



# Organic Products and Production Regulations 2025

Cindy Kiro, Governor-General

## Order in Council

At Wellington this 15th day of September 2025

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 133 to 135 and 138 of the Organic Products and Production Act 2023—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Agriculture made after complying with the requirements of section 128 of that Act.

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**Regulations**

**1 Title**

These regulations are the Organic Products and Production Regulations 2025.

**2 Commencement**

These regulations come into force on 3 October 2025.

**3 Interpretation**

(1) In these regulations, unless the context otherwise requires,—

**acceptable input** has the same meaning as in regulation 3 of the Organic Standards Regulations 2025

**Act** means the Organic Products and Production Act 2023

**competency assessment report**, for a recognised agency or independent recognised person, means the report of any assessment required under regulation 51, 64, or 65

**conversion period** has the same meaning as in regulation 3 of the Organic Standards Regulations 2025

**corrective action** includes an action—

- (a) to restore a product's compliance with the organic standard;
- (b) to restore an operator's compliance with the Act, secondary legislation made under it, or directions given under it;
- (c) to prevent recurrence of a non-compliance;
- (d) to identify any product that is affected by a non-compliance and sell or otherwise dispose of it without describing the product as organic

**critical non-compliance** means non-compliance—

- (a) by—
  - (i) an operator with the Act, secondary legislation made under it, or directions given under it; or
  - (ii) a product with the organic standard; and
- (b) that is reasonably likely to—
  - (i) threaten consumer confidence in purchasing a product described as organic; or
  - (ii) result in a product being incorrectly described as organic; or
  - (iii) threaten the integrity of the official assurance system; or
  - (iv) jeopardise access to overseas markets

**evaluator** means a recognised person or a recognised agency recognised to carry out independent evaluations of organic management plans and group operating plans

**group manager** means a recognised person recognised to manage groups of operators

**group of operators** means a group of persons, each of whom is approved as an operator subject to a condition that they remain a member of that group

**identifying information**, in relation to a person, means the person's—

- (a) name; and
- (b) trading name (if any); and
- (c) New Zealand business number (if any); and
- (d) primary business address; and
- (e) postal address; and
- (f) electronic address; and

(g) phone number

**input** has the same meaning as in regulation 4 of the Organic Standards Regulations 2025

**internal verification** means verification carried out in accordance with regulation 103

**operation boundaries**, in relation to an organic management plan, means the boundaries identified in the plan under regulation 22

**operator's product** means a product in relation to which the operator is approved

**organic management plan** means a plan that meets the requirements in subpart 3 of Part 1

**parallel production** has the same meaning as in regulation 5 of the Organic Standards Regulations 2025

**procedures and processes** includes steps, actions, methods, tests, and checks

**processing** has the same meaning as in regulation 3 of the Organic Standards Regulations 2025

**production**, in relation to any product or any thing from which a product is derived, has same meaning as in regulation 3 of the Organic Standards Regulations 2025

**production unit** has the same meaning as in regulation 3 of the Organic Standards Regulations 2025

**relevant export requirements** means export requirements specified under section 63 of the Act by notice issued under section 143(1) of the Act that apply to an operator's product

**relevant service provider** means a person that provides services to an operator—

- (a) under a contract of services to which the operator is a party; and
- (b) that could affect whether the operator's product complies with the organic standard

**sampler** means—

- (a) a recognised entity recognised under the Act to carry out sampling; or
- (b) any other person authorised by the relevant chief executive to carry out sampling

**sampling** includes—

- (a) selecting a sample; and
- (b) taking a sample; and
- (c) gathering information about a sample; and
- (d) safeguarding a sample; and

(e) transporting a sample (including sending a sample to a laboratory)

**sampling and testing plan** means a plan issued under regulation 128

**shelf life**, in relation to a product, means the shelf life nominated by the person who produced the product

**specified offence** means any of the following:

- (a) an offence against the Act or these regulations:
- (b) an offence (against the law of New Zealand or a foreign country) relating to fraud or dishonesty:
- (c) an offence (against the law of New Zealand or a foreign country) relating to management control, or business activities, relating to businesses (in New Zealand or a foreign country) that—
  - (i) are regulated under the Act or another Act that is administered by the relevant Ministry; or
  - (ii) are similarly regulated under the law of another country:
- (d) an offence (against the law of New Zealand or a foreign country) relating to trading in a product

**split production** has the same meaning as in regulation 5 of the Organic Standards Regulations 2025

**testing** includes analysis or examination.

- (2) In this regulation, a reference to the **law of a foreign country** includes a reference to the law of a part of a foreign country.
- (3) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

#### **4 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

## **Part 1 Operators**

### Subpart 1—Gaining approval

#### *Applying for approval*

#### **5 Applying for approval as operator**

- (1) A person applying to be approved as an operator (other than as one of a group of operators) must provide the relevant chief executive with the following information:
  - (a) their identifying information:

- (b) details of the activities for which approval is sought, which must be 1 or more of the following:
  - (i) selling or marketing a product described as organic:
  - (ii) importing a product described as organic into New Zealand to sell or market it:
  - (iii) exporting a product described as organic from New Zealand:
  - (iv) providing a service of a kind referred to in section 15(4) of the Act in relation to a product:
- (c) details of each product to which those activities relate:
- (d) a proposed organic management plan (*see* subpart 3):
- (e) an evaluation report of the proposed organic management plan that was completed no earlier than 6 months before the date of the application (however, *see* regulation 9):
- (f) a statement to the effect that the person is satisfied that, since the evaluation report was prepared, no relevant matter has arisen that would require their proposed organic management plan to be amended under regulation 28:
- (g) for each recognised entity proposed to oversee the person's activities as an operator,—
  - (i) the entity's name; and
  - (ii) the specified functions and duties the entity will carry out in relation to the person; and
  - (iii) written confirmation that the entity is willing to carry out those functions and duties:
- (h) if the person seeks to be approved as an operator to export a product, the overseas markets they are proposing to export to:
- (i) if the production of a product to which the application relates requires a conversion period,—
  - (i) the date that the conversion period began and, if applicable, the date it was completed; and
  - (ii) the date of the last use within the production unit of any input that is not an acceptable input; and
  - (iii) any information required by supplementary notice on the results of any sampling or testing in relation to a conversion period:
- (j) whether the person has been convicted of a specified offence and, if so, details of the conviction:
- (k) if the person is a body corporate, whether a director or manager of the body corporate has been convicted of a specified offence and, if so, details of the conviction.

- (2) A supplementary notice may specify requirements relating to the information described in subclause (1)(i)(iii).

## **6 Applying for approval as one of new group of operators**

- (1) The following applies if a person seeks to be approved as one of a new group of operators:
- (a) there must be at least 3 members in the group (*see* regulation 12):
  - (b) the person must,—
    - (i) if they are not approved as an operator at the time of the application, apply to the relevant chief executive be approved as an operator subject to a condition that they remain a member of the new group; or
    - (ii) if they are approved as an operator at the time of the application, apply to the chief executive to impose a condition on their approval that they remain a member of the new group:
  - (c) the person must, jointly with all other persons seeking to be in the new group, provide the following information in their application:
    - (i) the name of the group manager proposed to manage the new group:
    - (ii) written approval from that group manager that they are willing to undertake that role:
    - (iii) a group operating plan (*see* regulations 35 and 36):
    - (iv) an evaluation report of the group operating plan (*see* regulation 10) that was completed no more than 6 months before the date of the application.
- (2) A person to whom subclause (1)(b)(i) applies must also provide the following information in their application for approval:
- (a) the information referred to in regulation 5(1)(a) to (k):
  - (b) if the person is seeking approval to be subject to internal verification, a statement from the proposed group manager that they are satisfied that the person meets the eligibility requirements in Schedule 2.
- (3) A person to whom subclause (1)(b)(ii) applies must also provide the following information in their application to impose a condition on their approval:
- (a) their identifying information:
  - (b) any unique identifier assigned to them by the relevant chief executive:
  - (c) if the person is seeking approval to be subject to internal verification, a statement from the proposed group manager that they are satisfied that the person meets the eligibility requirements in Schedule 2.

## **7 Applying for approval as one of existing group of operators**

- (1) The following applies if a person seeks to be approved as one of an existing group of operators:
  - (a) there must be at least 3 members in the group (*see* regulation 12):
  - (b) the person must,—
    - (i) if they are not approved as an operator at the time of the application, apply to the relevant chief executive to be approved as an operator subject to a condition that they remain a member of the existing group; or
    - (ii) if they are approved at the time of the application, apply to the chief executive to impose a condition on their approval that they remain a member of the existing group.
- (2) A person to whom subclause (1)(b)(i) applies must provide the following information in their application for approval:
  - (a) the information referred to in regulation 5(1)(a) to (k):
  - (b) written approval from the group manager of the existing group for the person to join that group:
  - (c) if the person is seeking approval to be subject to internal verification, a statement from the group manager that they are satisfied that the person meets the eligibility requirements in Schedule 2.
- (3) A person to whom subclause (1)(b)(ii) applies must provide the following information in their application to impose a condition on their approval:
  - (a) their identifying information:
  - (b) any unique identifier assigned to them by the relevant chief executive:
  - (c) written approval from the group manager of the existing group for the person to join that group:
  - (d) if the person is seeking approval to be subject to internal verification, a statement from the group manager that they are satisfied the person meets the eligibility requirements in Schedule 2.

## **8 Requirements for evaluation reports of organic management plans**

- (1) An evaluation report of a proposed organic management plan must—
  - (a) be prepared by an evaluator (however, *see* subclause (3)); and
  - (b) confirm whether the evaluator is satisfied that the plan meets the requirements in subpart 3 of Part 1; and
  - (c) set out any conditions that the evaluator who completed the report recommends be imposed on the applicant's approval as an operator; and
  - (d) confirm an evaluator carried out an on-site assessment for each site within operation boundaries (however, *see* clause 2 of Schedule 1); and

- (e) specify—
  - (i) the name of the evaluator who completed the report and the date they completed it; and
  - (ii) for each on-site assessment, the name of any evaluator who carried out the assessment and the date they carried it out.
- (2) If the production of a product to which the application relates requires a conversion period, the evaluation report must include—
  - (a) a statement that the evaluator who completed the report is satisfied that the conversion period has been completed; or
  - (b) if the conversion period has not yet been completed, a statement from the evaluator—
    - (i) confirming that the conversion period has begun; and
    - (ii) specifying the date that the conversion period is due to end.
- (3) The following persons must not prepare an evaluation report of a proposed organic management plan:
  - (a) an evaluator who is the operator to whom the plan will apply;
  - (b) an evaluator who is the group manager, or proposed group manager, of a group that includes the operator to whom the plan will apply;
  - (c) an evaluator who was otherwise involved in the development of the plan.
- (4) The operator must provide a copy of the evaluation report to the following persons:
  - (a) the operator’s verifier or verifying agency—
    - (i) at the time that verification is carried out; and
    - (ii) otherwise on request of the verifier or verifying agency;
  - (b) if the operator has their plan re-evaluated (for any reason, including an amendment to the plan), the evaluator for that re-evaluation.

## **9 Evaluation report not required if organic management plan prepared in accordance with template**

- (1) An evaluation report of a proposed organic management plan is not required if the plan is prepared in accordance with a template specified in a supplementary notice.
- (2) A supplementary notice—
  - (a) may specify a template for organic management plans; and
  - (b) may specify different templates for different production methods, products, or classes of products.

