Dairy Industry (IMA Certification) Regulations 2000: revoked, on 1 July 2008,
by regulation 20 of the Animal Products (Regulated Control Scheme—Dairy
Export Quota Products) Regulations 2008 (SR 2008/123).

PURSUANT to section 32 of the Dairy Industry Act 1952, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

These regulations are administered in the Ministry of Agriculture and Forestry.

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- 1 Title**
These regulations are the Dairy Industry (IMA Certification) Regulations 2000.
- 2 Commencement**
- (1) Regulation 7(1) comes into force on 1 October 2000.
 - (2) The rest of these regulations come into force on 1 July 2000.
- 3 Interpretation**
In these regulations, unless the context otherwise requires,—
Act means the Animal Products Act 1999
approved method means methods approved by the Director-General
approved quota compliance programme means a quota compliance programme approved by the Director-General

country-specific tariff quota means the tariff quotas relating to the import of dairy product into the European Communities that specify New Zealand as the country of origin, namely,—

- (a) the tariff quota for butter of New Zealand origin:
- (b) the tariff quota for cheddar cheese of New Zealand origin:
- (c) the tariff quota for cheese for processing of New Zealand origin

Director-General means the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of the Act

equipment includes all apparatus, containers, conveyances, machinery, piping, pumps, utensils, vehicles, and other things used in the transport, reception, testing, grading, manufacture, or storage of milk

IMA certificate means the certificate of official assurance in the form specified by the Director-General, having regard to tariff quota product requirements, that enables dairy product to be imported into the European Communities under a country-specific tariff quota

inspection means any activity carried out for the purpose of ascertaining whether or not these regulations, or any approved quota compliance programme, are or is being, or can be, complied with

recognised laboratory means a laboratory recognised under the Act

store means premises used for storing tariff quota product

tariff quota product means dairy product that is intended for import into the European Communities under a country-specific tariff quota

tariff quota product requirements means the requirements established by the European Communities that must be met by a consignment of dairy product if it is to be imported into the European Communities under a country-specific tariff quota.

Regulations 3 to 6 were substituted, as from 1 June 2005, by section 77(1)(a) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

4 Application for IMA certificate

A person may apply in writing to the Director-General for an IMA certificate in accordance with section 63 of the Act.

Regulations 3 to 6 were substituted, as from 1 June 2005, by section 77(1)(a) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

5 Decision to issue IMA certificate

(1) The Director-General may issue an IMA certificate under section 61 of the Act if satisfied that—

- (a) the consignment of tariff quota product in respect of which the application is made would not cause New Zealand to exceed its country-specific tariff quota for the relevant period; and
- (b) the application is made by a person who is lawfully entitled to export tariff quota product; and
- (c) the consignment of tariff quota product in respect of which the application is made has been manufactured, stored, and tested in accordance with approved quota compliance programmes; and
- (d) the exporter making the application is operating in accordance with an approved quota compliance programme.

(2) The Director-General must not issue an IMA certificate if the Director-General is aware of any information that suggests that the consignment does not meet the tariff quota product requirements.

Regulations 3 to 6 were substituted, as from 1 June 2005, by section 77(1)(a) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

6 IMA certificate may be withdrawn or reissued

The Director-General may withdraw or reissue any IMA certificate as provided in section 64 of the Act.

Regulations 3 to 6 were substituted, as from 1 June 2005, by section 77(1)(a) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

7 Compliance with approved quota compliance programmes

- (1) All persons who manufacture, test, store, or export tariff quota product must operate in accordance with approved quota compliance programmes.
- (2) All persons who manufacture, test, store, or export tariff quota product must notify the Director-General of non-compliance of tariff quota product with tariff quota product requirements within 24 hours of knowledge of the non-compliance.

8 Application for approval of quota compliance programmes

A person may apply in writing to the Director-General for approval of a quota compliance programme.

9 Requirements for quota compliance programmes for manufacturers of tariff quota product

The Director-General may not approve a quota compliance programme for a manufacturer of tariff quota product unless satisfied that the programme makes adequate provision for—

- (a) tariff quota product to be made according to the tariff quota product requirements; and
- (b) testing, sampling, weighing, calculating, and calibrating, as necessary, to generate accurate and reliable data regarding fat content, weight, and any other matter that is necessary to support the issuance of an IMA certificate; and
- (c) the identification of tariff quota product throughout the manufacturing process; and
- (d) documented systems to capture, record, and transfer data; and
- (e) the keeping, availability for inspection, and inspection of records to determine readily whether or not the programme has been and is being complied with; and
- (f) the designation of persons who are responsible for the supply of data and the provision of declarations; and
- (g) procedures to manage tariff quota product that does not meet the tariff quota product requirements; and

- (h) the secure and reliable transportation of tariff quota product.