## **10 Requirements for evaluation reports of group operating plans**

- (1) An evaluation report of a group operating plan must—

- (a) be prepared by an evaluator (however, *see* subclause (2)); and
  - (b) confirm whether the evaluator is satisfied that—
    - (i) the group operating plan meets the requirements of regulations 36 and 37; and
    - (ii) the members of the group can comply with the plan; and
  - (c) specify—
    - (i) the name of the evaluator who completed the evaluation report; and
    - (ii) the date that the evaluation report was completed.
- (2) The following persons must not prepare an evaluation report of a group operating plan:
- (a) an evaluator who is an operator to whom the plan will apply;
  - (b) an evaluator who is the group manager, or proposed group manager, of the group to whom the plan will apply;
  - (c) an evaluator who was otherwise involved in the development of the plan.

*Considering applications for approval*

**11 Determining whether person is fit and proper and competent to be operator**

The relevant chief executive must take into account the following matters when considering whether a person is a fit and proper person and competent to be an operator:

- (a) whether the person has or will have adequate systems in place to ensure that they can comply with their duties under section 23 of the Act;
- (b) whether the person has been convicted of a specified offence;
- (c) any evidence that the relevant chief executive is satisfied shows that the person has breached section 23 of the Act;
- (d) if the person is a body corporate,—
  - (i) whether a director or manager of the body corporate has been convicted of a specified offence; or
  - (ii) any evidence that the relevant chief executive is satisfied shows that a director or manager of the body corporate has breached section 23 of the Act.

**12 Additional requirements for approving group of operators**

- (1) This regulation applies if the relevant chief executive is considering—
  - (a) an application by a person to whom regulation 6(1)(b)(i) or 7(1)(b)(i) applies to be approved as one of a group of operators; or

- (b) an application by an operator to whom regulation 6(1)(b)(ii) or 7(1)(b)(ii) applies to impose a condition that would make them one of a group of operators.
- (2) The chief executive must not approve the person as one of a group of operators, or impose the condition, unless satisfied that the group of operators will contain 3 or more operators.
- (3) Subclause (4) applies if the person is also seeking approval to be subject to internal verification.
- (4) The chief executive must not approve the person to be subject to internal verification unless satisfied that—
  - (a) the person meets the eligibility requirements set out in Schedule 2; and
  - (b) the group will contain 2 or more operators approved to be subject to internal verification.

#### *Notifying decisions on approval*

### **13 Notifying approval**

- (1) If the relevant chief executive decides to approve a person as an operator under section 19 of the Act, the chief executive must give notice of the decision as soon as practicable to—
  - (a) the person; and
  - (b) each recognised entity responsible for overseeing the operator; and
  - (c) if the person is approved as one of a group of operators, the group manager of that group.
- (2) The notice must set out—
  - (a) the date the approval commences; and
  - (b) the date the approval expires (if it is of a fixed duration); and
  - (c) any conditions on the approval; and
  - (d) the chief executive's reasons for imposing any conditions.
- (3) The chief executive must, as soon as practicable after making the decision, provide each recognised entity responsible for overseeing the operator (other than any group manager) with copies of—
  - (a) the operator's organic management plan; and
  - (b) if the person is approved as one of a group of operators, the relevant group operating plan.

*Refusing approval***14 Proposing to refuse approval**

- (1) This regulation sets out the process that must be followed under section 51 of the Act if the relevant chief executive proposes to refuse a person's application for approval.
- (2) The relevant chief executive must—
  - (a) notify the following persons of the proposed refusal and the reasons for it:
    - (i) the person seeking to be an operator;
    - (ii) if the person is seeking to be one of a group of operators, the group manager or proposed group manager; and
  - (b) specify a time by which those persons may provide a response to the proposed refusal; and
  - (c) consider any response received by the specified time.
- (3) The time specified under subclause (2)(b) must provide the persons with a reasonable opportunity to respond and have any responses considered.

**15 Notifying refusal of approval**

- (1) If the relevant chief executive decides to refuse to approve a person as an operator under section 19 of the Act, the chief executive must give notice of the decision as soon as practicable to—
  - (a) the person; and
  - (b) each recognised entity that would have overseen the person if the application had been approved; and
  - (c) if the person sought approval as one of a group of operators, the group manager or proposed group manager.
- (2) The notice must set out—
  - (a) the date on which the application was refused; and
  - (b) the reasons for the refusal.

**Subpart 2—Renewing approval, changing conditions, withdrawing approval, and suspending approval***Renewing approval***16 Renewing approval**

- (1) An operator whose approval is for a fixed duration may apply to the relevant chief executive to renew their approval under section 27(1) of the Act at any time before it expires.

- (2) An application to renew an approval must—
- (a) be in the form approved by the relevant chief executive; and
  - (b) confirm that—
    - (i) no relevant matter has arisen that would require the operator’s organic management plan to be amended under regulation 28; or
    - (ii) a proposal to amend the operator’s organic management plan has been submitted under regulation 28; and
  - (c) if the operator is one of a group of operators, also confirm that—
    - (i) no relevant matter has arisen that would require the group’s group operating plan to be amended under regulation 38; or
    - (ii) a proposal to amend the group’s group operating plan has been submitted under regulation 38.
- (3) The approval of an operator who applies for renewal in accordance with sub-clauses (1) and (2) continues to have effect until the chief executive notifies the operator of their decision.

#### **17 Notifying renewal of approval**

- (1) If the relevant chief executive decides to renew an operator’s approval under section 27 of the Act, the chief executive must give notice of the decision as soon as practicable to—
- (a) the operator; and
  - (b) any recognised entity responsible for overseeing the operator; and
  - (c) if the operator is one of a group of operators, the group manager of that group.
- (2) The notice must set out—
- (a) the date the renewed approval commences; and
  - (b) the date the renewed approval expires (if it is for a fixed duration); and
  - (c) any conditions on the approval; and
  - (d) if there have been any changes to the conditions of approval, the reasons for the changes.

*Applying to vary, remove, or impose condition of approval*

#### **18 Applying to vary, remove, or impose condition of approval**

- (1) This regulation applies to an operator who, after being approved as an operator, applies to the chief executive to—
- (a) vary or remove a condition of their approval; or
  - (b) impose a further condition on their approval (other than a condition to be a member of a group of operators).

- (2) The operator must provide the relevant chief executive with evidence of why the condition should be varied, removed, or imposed.

*Changing conditions of approval, refusing renewal, or withdrawing approval*

**19 Proposing to change conditions, refuse renewal, or withdraw approval**

- (1) This regulation sets out the process that must be followed under section 51 of the Act if the relevant chief executive proposes to do any of the following after approving an operator:
  - (a) impose a condition of approval:
  - (b) vary a condition of approval:
  - (c) refuse an application to renew approval:
  - (d) withdraw an approval (in whole or in part).
- (2) The relevant chief executive must—
  - (a) notify the following persons of the proposed decision and the reasons for it:
    - (i) the operator:
    - (ii) if the operator is one of a group of operators, the group manager of the group; and
  - (b) specify a time by which those persons may provide a response to the proposed decision; and
  - (c) consider any response received by the specified time.
- (3) The time specified under subclause (2)(b) must provide the persons with a reasonable opportunity to respond and have any responses considered.

**20 Notifying decision to change conditions, refuse renewal, or withdraw approval**

- (1) This regulation applies if the relevant chief executive decides to do any of the following after approving an operator:
  - (a) impose a condition on the approval under section 20 of the Act:
  - (b) vary a condition on the approval under section 21 of the Act:
  - (c) refuse to renew an operator's approval under section 27 of the Act:
  - (d) withdraw an approval (in whole or in part) under section 30 of the Act.
- (2) The chief executive must give notice of the decision as soon as practicable to—
  - (a) the operator; and
  - (b) any recognised entity responsible for overseeing the operator; and
  - (c) if the operator is one of a group of operators, the group manager of that group.
- (3) The notice must set out—

- (a) the reasons for the decision; and
- (b) the date on which the new or varied condition takes effect, the application for renewal was refused, or the withdrawal takes effect (as the case requires).

### *Suspending approval*

## **21 Notifying suspension of approval**

- (1) If the relevant chief executive decides to suspend an operator's approval under section 29 of the Act, the chief executive must give notice of the decision as soon as practicable to—
  - (a) the operator; and
  - (b) any recognised entity responsible for overseeing the operator; and
  - (c) if the operator is one of a group of operators, the group manager of that group.
- (2) The notice must set out—
  - (a) the date on which the suspension starts; and
  - (b) the duration of the suspension; and
  - (c) the reasons for the suspension.

## **Subpart 3—Organic management plans**

### *General matters*

## **22 Operator required to have organic management plan**

An operator must have an organic management plan for the purposes of showing—

- (a) how the operator's product will comply with the organic standard; and
- (b) how the operator will comply with the Act, secondary legislation made under it, and directions given under it.

## **23 General requirements for organic management plan**

- (1) An organic management plan must—
  - (a) be in writing; and
  - (b) contain the information set out in Schedule 3; and
  - (c) be clear enough to be readily understood by the operator and any other person who is required to use it; and
  - (d) be sufficiently detailed to ensure that any person who is responsible for implementing any procedure identified in the plan will know how to implement that procedure.
- (2) An organic management plan may—

- (a) apply to 1 or more products, processes, production units, activities, sites, places, or premises within the boundary or boundaries of the organic management plan; and
- (b) be a single stand-alone plan, or form part of a series of plans relating to different operators that together show how a product will comply with the organic standard.

#### **24 Commencement of organic management plan**

An organic management plan applies to the operator from the date the operator's approval commences (*see* regulation 13(2)(a)).

#### **25 Obligations of operator in relation to plan documentation**

- (1) An operator must—
  - (a) maintain an up-to-date version of their organic management plan:
  - (b) ensure that a copy of the plan is accessible to any person who is responsible for implementing any procedure, or part of any procedure, identified in the plan:
  - (c) keep a copy of every document that has formed part of the plan but has since been—
    - (i) replaced by a more recent version; or
    - (ii) taken out of the plan:
  - (d) ensure that the plan and any related document is available, or can be made available within 2 working days, to the following persons on request:
    - (i) the relevant chief executive:
    - (ii) a person authorised by the relevant chief executive:
    - (iii) a verifier or verifying agency:
    - (iv) a recognised entity that is responsible for overseeing the operator's activities:
    - (v) an organic products officer.
- (2) The operator must keep a document in accordance with subclause (1)(c) for the longer of the following:
  - (a) 4 years:
  - (b) the shelf life of the product to which the plan relates.
- (3) In subclause (1)(d), **related document** includes any reference material that the plan refers to, any evaluation report, and any document kept in accordance with subclause (1)(c).

**26 Obligations of operator in relation to key tasks**

- (1) An operator must ensure that each person who is responsible for carrying out a key task relating to the organic management plan has the competencies or skills that—
  - (a) are prescribed by supplementary notice as being required for the task; or
  - (b) if none are prescribed, are specified in the organic management plan.
- (2) A supplementary notice may specify detailed requirements relating to—
  - (a) key tasks relating to the plan; and
  - (b) any competencies or skills required of the person responsible for any key task.

**27 Plan must be reviewed**

- (1) An operator must periodically review their organic management plan for the purpose of assessing whether the plan meets the requirements of this subpart (including the information requirements specified in Schedule 3).
- (2) The plan must specify—
  - (a) when, and how often, the operator will review the plan; and
  - (b) details of actions the operator will take if the plan does not meet the requirements of this subpart.