10 Requirements for quota compliance programmes for persons who store tariff quota product

The Director-General may not approve a quota compliance programme for a person who stores tariff quota product unless satisfied that the programme makes adequate provision for—

- (a) the storage of tariff quota product in a manner that does not cause non-compliance with the tariff quota product requirements; and
- (b) documented systems and procedures to identify tariff quota product and to ensure that correct product is taken from the store when a consignment is being sent for export to the European Communities; and
- (c) the keeping, availability for inspection, and inspection of records to determine readily whether or not the programme has been and is being complied with.

11 Requirements for quota compliance programmes for persons who test tariff quota product

The Director-General may not approve a quota compliance programme for a person who tests tariff quota product unless satisfied that the programme makes adequate provision for—

- (a) carrying out sampling and testing in accordance with approved methods; and
- (b) the keeping, availability for inspection, and inspection of records to determine readily whether or not the programme has been and is being complied with.

12 Requirements for quota compliance programmes for persons who export tariff quota product

The Director-General may not approve a quota compliance programme for a person who exports tariff quota product unless satisfied that the programme makes adequate provision for—

- (a) documented systems and procedures to identify tariff quota product and to ensure that the tariff quota product

that is exported is the tariff quota product that is certified; and

- (b) documented systems and procedures for the receipt, processing, and transfer of data relating to tariff quota product to the Director-General; and
- (c) the keeping, availability for inspection, and inspection of records to determine readily whether or not the programme has been and is being complied with; and
- (d) the designation of persons who are responsible for the supply of data and the provision of declarations.

13 Variation of approved quota compliance programmes

- (1) A person may apply to the Director-General for the variation of an approved quota compliance programme.
- (2) The Director-General must apply regulations 9 to 12 to an application for the variation of an approved quota compliance programme as if it were an application for the approval of a quota compliance programme.
- (3) In addition, when approving a variation of an approved quota compliance programme, the Director-General must indicate whether—
 - (a) the approved quota compliance programme before variation is to cease to be approved, with the varied programme replacing it; or
 - (b) the approved quota compliance programme before variation and the varied programme are to co-exist as approved quota compliance programmes.

14 Withdrawal of approval

- (1) The Director-General may withdraw approval of an approved quota compliance programme at any time by—
 - (a) notice in the *Gazette*; or
 - (b) written notice to the person who originally applied for approval of the programme concerned.
- (2) Despite subclause (1), the Director-General must not withdraw approval of an approved quota compliance programme unless, after taking all reasonable steps to get all the relevant information, the Director-General is no longer satisfied of 1 or more of the matters required by regulations 9 to 12.

15 Powers of animal product officers

- (1) An occupier of a dairy factory, store, or recognised laboratory, and any holder of a risk management programme, must permit an animal product officer, or other person recognised by the Director-General, at all reasonable times to do all or any of the following for the purposes of these regulations:
 - (a) to enter the dairy factory, store, recognised laboratory, or other premises and inspect any part of the premises, and any equipment, process, procedure, or dairy product on the premises:
 - (b) to carry out any examination or test, or to require any demonstration of any processing, testing, or inspection procedure:
 - (c) to peruse all charts and other records kept for the purposes of these regulations, and to make copies of any entries in the charts and records.
- (2) An exporter of tariff quota product must permit an animal product officer, or other person recognised by the Director-General, at all reasonable times to do all or any of the following for the purposes of these regulations:
 - (a) to enter premises where the exporter—
 - (i) stores the records that the exporter keeps for the purposes of these regulations; or
 - (ii) carries out the processing of data relating to tariff quota product:
 - (b) to peruse and audit—
 - (i) all records kept for the purposes of these regulations, and to make copies of any entries in the records; and
 - (ii) the systems and procedures for the processing of data relating to tariff quota product.
- (3) The power to enter premises conferred in subclauses (1) and (2) is subject to the following conditions:
 - (a) the person entering must carry evidence of the person's authority and identity, which the person must produce when the person enters the premises for the first time and if subsequently asked:

- (b) the person exercising the power of entry must leave notice of the entry where it can easily be seen by the occupier if the occupier is not present at the time of entry.
- (4) Nothing in subclauses (1) and (2) authorises the person to enter a dwellinghouse unless a District Court Judge, who is satisfied on oath that it is reasonably necessary for the person to enter a dwellinghouse, empowers by warrant the person to enter that place, but no such warrant may continue in force for more than 14 days from the date on which it is issued.