*Amendments to organic management plan***28 Circumstances that require organic management plan to be amended**

- (1) An operator must submit a proposal to the relevant chief executive to amend their organic management plan if any actual or proposed change, event, or other matter—
  - (a) means that the plan is no longer appropriate, or will no longer be appropriate, to the product, processes, or premises or place covered by the plan; or
  - (b) introduces a new risk, or increases an existing risk, that the product will not comply with the organic standard or any relevant export requirements; or
  - (c) otherwise affects, or is likely to affect,—
    - (i) whether the operator's product will comply with the organic standard or any relevant export requirements; or
    - (ii) whether the operator will comply with the Act, secondary legislation made under it, and directions given under it, relating to production of the product.
- (2) In particular, the operator must submit a proposal to amend their organic management plan due to—

- (a) an alteration to the premises or place, facilities, or equipment that may adversely affect whether the product will comply with the organic standard or any relevant export requirements:
- (b) the relocation of a processing or production operation to a new physical address (except where this is already provided for in the plan):
- (c) the establishment of a new process or production operation, or modification of an existing process or production operation, that is not covered by the plan, that introduces a new risk, or increases an existing risk, that the product will not comply with the organic standard or any relevant export requirements:
- (d) the addition of a new market for export, if the operator's product is subject to relevant export requirements:
- (e) the addition of a new product to the organic management plan, if the addition of that new product means that the existing plan will no longer be appropriate for the product, processes, or premises or place covered by the plan:
- (f) a change or addition to premises or a place that affects the operation boundaries of the plan:
- (g) the operator proposing to merge the plan with 1 or more other documents showing how a product will comply with the organic standard:
- (h) the operator proposing to split the plan into 2 or more documents showing how a product will comply with the organic standard:
- (i) if the operator is a company, a change in the directors of the company:
- (j) a change in the person responsible for the day-to-day management of the plan.

## **29 Requirements for proposal to amend organic management plan**

- (1) A proposal to amend an organic management plan must—
  - (a) be made in writing in a manner approved by the relevant chief executive; and
  - (b) be accompanied by—
    - (i) the organic management plan, with the proposed amendments incorporated and clearly identified; and
    - (ii) a copy of an evaluation report completed no more than 6 months before the date of the proposal; and
    - (iii) any information relevant to the proposal that is specified in a supplementary notice.
- (2) The operator must submit the proposal to the relevant chief executive—
  - (a) without unnecessary delay; and

- (b) if the operator knows of the change, event, or other matter in advance, before it occurs.
- (3) A supplementary notice may specify—
  - (a) information that is relevant to the proposal to amend an organic management plan; and
  - (b) detailed requirements relating to that information.

### **30 Decision on proposed amendment**

- (1) The relevant chief executive must approve a proposal to amend an organic management plan if satisfied that the amended plan will comply with the requirements of this subpart (including the information requirements set out in Schedule 3).
- (2) If the relevant chief executive approves the proposal, they must, as soon as practicable,—
  - (a) notify the operator in writing; and
  - (b) specify when and, if necessary, how the amendment takes effect; and
  - (c) give the operator’s verifier or verifying agency a copy of the amendment (or, where appropriate, the relevant part of the plan that incorporates the amendment).
- (3) If the chief executive intends to refuse to approve a proposal, they must give the operator—
  - (a) a notice that clearly sets out the reasons for their intended decision; and
  - (b) a reasonable opportunity to make written submissions or be heard in respect of the matter.
- (4) If the chief executive decides to refuse to approve a proposal, they must—
  - (a) notify the operator in writing of their decision as soon as practicable; and
  - (b) give reasons for the decision.
- (5) An amendment to an organic management plan approved under this regulation takes effect,—
  - (a) in relation to an amendment that relates to a future change, event, or other matter, on the date or occasion specified by the relevant chief executive under subclause (2)(b); or
  - (b) in relation to any other kind of amendment approved under this regulation, on the date specified in the organic management plan.

### **31 Other amendments to organic management plan**

- (1) An operator may amend their organic management plan if the amendment is of a kind that does not require a proposal under regulation 28.
- (2) The operator must notify the relevant chief executive of any such amendment—

- (a) without unreasonable delay; and
  - (b) in writing in a manner approved by the relevant chief executive.
- (3) An amendment made under this regulation takes effect on the later of the following dates:
- (a) the date on which the operator notifies the chief executive that the organic management plan (as amended) has been adopted:
  - (b) the date specified in the plan.

### *Reporting and notification*

#### **32 Reporting to verifier or verifying agency**

- (1) An operator must notify their verifier or verifying agency without unnecessary delay if—
- (a) anything within the operation boundaries is used for purposes or by persons not covered by the organic management plan, and the plan has not adequately considered or managed risks relating to that use; or
  - (b) the operator is concerned, or is aware of a concern, that—
    - (i) the operator’s product does not comply with the organic standard or any relevant export requirements; or
    - (ii) the operator is not complying with the Act, secondary legislation made under it, or directions given under it; or
  - (c) there has been a critical non-compliance by the operator; or
  - (d) the operator no longer considers the plan to be effective; or
  - (e) the premises identified as being used by the plan are not, or are no longer, suitable for use.
- (2) A supplementary notice may specify detailed requirements relating to the information that must be included in a notice to the verifier or verifying agency under subclause (1).

### **Subpart 4—Groups of operators**

#### *Group manager*

#### **33 Group of operators must have group manager**

- (1) A group of operators in relation to which an operator is approved (under section 19 of the Act) as one of the group must be managed by a group manager.
- (2) A person is not prevented from being a group manager if they are also an operator who is approved as one of the group.

*Group operating plans***34 Group members must comply with group operating plan to maintain approval**

To maintain approval, an operator approved as one of a group of operators must continue to comply with that group's operating plan.

**35 Purpose of group operating plan**

- (1) Each operator who is approved as one of a group of operators must work effectively with the other operators in the group in meeting their obligations under the Act, secondary legislation made under it, and directions given under it.
- (2) A group operating plan must demonstrate how the members of a group will comply with subclause (1).
- (3) The group manager must maintain the group operating plan.

**36 Contents of group operating plan**

- (1) A group operating plan must include the following details:
  - (a) the identifying information of each member of the group:
  - (b) the name and contact details of the group manager:
  - (c) the name of all recognised entities responsible for overseeing the activities of the operators in the group:
  - (d) if any key tasks relating to the group are prescribed by supplementary notice,—
    - (i) the name, or name and position, of the person who is responsible for performing each key task; and
    - (ii) how that person will acquire or maintain any competencies or skills related to that task that are prescribed by supplementary notice (or, if none are prescribed, that the group manager considers necessary to perform the key tasks).
- (2) A group operating plan must include procedures for how the group members will manage the following matters among themselves:
  - (a) ensuring that the group operating plan is working effectively:
  - (b) amending the group operating plan:
  - (c) managing risks to the group in relation to organic products and production, including managing the risks of non-compliance with the organic standard and addressing any non-compliance that does occur:
  - (d) meeting the record-keeping requirements in section 59 of the Act and subpart 3 of Part 4 of these regulations:

- (e) meeting any applicable obligations under the Act, secondary legislation made under it, or directions given under it to report to—
    - (i) the relevant Ministry or relevant chief executive; or
    - (ii) the group’s verifier or verifying agency:
  - (f) meeting the internal verification requirements in regulation 103, including—
    - (i) any competencies or skills related to carrying out internal verification that the group manager considers are necessary:
    - (ii) how operators carrying out internal verification will acquire or maintain those competencies or skills:
  - (g) whether and how group members are to report to each other:
  - (h) conflicts of interest:
  - (i) confidential information:
  - (j) disputes between members:
  - (k) removing and replacing the group manager:
  - (l) authorising the group manager to consent to new members joining the group:
  - (m) removing members from the group.
- (3) A supplementary notice may specify detailed requirements relating to—
- (a) key tasks relating to the plan; and
  - (b) any competencies or skills required of a person responsible for any key task.

### **37 Document control of group operating plans**

- (1) A group operating plan must specify—
- (a) the date it was prepared or last updated; and
  - (b) the date it was last reviewed by an evaluator; and
  - (c) a version number; and
  - (d) if required by supplementary notice, a unique identifier for the plan.
- (2) If a group operating plan is made up of more than 1 document,—
- (a) it must contain a list of all documents that make up the plan; and
  - (b) each document must contain the information required by subclause (1).
- (3) A supplementary notice may specify detailed requirements relating to unique identifiers for group operating plans.

*Amendments to group operating plans***38 Circumstances that require group operating plan to be amended**

- (1) A group manager must submit a proposal to the relevant chief executive to amend their group's group operating plan if any actual or proposed change, event, or other matter—
  - (a) means that the plan is no longer appropriate, or will no longer be appropriate, to the group covered by the plan; or
  - (b) introduces a new risk, or increases an existing risk, that the product of any member of the group will not comply with the organic standard; or
  - (c) otherwise affects, or is likely to affect,—
    - (i) whether a product of any member of the group will comply with the organic standard; or
    - (ii) whether any member of the group will comply with the Act, secondary legislation made under it, and directions given under it, relating to production of a product.
- (2) In particular, a group manager must submit a proposal to amend the group operating plan if—
  - (a) the group manager changes; or
  - (b) the membership of the group changes.

**39 Requirements for proposal to amend group operating plan**

- (1) A proposal to amend a group operating plan must—
  - (a) be made in writing in a manner approved by the relevant chief executive; and
  - (b) be accompanied by—
    - (i) the group operating plan, with the proposed amendments incorporated and clearly identified; and
    - (ii) a copy of an evaluation report completed no more than 6 months before the date of the proposal; and
    - (iii) any information relevant to the proposal that is specified in a supplementary notice.
- (2) The evaluation report required by subclause (1)(b)(ii)—
  - (a) must comply with regulation 10; but
  - (b) only needs to relate to the proposed amendments.
- (3) The group manager must submit the proposal to the relevant chief executive—
  - (a) without unnecessary delay; and
  - (b) if the manager knows of the change, event, or other matter in advance, before it occurs.

- (4) A supplementary notice may specify—
  - (a) information that is relevant to the proposal to amend a group operating plan; and
  - (b) detailed requirements relating to that information.

#### **40 Decision on proposed amendment to group operating plan**

- (1) The relevant chief executive must approve a proposal to amend a group operating plan if satisfied that the amended plan will comply with regulations 35 to 37.
- (2) If the relevant chief executive approves the proposal, they must, as soon as practicable,—
  - (a) notify the group manager in writing; and
  - (b) specify when and, if necessary, how the amendment takes effect; and
  - (c) give the group’s verifier or verifying agency a copy of the amendment (or, where appropriate, the relevant part of the plan that incorporates the amendment).
- (3) If the chief executive intends to refuse to approve a proposal, they must give the group manager—
  - (a) a notice that clearly sets out the reasons for their intended decision; and
  - (b) a reasonable opportunity to make written submissions or be heard in respect of the matter.
- (4) If the chief executive decides to refuse to approve a proposal, they must—
  - (a) notify the group manager in writing of their decision as soon as practicable; and
  - (b) give reasons for the decision.
- (5) An amendment to a group operating plan approved under this regulation takes effect,—
  - (a) in relation to an amendment that relates to a future change, event, or other matter, on the date or occasion specified by the relevant chief executive under subclause (2)(b); or
  - (b) in relation to any other kind of amendment approved under this regulation, on the date specified in the group operating plan.

#### **41 Other amendments to group operating plan**

- (1) A group manager may amend their group’s group operating plan if the amendment is of a kind that does not require a proposal under regulation 38.
- (2) An amendment made under this regulation takes effect on the date specified in the plan.

*Leaving group***42 Operator who leaves group must surrender approval**

- (1) If an operator approved subject to a condition that they remain a member of a group wishes to leave that group, or is removed from the group in accordance with the group's operating plan, the operator must—
  - (a) notify the group manager in writing; and
  - (b) notify the relevant chief executive under section 28 of the Act that they surrender their approval.
- (2) However, an operator that leaves a group is not required to surrender their approval if—
  - (a) they applied to join the group in accordance with regulation 6(1)(b)(ii) or 7(1)(b)(ii) (that is, they were approved as an operator before they joined the group); and
  - (b) they apply to the chief executive, and the chief executive agrees, to remove the condition that requires them to remain a member of that group.

**43 Operators must surrender approval if group membership drops below 3**

If the membership of a group of operators falls below 3 persons, any remaining members of the group must notify the relevant chief executive under section 28 of the Act that they surrender their approval as a member of a group of operators.

**Subpart 5—Tracing and recall****44 Operator must have tracing and recall procedures**

- (1) An operator must have procedures in place for—
  - (a) tracing the operator's products; and
  - (b) recalling the operator's products.
- (2) However, an operator approved solely in relation to a service referred to in section 15(4) of the Act is not required to have recall procedures.
- (3) An operator may choose to integrate its tracing and recall procedures with any procedures it keeps to comply with the record-keeping obligations in subpart 3 of Part 4.

**45 Tracing procedures**

An operator's tracing procedures must—

- (a) enable the operator to identify—

- (i) the person who was in control of the operator's products, or the ingredients used to make the operator's products, immediately before they were supplied to the operator; and
  - (ii) the person who was or is in control of the operator's products, or products derived from the operator's products, immediately after they were supplied by the operator (but not the final consumer); and
  - (iii) the location of the operator's products while they were under the control of the operator; and
- (b) be designed to enable a product to efficiently be recalled.

#### 46 Recall procedures

An operator's recall procedures must—

- (a) include criteria to be applied by the operator when deciding whether to recall any of the operator's products that do not, or no longer, comply with the relevant organic standard; and
- (b) set out how the operator will manage retrieval and reprocessing or disposal of any recalled product.

#### 47 Notification of recall

Without unnecessary delay and no later than 24 hours after the operator decides to recall any of the operator's products, the operator must notify the relevant chief executive or an organic products officer in writing of the following matters:

- (a) that they have decided to recall the products:
- (b) particulars of the products:
- (c) the reason for the recall.

#### 48 Simulations

- (1) An operator must carry out a simulation of a recall to test its tracing and recall procedures—
- (a) within 3 years (or any other time period prescribed in a supplementary notice) after the date they are first approved as an operator; and
  - (b) within 3 years (or any other time period prescribed in a supplementary notice) after the most recent simulated or genuine recall that was effective.
- (2) A genuine or simulated recall is **effective** if—
- (a) the proportion of the operator's products that were successfully recalled or simulated to be successfully recalled is at least the proportion prescribed by supplementary notice; and

- (b) the time taken (or simulated) to recall those products does not exceed the time prescribed by or determined under a supplementary notice.
- (3) If a simulated recall is not effective, the operator must repeat the following as many times as necessary until a simulation is effective:
  - (a) reviewing and updating its tracing and recall procedures:
  - (b) carrying out a further simulated recall.
- (4) A supplementary notice may specify detailed requirements relating to—
  - (a) the proportion referred to in subclause (2)(a); and
  - (b) the time referred to in subclause (2)(b) or how that time must be determined; and
  - (c) how the simulations must be performed.

## Part 2

### Recognised entities

#### 49 Interpretation

In this Part,—

**independent recognised person** means a recognised person who is recognised to carry out specified functions or duties without a condition that they be managed, employed, or engaged by a recognised agency

**managed recognised person** means a recognised person who is recognised to carry out specified functions or duties subject to a condition that they be managed, employed, or engaged by a recognised agency.

#### Subpart 1—Gaining recognition

#### 50 Functions and duties for recognition

- (1) The functions and duties that a recognised entity may be recognised for are as follows:
  - (a) carrying out verification (*see* the definition of verifier in section 6 of the Act);
  - (b) evaluating organic management plans, group operating plans, and amendments to those plans (*see* the definition of evaluator in regulation 3(1));
  - (c) managing groups of operators (*see* the definition of group manager in regulation 3(1));
  - (d) carrying out sampling (*see* the definition of sampler in regulation 3(1));
  - (e) any other function or duty that regulations under the Act specify must be carried out by a recognised entity.

- (2) However, only a natural person may be recognised to manage groups of operators.
- (3) A supplementary notice may prescribe qualifications or competencies required for carrying out specified functions or duties.

### *Pre-recognition assessments*

#### **51 Pre-recognition competency assessments**

- (1) A person applying to be a recognised agency or a recognised person must undergo an assessment of whether they are competent to carry out the specified functions or duties for which they seek recognition.
- (2) However, no assessment is required for a person applying to be recognised solely as a group manager (that is, to be recognised to manage groups of operators and no other functions or duties).
- (3) An assessment required under this regulation must—
  - (a) be carried out in accordance with any requirements in a supplementary notice; and
  - (b) include an assessment of whether the person has any competencies prescribed (by supplementary notice under regulation 50) for those functions or duties.
- (4) A report must be prepared for the assessment.
- (5) A supplementary notice may specify detailed requirements relating to—
  - (a) who must conduct the assessment and prepare the report; and
  - (b) when and how the assessment is to be carried out; and
  - (c) the form and content of the report.

### *Applying to be recognised agency*

#### **52 Information required in application to be recognised agency**

- (1) A person applying to be a recognised agency must provide the relevant chief executive with the following information:
  - (a) the person's identifying information;
  - (b) details of the functions and duties for which recognition is sought;
  - (c) evidence of either or both of the following:
    - (i) that the person is accredited under regulation 61 and has in place operating procedures that comply with regulation 62;
    - (ii) that the person has in place a quality management system that complies with regulation 63;
  - (d) evidence that the person is able to comply with that quality management system or those operating procedures, or both (as the case may be):

- (e) evidence that the person is able to comply with the duties in section 42 of the Act:
  - (f) the name of the individual or individuals responsible for ensuring compliance with—
    - (i) section 42(2) of the Act; and
    - (ii) the quality management system or operating procedures, or both (as the case may be):
  - (g) whether the person has been convicted of a specified offence and, if so, details of the conviction:
  - (h) if the person is a body corporate, whether a director or manager of the body corporate has been convicted of a specified offence and, if so, details of the conviction:
  - (i) the report of any competency assessment required by regulation 51.
- (2) The person must provide evidence of the matter in subclause (1)(c)(i) if regulation 61 requires them to be accredited.

### **53 Considering application to be recognised agency**

A relevant chief executive considering an application by a person to be a recognised agency must, when ascertaining the matters in section 31(2)(b) of the Act, take into account the following matters:

- (a) the person's ability to comply with the duties in—
  - (i) section 42 of the Act; and
  - (ii) regulation 59:
- (b) whether the person has been convicted of a specified offence:
- (c) any evidence that the chief executive is satisfied shows that the person has breached a duty in section 42 of the Act:
- (d) if the person is a body corporate,—
  - (i) whether a director or manager of the body corporate has been convicted of a specified office; and
  - (ii) any evidence that the chief executive is satisfied shows that a director or manager breached a duty in section 42 of the Act:
- (e) the report of any competency assessment required by regulation 51.

#### *Applying to be recognised person*

### **54 Information required in application to be recognised person**

- (1) A natural person applying to be a recognised person must provide the relevant chief executive with the following information:
- (a) the person's identifying information:

- (b) details of the specified functions and duties for which recognition is sought:
  - (c) whether the person seeks recognition as an independent recognised person or managed recognised person:
  - (d) evidence—
    - (i) that the person holds any required qualifications, competencies, or skills specified in a supplementary notice under regulation 50; or
    - (ii) of any other relevant qualification, competency, or skill:
  - (e) evidence that demonstrates the person has knowledge and understanding of the regulatory requirements that apply to recognised persons, including the role of the relevant chief executive and organic products officers:
  - (f) evidence that demonstrates the person has knowledge and understanding of the specified functions and duties for which recognition is sought:
  - (g) whether the person has been convicted of a specified offence and, if so, details of the conviction:
  - (h) the report of any competency assessment required by regulation 51.
- (2) A person seeking to be an independent recognised person must also provide—
- (a) evidence of either or both of the following:
    - (i) that the person is accredited under regulation 61 and has in place operating procedures that comply with regulation 62:
    - (ii) that the person has in place a quality management system that complies with regulation 63; and
  - (b) evidence that the person is able to comply with that quality management system or those operating procedures (as the case may be).
- (3) However, subclause (2) does not apply to a person seeking to be recognised solely as a group manager.
- (4) A person seeking to be a managed recognised person must also provide—
- (a) the name of the relevant recognised agency; and
  - (b) evidence of whether the person has training or experience in following the relevant recognised agency's quality management system or standard operating procedures (as the case may be).
- (5) The person must apply in the form prescribed by the relevant chief executive.

## **55 Considering application to be recognised person**

- (1) A relevant chief executive considering an application for a natural person to be a recognised person must, when ascertaining the matters in section 32(2)(b) of the Act, take into account the following matters:
- (a) whether the person has a qualification or competency—

- (i) specified in a supplementary notice under regulation 50 as required for the specified functions or duties for which they seek recognition; or
  - (ii) approved by the chief executive under subclause (5):
  - (b) whether the person will have adequate systems in place to comply with the duties in section 42(1) of the Act:
  - (c) whether the person has knowledge and understanding of the regulatory requirements that apply to recognised persons, including the role of the relevant chief executive and organic products officers:
  - (d) whether the person has knowledge and understanding of the specified functions and duties for which they seek recognition:
  - (e) whether the person has been convicted of a specified offence:
  - (f) any evidence the chief executive is satisfied shows that the person committed repeated breaches, or a serious breach, of the duties in section 42 of the Act:
  - (g) the report of any competency assessment required by regulation 51.
- (2) If the person is applying to be an independent recognised person, the chief executive must also take into account the person's ability to comply with regulation 59.
- (3) However, subclause (2) does not apply in relation to a person seeking to be recognised solely as a group manager.
- (4) If the person is applying to be a managed recognised person, the chief executive must also take into account whether the person has training or experience in following the relevant recognised agency's quality management system or standard operating procedures (as the case may be).
- (5) The chief executive may approve, for 1 or more named persons, an alternative qualification or competency if the chief executive is satisfied that it is at least equivalent to the qualification or competency prescribed for the relevant functions or duties in a supplementary notice under regulation 50.

*Applying to be recognised class*

**56 Information required in application for recognised class**

- (1) A person applying for a class of natural persons to be a recognised class must provide the relevant chief executive with the following information:
- (a) the person's identifying information:
  - (b) evidence of the matters in section 33(2)(a) or (b) of the Act:
  - (c) details of the functions and duties that the person is seeking the class be recognised for:
  - (d) the name and contact details of each member in the class:

- (e) details of the matters in regulation 57(b) and (c).
- (2) The person must apply in the form prescribed by the relevant chief executive.
- (3) A supplementary notice may specify detailed requirements relating to the evidence required by subclause (1)(b).

### **57 Considering application for recognised class**

A relevant chief executive considering an application for a class of natural persons to be a recognised class must, in addition to the matters in section 33(4)(a) to (c) of the Act, take into account the following matters:

- (a) the degree to which members of the class share common characteristics:
- (b) whether the class is supervised or regulated by a professional or regulatory body:
- (c) whether the class is subject to a code of ethics or similar professional standards to which members must adhere:
- (d) whether the members of the class, as a whole, are likely to—
  - (i) have adequate systems in place to comply with the duties in section 42(1) of the Act; and
  - (ii) have knowledge and understanding of the regulatory requirements that apply to recognised persons, including the role of the relevant chief executive and organic products officers; and
  - (iii) have knowledge and understanding of the specified functions and duties for which the class is seeking recognition.