The heading to regulation 15 was amended, as from 1 June 2005, by section 77(1)(a) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94) by substituting the words “animal product officers” for the word “inspectors”.

Subclauses (1) and (2) were substituted, as from 1 June 2005, by section 77(1)(a) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

16 Production of records and test results

If an approved quota compliance programme or these regulations require the keeping of particular records or the making of particular tests, an inspector, or other person authorised by the Director-General, may direct the person in control of the records or the results of the tests to produce them for inspection.

17 Promulgation of circulars

[Revoked]

Regulation 17 was revoked, as from 1 June 2005, by section 77(1)(a) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

18 Testing only in recognised laboratories

All testing of manufactured tariff quota product must be carried out in a recognised laboratory.

The heading to regulation 18 was amended, as from 1 June 2005, by section 77(1)(a) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94) by substituting the word “recognised” for the word “registered”.

Regulation 18 was amended, as from 1 June 2005, by section 77(1)(a) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94) by substituting the word “recognised” for the word “registered”.

19 Fees*[Revoked]*

Regulation 19 was revoked, as from 1 July 2002, by regulation 4A Dairy Industry (Fees) Regulations 2000 (SR 2000/89).

20 Transitional provision*[Revoked]*

Regulation 20 was revoked, as from 1 June 2005, by section 77(1)(a) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

Schedule

r 19(1)

**Fees payable under Dairy Industry Act
1952***[Revoked]*

The Schedule was revoked, as from 1 July 2002, by regulation 4A Dairy Industry (Fees) Regulations 2000 (SR 2000/89).

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2000 (except *regulation 7(1)* which comes into force on 1 October 2000), set up a process to ensure that New Zealand butter, cheddar cheese, and cheese for processing to be exported to the European Communities meets the European Communities' tariff quota product requirements. Specifically, a person who wishes to export these goods to the European Communities must obtain an IMA certificate from the Director-General. The certificate certifies that the tariff quota product meets the tariff quota product requirements. The regulations also provide a process for approving quota compliance programmes that are designed to ensure compliance with the European Communities' requirements. The transitional provision in *regulation 20* provides for matters occurring before the relevant quota compliance programmes are approved.

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Regulations 2000**

These regulations also provide for fees in respect of—

- the issuance of IMA certificates:
- the approval of quota compliance programmes:
- verification inspection and audits.

The fees are inclusive of goods and services tax.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 29 June 2000.

**Animal Products (Regulated
Control Scheme—Dairy Export
Quota Products) Regulations 2008**

(SR 2008/123)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 19th day of May 2008

Present:

His Excellency the Governor-General in Council

Pursuant to sections 38 and 166(1)(b) of the Animal Products Act 1999, His Excellency the Governor-General, on the recommendation of the Minister given in accordance with section 39 of the Animal Products Act 1999, and acting on the advice and with the consent of the Executive Council, makes the following regulations.

Regulations

- 1 Title**
These regulations are the Animal Products (Regulated Control Scheme—Dairy Export Quota Products) Regulations 2008.
- 2 Commencement**
These regulations come into force on 1 July 2008.

Part 3

Miscellaneous provisions

- 21 Transitional provisions and savings**
 - (1) Any dairy quota compliance programme approved under the Dairy Industry (IMA Certification) Regulations 2000 (being

an approval current immediately before the revocation of those regulations) is to be treated as if it had been approved under Part 2 of these regulations.

- (2) The Director-General must review any dairy quota compliance programme to which subclause (1) applies within 1 year after the commencement of these regulations.

Martin Bell,
for Clerk of the Executive Council.

Date of notification in *Gazette*: 22 May 2008.

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Notes**1 General**

This is an eprint of the Dairy Industry (IMA Certification) Regulations 2000. It incorporates all the amendments to the Dairy Industry (IMA Certification) Regulations 2000 as at 1 July 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

Animal Products (Regulated Control Scheme—Dairy Export Quota Products) Regulations 2008 (SR 2008/123): regulation 20