### **58 Process for proposing to refuse recognition**

- (1) This regulation sets out the process that must be followed under section 51 of the Act if a relevant chief executive proposes to do any of the following:
  - (a) refuse a person's application to be a recognised agency:
  - (b) refuse a person's application to be a recognised person:
  - (c) refuse a person's application to recognise a class of persons.
- (2) The relevant chief executive must—
  - (a) notify the person who made the application of the proposed refusal and the reasons for it; and
  - (b) specify a time by which they may provide a response to the proposed refusal; and
  - (c) consider any response received by the specified time.
- (3) The time specified under subclause (2)(b) must provide the person with a reasonable opportunity to respond and have any response considered.
- (4) If the chief executive decides to refuse recognition, they must notify the person of that decision and the reasons for it.

## Subpart 2—Maintaining, renewing, and ceasing recognition

### *Maintaining recognition*

#### **59 Requirements for recognised agency or independent recognised person to maintain recognition**

- (1) To maintain recognition, a recognised agency or independent recognised person must—
  - (a) do either or both of the following:
    - (i) hold accreditation under regulation 61 and have in place operating procedures that comply with regulation 62;
    - (ii) have in place a quality management system that complies with regulation 63; and
  - (b) continue to comply with that quality management system or those operating procedures (as the case may be); and
  - (c) undergo—
    - (i) competency assessments as required under regulation 64; and
    - (ii) any additional competency assessment directed by the relevant chief executive under regulation 65; and
  - (d) comply with any applicable professional development requirements under regulation 66.
- (2) A recognised agency or independent recognised person must hold accreditation and have in place operating procedures if a supplementary notice under regulation 61 requires them to be accredited.
- (3) However, this regulation does not apply to an independent recognised person recognised solely as a group manager.

#### **60 Requirements for managed recognised person to maintain recognition**

To maintain recognition, a managed recognised person must—

- (a) undergo—
  - (i) competency assessments as required under regulation 64; and
  - (ii) any additional competency assessment directed by the relevant chief executive under regulation 65; and
- (b) comply with any applicable professional development requirements under regulation 66.

#### **61 Accreditation**

- (1) The following persons must hold accreditation with an accreditation body if any specified functions or duties for which they are recognised or seek

recognition are functions or persons for which accreditation is required by supplementary notice:

- (a) a recognised agency:
  - (b) an independent recognised person:
  - (c) a person applying to be a recognised agency or an independent recognised person.
- (2) A person required to hold accreditation must hold it to a standard specified in a supplementary notice.
- (3) A supplementary notice may specify—
- (a) the specified functions or duties for which accreditation is required; and
  - (b) the applicable accreditation standard that applies to a function or duty; and
  - (c) requirements for who may act as an accreditation body.
- (4) However, a person recognised solely as a group manager is not required to hold accreditation.

## **62 Operating procedures**

- (1) Operating procedures of a recognised agency or independent recognised person must be in writing and contain procedures for the following:
- (a) how the agency or person is to carry out its specified functions and duties:
  - (b) maintaining an appropriate degree of independence and impartiality:
  - (c) managing confidential information:
  - (d) managing conflicts of interests:
  - (e) managing contractual relationships:
  - (f) managing complaints and disputes:
  - (g) maintaining competencies:
  - (h) meeting the reporting requirements set out in subpart 3 and any directions given under the Act:
  - (i) meeting the record-keeping requirements set out in section 59 of the Act and subpart 3 of Part 4 of these regulations:
  - (j) identifying, reviewing, and rectifying any non-compliance within the agency or by the person:
  - (k) in the case of a recognised agency,—
    - (i) managing recognised persons; and
    - (ii) ensuring that it has adequate resources:
  - (l) reviewing and, if necessary, updating the procedures required by paragraphs (a) to (k).

- (2) Operating procedures of a recognised agency must specify the name, or name and position, of the individual responsible for managing any key task.
- (3) A supplementary notice may specify—
  - (a) quality standards and other detailed requirements for the procedures required by this regulation; and
  - (b) detailed requirements for the purposes of subclause (2).
- (4) In this regulation, **key task** means any activity required to maintain recognition under regulation 59.

### **63 Procedures for quality management systems**

- (1) A quality management system of a recognised agency or independent recognised person must be in writing and contain procedures for the following:
  - (a) the matters that must be included in operating procedures under regulation 62:
  - (b) monitoring and reviewing—
    - (i) how the entity performs its specified functions and duties; and
    - (ii) in the case of a recognised agency, how any recognised persons that the agency manages perform their specified functions and duties:
  - (c) reviewing and, if necessary, updating the procedures required by paragraph (b).
- (2) A supplementary notice may specify quality standards and other detailed requirements for the procedures required by this regulation.

### *Competency assessments*

### **64 Regular competency assessments**

- (1) A recognised agency or recognised person must undergo assessments of whether they are competent to carry out the specified functions and duties for which they are recognised at a frequency specified by supplementary notice.
- (2) However, no assessment is required—
  - (a) for a recognised person that is recognised only as a group manager; or
  - (b) for any other person in the circumstances specified in a supplementary notice.
- (3) An assessment required by this regulation must—
  - (a) be carried out in accordance with any requirements in a supplementary notice; and
  - (b) include an assessment of whether the person has any competencies prescribed (by supplementary notice under regulation 50) for those functions or duties.

- (4) A report must be prepared for each assessment.
- (5) A supplementary notice may specify detailed requirements relating to—
  - (a) who must conduct the assessment and prepare the report; and
  - (b) when and how the assessment is to be carried out; and
  - (c) any circumstances in which a competency assessment is not required; and
  - (d) the form and content of the report on the assessment; and
  - (e) providing a copy of the report to the relevant chief executive.

#### **65 Relevant chief executive may direct additional competency assessment**

- (1) The relevant chief executive may direct a recognised entity to undergo an additional assessment of whether they are competent to carry out the specified functions or duties for which they are recognised.
- (2) However, no assessment may be directed for a person that is recognised only as a group manager.
- (3) An assessment directed under this regulation must include an assessment of whether the person has any competencies prescribed (by supplementary notice under regulation 50) for those functions or duties.
- (4) The chief executive may only direct an additional competency assessment if the chief executive has reasonable grounds to believe that the person may not be competent to carry out the specified functions or duties for which they are recognised.
- (5) A report must be prepared for each assessment.
- (6) The chief executive may direct requirements relating to—
  - (a) who must conduct the assessment and prepare the report; and
  - (b) when and how the assessment is to be carried out; and
  - (c) any circumstances in which a competency assessment is not required; and
  - (d) the form and content of the report on the assessment; and
  - (e) providing a copy of the report to the relevant chief executive.

#### **66 Professional development requirements**

- (1) A recognised agency must ensure that any managed recognised person it manages, employs, or engages complies with any applicable ongoing professional development requirements specified by supplementary notice.
- (2) An independent recognised person must comply with any applicable ongoing professional development requirements specified by supplementary notice.

- (3) A supplementary notice may specify requirements for ongoing professional development to ensure that recognised persons keep up to date with best practice for the performance of their specified function and duties.
- (4) However, this regulation does not apply in relation to a person recognised solely as a group manager.

#### *Renewing recognition*

### **67 Recognition continues while application for renewal determined**

- (1) An application for renewal of recognition under section 46 of the Act by a recognised agency, recognised person, or person on behalf of a recognised class—
  - (a) may be made to the relevant chief executive at any time before recognition expires; and
  - (b) must contain the information required by regulation 68; and
  - (c) must be made in the form approved by the chief executive.
- (2) If a recognised agency or recognised person applies for renewal in accordance with subclause (1), the recognition of that agency or person continues to have effect until the chief executive notifies the agency or person of their decision on the application.
- (3) If a person applies to renew recognition of a recognised class in accordance with subclause (1), the recognition of that class continues to have effect until the chief executive gives notice on the relevant Ministry's internet site of their decision on the application.

### **68 Information required in application for renewal of recognition**

#### *Information required for recognised agency*

- (1) A recognised agency applying to renew its recognition must provide the relevant chief executive with—
  - (a) the information required by regulation 52(1)(a) to (h) and (2); and
  - (b) the agency's most recent competency assessment report.

#### *Information required for recognised person*

- (2) A recognised person applying to renew their recognition must provide the chief executive with—
  - (a) the information required by regulation 54(1)(a) to (g), (2), and (4); and
  - (b) the person's most recent competency assessment report (if any); and
  - (c) evidence of whether the person has complied with any applicable professional development requirements under regulation 66.

*Agency or person not required to re-supply certain information*

- (3) However, a recognised agency or recognised person is not required to supply information required by regulation 52(1)(a) to (h) and (2) or 54(1)(a) to (g), (2), and (4) (as the case may be) if—
- (a) that information has not changed since the agency or person supplied it in its application for recognition; and
  - (b) the application for renewal includes a statement to that effect.

*Information required for recognised class*

- (4) A person applying to renew recognition of a recognised class of persons must provide the chief executive with the information required by regulation 56.

**69 Considering application to renew recognition***Considering application of recognised agency*

- (1) A relevant chief executive considering an application to renew recognition of a recognised agency must take into account—
- (a) the matters in regulation 53(a) to (d); and
  - (b) the agency's most recent competency assessment report.

*Considering application of recognised person*

- (2) A chief executive considering an application to renew recognition of a recognised person must take into account—
- (a) the matters in regulation 55(1)(a) to (f), (2), and (4); and
  - (b) the person's most recent competency assessment report (if any); and
  - (c) whether the person has complied with any applicable professional development requirements under regulation 66.

*Considering application on behalf of recognised class*

- (3) A chief executive considering an application to renew recognition of a recognised class must, in addition to the matters in section 33(4)(a) to (c) of the Act, take into account the matters in regulation 56.

*Refusing to renew recognition***70 Refusing to renew recognition**

- (1) Subclause (2) sets out the process that must be followed under section 51 of the Act if a relevant chief executive proposes to refuse to renew the recognition of a recognised entity.
- (2) The chief executive must—
- (a) notify the recognised entity of the proposed refusal and the reasons for it; and

- (b) specify a time by which the entity may provide a response to the proposed decision; and
  - (c) consider any response received by the specified time.
- (3) The time specified under subclause (2)(b) must provide the entity with a reasonable opportunity to respond and have any responses considered.
- (4) If the chief executive decides to refuse renewal of a recognised agency or recognised person, they must—
  - (a) notify the agency or person of the decision and the reasons for it; and
  - (b) if the refusal relates to a managed recognised person, also notify the recognised agency that manages, employs, or engages that person of the decision and the reasons for it.
- (5) If the chief executive decides to refuse renewal of a recognised class, they must notify the recognised class of the decision and the reasons for it on the relevant Ministry's internet site.

#### **71 Entities must notify operators if renewal refused**

- (1) If a recognised agency or an independent recognised person is refused renewal, they must, as soon as practicable after receiving the notice under regulation 70(4)(a), notify in writing any operator they were responsible for overseeing that they are longer recognised.
- (2) If a managed recognised person is refused renewal, the recognised agency that manages, employs, or engages that person must, as soon as practicable after receiving the notice under regulation 70(4)(b), notify in writing any operator the managed recognised person was responsible for overseeing that the person is no longer recognised.
- (3) If the person who was refused renewal was a group manager, the notices under subclauses (1) and (2) must be provided to all members of any group managed by that group manager.

#### *Suspending recognition*

#### **72 Criteria for suspending recognition**

- (1) The prescribed criteria for suspending recognition under section 48(1)(b) of the Act is a failure of a recognised agency, recognised person, or a significant proportion of a recognised class to be a fit and proper person and competent to carry out the specified functions and duties for which they are recognised.

#### *Suspending recognition of recognised agency*

- (2) In determining whether a recognised agency has failed to meet the prescribed criteria, the relevant chief executive must take into account the matters in regulation 53.

*Suspending recognition of recognised person*

- (3) In determining whether a recognised person has failed to meet the prescribed criteria, the chief executive must take into account the matters in regulation 55.

*Suspending recognition of recognised class*

- (4) In determining whether a member of a recognised class has failed to meet the prescribed criteria, the chief executive must take into account the matters in regulation 57 in relation to that member.

**73 Notifying suspension**

In addition to the matters in section 48(3)(b)(i) to (iii) of the Act, the notice of suspension to the persons in section 48(3)(a) of the Act must also specify—

- (a) the date that the suspension begins; and
- (b) any conditions or further conditions imposed under section 48(2)(a) of the Act; and
- (c) any corrective actions required under section 48(2)(b) of the Act.

*Changing conditions of recognition, withdrawing recognition***74 Changing conditions of recognition or withdrawing recognition**

- (1) Subclause (2) sets out the process that must be followed under section 51 of the Act if a relevant chief executive proposes to do either of the following after recognising an entity:
- (a) impose or vary a condition of recognition:
  - (b) withdraw recognition (in whole or in part).
- (2) The chief executive must—
- (a) notify the recognised entity of the proposed decision and the reasons for it; and
  - (b) specify a time by which the recognised entity may provide a response to the proposed decision, which must provide the entity with a reasonable opportunity to respond and have their response considered; and
  - (c) consider any response received by the specified time.
- (3) If the chief executive decides to impose or vary a condition of recognition, they must notify the entity of—
- (a) the decision and the reason for it; and
  - (b) the date the new or varied condition takes effect.
- (4) If the chief executive decides to withdraw recognition (in whole or in part), they must notify the entity of—
- (a) the decision and the reason for it; and
  - (b) the date the withdrawal takes effect.

- (5) The chief executive must notify a recognised class of persons of a decision under subclause (3) or (4) on the relevant Ministry's internet site.

### Subpart 3—Reporting requirements

#### **75 Reports if prevented from carrying out functions and duties**

- (1) A recognised agency must report to the relevant chief executive if the agency, or a managed recognised person managed, employed, or engaged by the agency, is prevented by an operator from carrying out their specified functions or duties.
- (2) An independent recognised person or a member of a recognised class must report to the relevant chief executive if they are prevented by an operator from carrying out their specified functions or duties.
- (3) A report required by this regulation—
  - (a) must be made as soon as practicable after the relevant person is prevented from carrying out their specified functions or duties; and
  - (b) must include any actions that the person making the report recommends that the chief executive take.

#### **76 Reports on other matters**

- (1) A recognised agency or an independent recognised person who holds accreditation must report to the relevant chief executive on any matter or information that may affect their accreditation status within 1 working day after becoming aware of that matter or information.
- (2) A recognised agency, an independent recognised person, or a member of a recognised class must report to the relevant chief executive if they are to cease to operate as soon as reasonably practicable, but within 5 working days after ceasing to operate.
- (3) A recognised agency or an independent recognised person must report to the relevant chief executive any non-compliance in relation to their activities that is likely to affect the integrity or effectiveness of the service they provide within 1 working day after becoming aware of the non-compliance.
- (4) A recognised agency must report to the relevant chief executive if any managed recognised person managed, employed, or engaged by them ceases to be managed, employed, or engaged by them within 5 working days after becoming aware of the matter.
- (5) A recognised agency must report to the relevant chief executive any matter that the agency considers brings into question the ability of a managed recognised person managed, employed, or engaged by the agency to continue to be a fit and proper person under section 32 of the Act or capable of carrying out their specified functions and duties within 1 working day after coming to that view.

- (6) A member of a recognised class must report to the relevant chief executive any non-compliance in relation to the member's activities that is likely to affect the integrity or effectiveness of the service provided within 1 working day after the member becomes aware of the matter.
- (7) A person reporting to the chief executive in accordance with subclause (1), (3), or (6) must also notify the chief executive, within 5 working days after the original notice, of the corrective action that the person will take.
- (8) A recognised agency or an independent recognised person reporting to the chief executive under this regulation must, on the request of the chief executive and within the time frame specified in that request, provide additional information in relation to the performance of its specified functions and duties.

### **Part 3**

#### **Verification**

##### Subpart 1—General verification requirements

#### **77 Operators subject to verification**

An operator is subject to the verification requirements set out in this Part.

#### **78 Verification must be done by verifier or verifying agency**

Verification under this Part must be carried out by a verifier or verifying agency, except as provided in regulation 103.

#### **79 Subject matter and conduct of verification**

- (1) The following matters may be verified in accordance with this Part:
  - (a) the operator's product:
  - (b) a product described as organic that is subject to relevant export requirements:
  - (c) the operator's organic management plan:
  - (d) the services of any relevant service provider:
  - (e) if the operator is approved as one of a group of operators, the group operating plan:
  - (f) the operator's compliance with the Act, secondary legislation made under it, and directions given under it.
- (2) The verifier or verifying agency must carry out verification in accordance with any requirements specified in a supplementary notice.
- (3) A supplementary notice may specify detailed requirements relating to—
  - (a) the matters that a verifier or verifying agency must consider when carrying out a verification of the matters specified in subclause (1); and

(b) the manner in which verification must be carried out.

**80 Restriction on verification of organic management plan by previous evaluator**

A verifier must not verify an organic management plan that they previously evaluated, or for which they evaluated an amendment proposed in accordance with regulation 29, for a period of 2 years after the date of the evaluation, unless the relevant chief executive agrees otherwise in writing.

**81 Operator must pay verification costs**

An operator must pay the costs of verification.

Subpart 2—Timing and frequency of verification

*Initial and subsequent verification*

**82 Timing of initial verification**

An operator must ensure that initial verification is carried out within 12 months after they are approved as an operator, unless regulation 86 applies to the operator.

**83 Timing of subsequent verification**

The time for beginning any verification subsequent to the initial verification is calculated from the date on which the initial verification begins.

**84 Frequency of subsequent verification**

- (1) After initial verification, an operator must ensure that subsequent verifications are carried out at the frequencies specified in this regulation,—
- (a) unless the operator is subject to internal verification (*see* regulations 85 and 103); or
  - (b) unless regulation 86 applies to the operator; or
  - (c) except as modified by regulation 92 in relation to verification carried out under that regulation.
- (2) The following table sets out the frequencies at which verification is to be carried out:

Steps	Frequency of verification
1	6 months
2	12 months
3	24 months
4	36 months

*Starting frequency*

- (3) If an initial verification results in an unacceptable outcome, then subsequent verifications must be carried out at step 1.

- (4) If an initial verification results in an acceptable outcome, then subsequent verifications must be carried out at step 2.

*Effect of 2 consecutive acceptable outcomes*

- (5) If 2 consecutive verifications result in an acceptable outcome each time (regardless of whether the verifications are initial, subsequent, or unscheduled), the frequency of verification changes,—
- (a) for an operator at step 1, to step 2:
  - (b) for an operator at step 2, to step 3:
  - (c) for an operator at step 3, to step 4.

*Effect of unacceptable outcome*

- (6) If a subsequent or an unscheduled verification results in an unacceptable outcome, the verifier or verifying agency—
- (a) may increase the frequency of verification to a step that they consider appropriate; and
  - (b) before doing so, must take into account—
    - (i) the nature of any corrective action required under regulation 98 or 99; and
    - (ii) the complexity of the organic management plan and the activities and services to which it relates; and
    - (iii) the complexity of the overall business operations of the operator, including whether products that are not described as organic are also produced on the same site; and
    - (iv) the conduct of the operator; and
    - (v) the history of the operator’s compliance with the Act, secondary legislation made under it, and directions given under it, that relate to the product.

**85 Frequency of subsequent verification for operators subject to internal verification**

- (1) An operator subject to internal verification must ensure that subsequent verifications begin—
- (a) within 5 years of an initial verification; and
  - (b) every 5 years after that.
- (2) To avoid doubt, an operator subject to internal verification must complete internal verification in addition to the subsequent verifications described in subclause (1).

**86 Initial and subsequent verification for operators approved to export product described as organic, etc**

- (1) This regulation applies if an operator is approved—

- (a) to export a product described as organic;
  - (b) to sell or market a product described as organic and that is compliant with the relevant export requirements.
- (2) The operator must ensure that initial verification is carried out before the earlier of the following (as applicable):
  - (a) the date that is 6 months after they are approved as an operator; or
  - (b) the date that the operator first exports a product described as organic.
- (3) After initial verification, the operator must ensure that the next subsequent verification begins within 6 months after the date on which the initial verification began.
- (4) If 2 consecutive verifications result in an acceptable outcome each time (regardless of whether the verifications are initial, subsequent, or unscheduled), the frequency of verification changes to every 12 months.
- (5) If any verification results in an unacceptable outcome,—
  - (a) the next subsequent verification must begin within 6 months; and
  - (b) the frequency of verification is every 6 months until 2 consecutive verifications result in an acceptable outcome.

#### *Variations to frequency*

#### **87 Operator may request more frequent verifications**

Verifications may, at the request of an operator or a group of operators, be carried out more frequently than is required by regulations 84 to 86.

#### **88 Relevant chief executive may vary verification frequency**

- (1) The relevant chief executive may vary the time frame for the initial verification specified in regulation 82, or vary the subsequent verification frequency specified in regulation 84, 85, or 86, in the following circumstances:
  - (a) it is likely that the operator's product will not comply with the organic standard or any relevant export requirements;
  - (b) there has been a critical non-compliance by the operator;
  - (c) the operator's repeated or ongoing non-compliance with the Act, secondary legislation made under it, or directions given under it;
  - (d) the relevant chief executive considers that the verification frequency is not appropriate due to the nature of the operator's overall business operations;
  - (e) the relevant chief executive lacks confidence that the product will continue to comply with the organic standard or any relevant export requirements on the basis of information provided as part of an operator's application for approval.

- (2) If the relevant chief executive varies the time frame for the initial verification, or varies the subsequent verification frequency, the frequency of the next subsequent verification must be determined in accordance with regulation 84, 85, or 86 (as applicable).

### **89 Variation to verification frequency for group operators**

- (1) In addition to the circumstances specified in regulation 88(1), the relevant chief executive may vary the time frame or frequency of verification from that specified in regulation 85 for each operator approved as one of a group of operators in the following circumstances:
  - (a) an operator in the group is approved to export a product described as organic:
  - (b) an operator in the group is approved to sell or market a product described as organic and that is compliant with relevant export requirements:
  - (c) an operator in the group is engaged in parallel production or split production (within the meaning of regulation 3(1)):
  - (d) the nature of the business operations of an operator in the group increases the risk that the operator's product will fail to comply with the organic standard.
- (2) Before varying the time frame or frequency of verification in relation to a group of operators under subclause (1), the relevant chief executive must take into account the matters specified in regulation 84(6)(b).

### **90 Relevant chief executive may vary verification dates**

The relevant chief executive may, in respect of a particular operator, or a group of operators, vary the time frame for verification calculated under regulation 84, 85, or 86 if matters outside the operator's control mean that the verifier or verifying agency has not been able to carry out verification within that time frame.

#### *Unscheduled verification*

### **91 Unscheduled verification**

- (1) The relevant chief executive may require a verifier or verifying agency to carry out an unscheduled verification of an operator (including an operator approved as one of a group of operators) on any of the following grounds:
  - (a) it is likely that the operator's product does not comply with the organic standard or any relevant export requirements:
  - (b) if the operator's product is, or is intermixed or processed with, a product or a class of product imported from an overseas organic products regime and described as organic, the imported product may not comply with—

- (i) a notice issued under section 143(1) of the Act giving the approval described in section 62 of the Act; or
    - (ii) an organic standard, to the extent that is practicable given that the product was not produced or processed in New Zealand:
  - (c) if the operator is approved to export products described as organic, or to sell or market products described as organic and compliant with relevant export requirements, unscheduled verification is necessary to meet any overseas market access requirements specified under section 63 of the Act by notice issued under section 143(1) of the Act.
- (2) The chief executive may determine that 1 or more of the grounds specified in subclause (1) are met because of—
- (a) changes to the labelling of the product that affect whether the product is described as organic:
  - (b) any information that the chief executive considers is reasonable grounds for suspecting that the operator is not complying with the Act, secondary legislation made under it, or directions given under it:
  - (c) any other factors the relevant chief executive considers relevant.
- (3) The chief executive—
- (a) must, in writing, advise the responsible verifier or verifying agency of their reasons for requiring an unscheduled verification by reference to subclauses (1) and (2); and
  - (b) may specify the time frame for carrying out the verification; and
  - (c) must set the minimum notice period, which must be not less than 24 hours, that the verifier or verifying agency must give to the operator of the unscheduled verification.
- (4) The verifier or verifying agency must—
- (a) give notice to the operator as specified in subclause (3)(c); and
  - (b) carry out a verification of the operator—
    - (i) as soon as practicable after receiving the relevant chief executive’s advice; or
    - (ii) within the time frame (if any) specified by the relevant chief executive; and
  - (c) comply with any detailed requirements specified in the supplementary notice in relation to unscheduled verification.
- (5) A supplementary notice may specify detailed requirements relating to the obligations of the verifier or verifying agency carrying out unscheduled verification.

*Verification of multi-site organic management plan***92 Verification of multi-site organic management plan**

- (1) In this regulation, **multi-site organic management plan** means an organic management plan that relates to operations operating out of more than 1 site or premises.
- (2) Verification of a multi-site organic management plan must be carried out—
  - (a) in relation to the proportion of sites required to be verified by supplementary notice; and
  - (b) in accordance with any other requirements specified in a supplementary notice.
- (3) For the purposes of any subsequent verification of a multi-site organic management plan,—
  - (a) the verifier or verifying agency may treat the verification outcome of 1 or more sites as applying to all sites that are subject to the plan; and
  - (b) the verifier or verifying agency may have a different verification scope for each site.
- (4) The relevant chief executive may, in respect of a particular multi-site organic management plan,—
  - (a) decide which sites must be verified generally or on any particular occasion; and
  - (b) vary the proportion of sites that must be verified generally or on any particular occasion from that specified in the supplementary notice.
- (5) A supplementary notice may specify detailed requirements relating to verification of a multi-site organic management plan.

**Subpart 3—Scope and outcome of verification****93 Verifier must advise operator of scope of verification**

- (1) A verifier or verifying agency must advise the operator of the scope of the verification at the beginning of each verification.
- (2) However, the verifier or verifying agency is not restricted to the planned scope during a verification if they consider during the verification that the scope should be expanded.
- (3) A supplementary notice may specify detailed requirements relating to the scope of verification.

**94 Verification outcome**

A verifier or verifying agency must,—

- (a) as soon as is reasonably practicable after completing the verification,—

- (i) assign an outcome to the verification in accordance with regulation 95; and
- (ii) advise the operator of the main findings of the verification; and
- (b) within 5 working days after completing the verification, provide an interim report to the operator setting out the verification outcome and reasons for it; and
- (c) within 20 working days after completing the verification, provide a written report to the operator in accordance with regulation 96.

### 95 Acceptable or unacceptable outcome

- (1) The verifier or verifying agency must assign an **acceptable outcome** for the verification if satisfied that—
  - (a) all of the grounds specified in subclause (2) that are relevant to the verification are met; and
  - (b) the verifier or verifying agency is not required to assign an unacceptable outcome for the verification under subclause (3).
- (2) The grounds are as follows:
  - (a) in relation to verification of the operator's product, the product substantially complies with the organic standard applying to it;
  - (b) in relation to verification of a product described as organic that is subject to relevant export requirements, the product complies with the relevant export requirements;
  - (c) in relation to verification of the operator's organic management plan,—
    - (i) the plan is appropriate to the activities and services identified in the plan; and
    - (ii) the plan is effective to achieve the main purpose of organic management plans;
  - (d) the operator is complying with the Act, secondary legislation made under it, and directions given under it.
- (3) The verifier or verifying agency must assign an **unacceptable outcome** for the verification if—
  - (a) 1 or more of the grounds specified in subclause (2) that are relevant to the verification are not met; or
  - (b) the verifier or verifying agency does not have confidence in the operator due to—
    - (i) the operator's non-compliance with the Act, secondary legislation made under it, or directions given under it; or
    - (ii) 1 or more incidents of critical non-compliance; or

- (iii) the extent to which records that the operator is required to keep under section 59(1) of the Act are absent, incomplete, or altered.
- (4) For the purposes of subclause (3)(b)(i), the verifier or verifying agency must consider whether any corrective action has been, or is being, carried out appropriately.
- (5) After deciding to assign an unacceptable outcome for a verification, a verifier or verifying agency must, without unnecessary delay, give written notice to the relevant chief executive of that decision.
- (6) In assigning an acceptable outcome or an unacceptable outcome, the verifier or verifying agency must consider the matters specified in a supplementary notice.
- (7) A supplementary notice may specify detailed requirements relating to matters that a verifier or verifying agency must consider before assigning—
  - (a) an acceptable outcome in accordance with subclauses (1) and (2); or
  - (b) an unacceptable outcome in accordance with subclause (3).

## **96 Verification report**

- (1) The verification report provided under regulation 94(c) must include all of the following:
  - (a) the name of the verifier or verifying agency that carried out the verification:
  - (b) the operator's identifying information:
  - (c) the physical address of each site at which the verification was carried out:
  - (d) the date of the verification and the date of the report:
  - (e) the date the interim report was provided under regulation 94(b):
  - (f) the type of verification, including whether it was an initial, subsequent, or unscheduled verification:
  - (g) the scope of the verification:
  - (h) the methods, procedures, tests, and other checks applied during the verification, and the results of those checks:
  - (i) the verification outcome assigned under regulation 95 and, in the case of an unacceptable outcome, the reason for that outcome:
  - (j) any change to the verification frequency applying to the operator as a result of the outcome (unless the operator is approved as one of a group of operators):
  - (k) details of any non-compliance identified:
  - (l) details of any matter that the verifier or verifying agency considers could become a non-compliance if not addressed:

- (m) if the operator has determined an appropriate corrective action to be carried out,—
    - (i) details of that corrective action; and
    - (ii) the time frame in which the corrective action must be carried out:
  - (n) details of any failure of the operator to comply with their duties under section 23 of the Act:
  - (o) the date by which the next subsequent verification is due:
  - (p) any other information required by supplementary notice.
- (2) A supplementary notice may specify further information that must be included in a verification report.

### **97 Report to relevant chief executive**

- (1) The verifier or verifying agency must report to the relevant chief executive, as soon as practicable following completion of the verification (including any corrective action),—
- (a) the verification outcome assigned under regulation 95; and
  - (b) any change to the verification frequency applying to the operator as a result of the outcome.
- (2) A verifier or verifying agency must report to the chief executive as soon as practicable—
- (a) if the operator fails to carry out a corrective action within the specified period of time:
  - (b) any critical non-compliance identified in a verification:
  - (c) any action that the verifier or verifying agency recommends that the relevant chief executive should take.
- (3) A verifier or verifying agency must provide a report required by this regulation in accordance with any supplementary notice.
- (4) A supplementary notice may specify detailed requirements relating to the verifier or verifying agency's report to the relevant chief executive.

## Subpart 4—Verification consequences

### **98 Verifier or verifying agency must require corrective action**

- (1) A verifier or verifying agency that reasonably considers that an operator has not complied with the Act, secondary legislation made under it, or directions given under it must require that the operator—
- (a) determine the appropriate corrective action; and
  - (b) carry out the corrective action within a specified time.
- (2) The operator must carry out the corrective action to the satisfaction of the verifier or verifying agency within the time specified under subclause (1)(b).

- (3) The verifier or verifying agency may extend the time by which the operator must carry out the corrective action if, in the circumstances, the verifier or verifying agency considers that it is reasonable to do so.

### **99 Corrective action plan for unacceptable outcome**

- (1) If a verifier or verifying agency assigns an unacceptable outcome to an operator under regulation 95, the operator and the verifier or verifying agency must—
  - (a) agree to a period of time within which the operator must prepare a corrective action plan for the consideration of the verifier or verifying agency; and
  - (b) agree to a corrective action plan, which must include—
    - (i) the corrective actions to be carried out; and
    - (ii) the time by which each action must be carried out; and
    - (iii) any other information required by supplementary notice.
- (2) The operator must comply with the corrective action plan to the satisfaction of the verifier or verifying agency within the time specified under subclause (1)(b)(ii).
- (3) The verifier or verifying agency may extend the time by which the operator must carry out the corrective action if they consider that it is reasonable to do so in the circumstances.
- (4) A supplementary notice may specify detailed requirements relating to information that must be included in a corrective action plan.

### **100 Reconsideration**

- (1) An operator may seek a reconsideration of a verification outcome by applying,—
  - (a) in the case of a decision of a verifier, to the verifying agency of the verifier or, if there is no verifying agency, to the relevant chief executive; or
  - (b) in the case of a decision of a verifying agency, to the relevant chief executive.
- (2) If the verification report specifies a change to the operator's verification frequency, the frequency specified in the report continues to apply until the operator is notified of the outcome of the reconsideration under subclause (3)(b).
- (3) The person or body responsible for reconsidering the verification decision must—
  - (a) reconsider the decision within 20 working days after receipt of the application for reconsideration, or within a longer time period if the applicant agrees; and

- (b) give written notice of their decision to the applicant and the verifier or verifying agency.
- (4) Regulations 94 to 96 apply, with any necessary modifications, to the reconsideration of a verification decision.

#### **101 Notification of change of verifier or verifying agency**

An operator must notify the relevant chief executive of any change to the operator's verifier or verifying agency—

- (a) without unnecessary delay; and
- (b) if the operator proposes the change or otherwise knows about it in advance, before the change takes place.

### **Subpart 5—Additional verification requirements for group operators**

#### **102 Application of regulation 103**

- (1) An operator is subject to the internal verification requirements specified in regulation 103 if the operator is—
  - (a) approved as one of a group of operators; and
  - (b) approved to be subject to internal verification.
- (2) However,—
  - (a) the verification requirements set out in regulation 103 apply only in respect of a product in relation to which the operator is approved to be subject to internal verification; and
  - (b) the verification requirements set out in regulations 78 to 101 apply in respect of any other product in relation to which the operator is approved.

#### **103 Internal verification requirements**

- (1) An operator subject to internal verification must ensure that internal verification is carried out every 12 months, unless—
  - (a) an initial verification under regulation 82 has been carried out within the preceding 12-month period; or
  - (b) a subsequent verification under regulation 85 has been carried out within the preceding 12-month period.
- (2) Internal verification may be carried out by—
  - (a) another operator in the group of operators; or
  - (b) a verifier or verifying agency.
- (3) Regulations 79 (except subclause (1)(e)), 81 to 83, 87 to 91, and 94 to 99 apply to internal verification—

- (a) as if a reference to a verifier or verifying agency were also a reference to an operator in the group of operators who is carrying out the verification; and
- (b) in relation to regulation 97, as if a reference to a relevant chief executive were a reference to a group manager; and
- (c) with any other necessary modifications.

#### **104 Verification of group operating plan**

- (1) A group manager must ensure that verification of its group operating plan is carried out—
  - (a) within 12 months after the date that the approval commences under regulation 13(2)(a) in relation to the operator in a group of operators that is first to receive approval; and
  - (b) every 12 months after that.
- (2) Verification of a group operating plan must be carried out by a verifier or verifying agency in accordance with any requirements specified in a supplementary notice.
- (3) A supplementary notice may specify detailed requirements relating to the manner in which verification of a group operating plan must be carried out.

##### *Acceptable or unacceptable outcome*

- (4) The verifier or verifying agency must assign an **acceptable outcome** to the verification if satisfied that—
  - (a) the group operating plan meets the requirements of regulations 36 and 37; and
  - (b) the group can comply, and is complying, with its group operating plan.
- (5) The verifier or verifying agency must assign an **unacceptable outcome** if 1 or more of the grounds for an acceptable outcome specified in subclause (4) are not met.

##### *Unscheduled verification*

- (6) The relevant chief executive may require a verifier or verifying agency to carry out an unscheduled verification of a group operating plan if—
  - (a) any previous verification carried out under this regulation results in an unacceptable outcome; or
  - (b) the relevant chief executive has reasonable grounds to believe that the group is not complying, or is not able to comply, with its group operating plan.
- (7) Regulation 91(3), (4), and (5) applies, with all necessary modifications, to an unscheduled verification carried out under subclause (6).

*Other provisions that apply*

- (8) The following regulations apply, with all necessary modifications, to verification carried out under this regulation:
- (a) regulation 87 (operator may request more frequent verifications):
  - (b) regulation 90 (relevant chief executive may vary verification dates):
  - (c) regulation 94 (verification outcome):
  - (d) regulation 96 (verification report):
  - (e) regulation 97 (report to relevant chief executive):
  - (f) regulation 98 (verifier or verifying agency must require corrective action):
  - (g) regulation 99 (corrective action plan for unacceptable outcome):
  - (h) regulation 100 (reconsideration).

**Part 4****Public register, information requirements, and record-keeping**

## Subpart 1—Public register

**105 Content of public register of operators and recognised entities***Content about operators*

- (1) In addition to the matters in section 55(a) and (b) of the Act, the relevant chief executive must hold the following information in the public register in relation to each operator:
- (a) their trading name or names (if any):
  - (b) any unique identifier assigned to them by the relevant chief executive:
  - (c) their business address, including the address of any premises to which their approval relates:
  - (d) the activities they are approved for:
  - (e) if they are approved as an operator that may export products described as organic to an overseas market for which export requirements are specified under section 63 of the Act, the overseas market concerned:
  - (f) the products or class of products in relation to which they are an operator:
  - (g) the date on which their approval as an operator commenced or was last renewed:
  - (h) the expiry date of their approval if it is of fixed duration:
  - (i) if their approval is suspended in whole or in part,—
    - (i) information to that effect; and

- (ii) the matters to which the suspension relates if the approval is suspended in part; and
  - (iii) the date on which the suspension starts; and
  - (iv) the duration of the suspension:
- (j) the name of each recognised entity that has oversight of the operator's activities:
  - (k) the position, or name and position, of the person that has day-to-day management of the operator's business as an operator:
  - (l) if they are approved as one of a group of operators, the name and contact details of the group manager.

*Content about recognised entities*

- (2) In addition to the matters in section 55(a) and (b) of the Act, the relevant chief executive must hold the following information in the public register in relation to each recognised entity (other than a recognised class or member of a recognised class):
  - (a) their trading name or names (if any):
  - (b) any unique identifier assigned to them by the relevant chief executive:
  - (c) the type of entity that they are (being a recognised agency or recognised person):
  - (d) their specified functions and duties:
  - (e) the date on which their recognition started or, if their recognition has been renewed, the date on which their most recent renewal started:
  - (f) the expiry date of their recognition:
  - (g) if their recognition is suspended in whole or in part,—
    - (i) information to that effect; and
    - (ii) the functions or duties that the suspension relates to; and
    - (iii) the date on which the suspension starts; and
    - (iv) the duration of the suspension:
  - (h) if they are a recognised agency, the position, or name and position, of the person that has day-to-day management of the agency's business as a recognised agency.
- (3) In addition to the matters in section 55(a) and (b) of the Act, the relevant chief executive must hold the following information in the public register in relation to each recognised class:
  - (a) a definition of the class that allows the class to be accurately and readily identified:
  - (b) any unique identifier assigned to the class by the relevant chief executive:

- (c) the name and contact details of a person who represents and is an appropriate point of contact for the class:
- (d) the specified functions and duties in relation to which the class is recognised:
- (e) the type of products in relation to which the class is recognised:
- (f) the date on which the recognition of the class started:
- (g) the expiry date of the recognition:
- (h) if the recognition of the class as a whole is suspended in whole or in part,—
  - (i) information to that effect; and
  - (ii) the functions or duties that the suspension relates to; and
  - (iii) the date on which the suspension starts; and
  - (iv) the duration of the suspension:
- (i) if the recognition of a member of the class is suspended in whole or in part,—
  - (i) information to that effect; and
  - (ii) identifying particulars of the member; and
  - (iii) the functions or duties that the suspension relates to; and
  - (iv) the date on which the suspension starts; and
  - (v) the duration of the suspension.

#### Subpart 2—Information to be provided by operators

#### **106 Information to be provided by operators and kept up to date**

For the purposes of section 58(1)(c) of the Act, the prescribed information in the case of an operator is as follows:

- (a) the name of the recognised entity that has oversight of the operator's activities:
- (b) for each recognised entity that has oversight of the operator's activities,—
  - (i) the specified functions and duties of the recognised entity that are relevant to their oversight of the operator's activities; and
  - (ii) if those specified functions and duties include verification functions and duties, the matters in relation to which the recognised entity is to carry out verification:
- (c) if the operator is approved as one of a group of operators, identifying particulars of the group.

### Subpart 3—Records

#### *How records must be kept*

#### **107 Records must be kept in legible and readily accessible manner**

An operator or a recognised entity must keep the records required under this subpart in a legible and readily accessible manner.

#### *Matters that operators must keep records about*

#### **108 Records to be kept by all operators**

- (1) An operator who is approved to sell or market a product described as organic (but who is not approved to import or export the product) must keep records of the matters required by subclause (5), and the further matters required by subclause (6), for each—
  - (a) batch, lot, or unit of the product that they sell or market; or
  - (b) delivery to, or supply by, the operator.
- (2) An operator who provides, or engages a person that provides, a service in relation to a product that could affect whether the product complies with the organic standard or relevant export requirements must keep records of the matters required by subclause (5), and the further matters required by subclause (6), for each—
  - (a) batch, lot, unit, or consignment of the product in relation to which the service is carried out; or
  - (b) occasion on which the service is provided.
- (3) An operator who is approved to import a product described as organic to sell or market it must keep records of the matters required by subclause (5) for each consignment of the product that they import.
- (4) An operator who is approved to export a product described as organic must keep records of the matters required by subclause (5) for each consignment of the product that they export.
- (5) The matters are as follows:
  - (a) the product and class of the product, its brand (if any), and its relevant lot, batch, or unique identifiers (if any):
  - (b) evidence of the contractual arrangements for any services relating to the product that—
    - (i) are provided to the operator under a contract for services to which the operator is a party (whether or not the provider of the services is an operator); and
    - (ii) could affect whether the product complies with the organic standard or relevant export requirements:

- (c) if the operator supplies the product to another operator (for example, to be used as an ingredient in a product produced or processed by that other operator), the quantity of the product supplied:
- (d) if the operator supplies the product to a person (other than the final consumer), the name and contact details of the recipient, including—
  - (i) any person (whether or not an operator) who provides a service in relation to the product that could affect whether the product complies with the organic standard or relevant export requirements (and the nature of that service); and
  - (ii) any person (whether or not an operator) who accepts delivery of the product; and
  - (iii) related pick-up or delivery dates.
- (6) The further matters are as follows:
  - (a) evidence as to whether the product complies with the organic standard:
  - (b) the shelf life of the product (if any):
  - (c) the following details relating to the supply to the operator of the product, any ingredients used to make the product, or any inputs (other than those that are ingredients) used to make or process the product:
    - (i) the quantity of the product, or the quantity and type of any ingredient or input supplied to the operator:
    - (ii) the name and contact details of the supplier:
    - (iii) the date on which the operator receives the product, ingredients, or inputs:
    - (iv) any person (whether or not an operator) who delivers the product, ingredients, or inputs from the supplier to the operator:
  - (d) the following details:
    - (i) the quantity of any product or ingredient supplied to, or made by, the operator that the operator uses to make the product:
    - (ii) the quantity of any other substance (other than a product or an ingredient) that is supplied to, or made by, the operator that the operator uses to make or process the product:
  - (e) the quantity of the product, or the quantity of any ingredient used to make the product, or the quantity of anything else used to make or process the product, supplied to the operator that is—
    - (i) destroyed, or discarded, by the operator; or
    - (ii) used by the operator to make non-organic products:
  - (f) if the product fails to comply with the organic standard, evidence of any action that the operator takes in relation to the product after they become aware of the failure (for example, any action to recall the product):

- (g) any training undertaken by the operator, or anyone employed or engaged by the operator, that is relevant to ensuring that the product complies with the organic standard.

### **109 Further record-keeping requirements for importers**

- (1) An operator who is approved to import a product described as organic to sell or market it must keep records of the matters required by subclause (2) for each consignment of the product that they import.
- (2) The matters are as follows:
  - (a) the name and contact details of the manufacturer of the product:
  - (b) any assessment of the product carried out under regulation 120(2)(a):
  - (c) if the product is certified to a standard referred to in regulation 121(2)(b),—
    - (i) the name of that standard; and
    - (ii) the name and contact details of the certifier:
  - (d) any actions required as a result of the assessment under regulation 120(2)(a):
  - (e) evidence as to whether the product complies with any approval that the relevant chief executive has given under section 62 of the Act:
  - (f) if the product fails to comply with any approval that the relevant chief executive has given under section 62 of the Act, evidence of any action that the operator takes in relation to the product after they become aware of the failure (for example, any action to recall the product):
  - (g) any training undertaken by the operator, or anyone employed or engaged by the operator, that is relevant to ensuring that the product complies with an approval under section 62 of the Act.

### **110 Further record-keeping requirements for exporters**

- (1) An operator who is approved to export a product described as organic must keep records of the matters required by subclause (2) for each consignment of the product that they export.
- (2) The matters are as follows:
  - (a) the overseas market to which they export or intend to export the product:
  - (b) evidence as to whether the product complies with the organic standard and relevant export requirements:
  - (c) if the product fails to comply with the organic standard or relevant export requirements, evidence of any action that the operator takes in relation to the product after they become aware of the failure (for example, recalling the product, or exporting the product without describing it as organic):

- (d) any application for an official assurance, and any official assurance issued, in respect of the product:
- (e) any application for a statement of compliance, and any statement of compliance given, in respect of a particular consignment or a particular class of consignment of the product:
- (f) any training undertaken by the operator, or anyone employed or engaged by the operator, that is relevant to ensuring that the product complies with—
  - (i) the organic standard; or
  - (ii) relevant export requirements.

**111 Further record-keeping requirements for operators providing or engaging provision of services**

- (1) An operator who provides, or engages a person that provides, a service in relation to a product that could affect whether the product complies with the organic standard or relevant export requirements must keep records of the matters required by subclause (2) for each—
  - (a) batch, lot, unit, or consignment of the product in relation to which the service is carried out; or
  - (b) occasion on which the service is provided.
- (2) The matters are as follows:
  - (a) the name and contact details of the person to whom the service is provided and the nature of that service:
  - (b) the name and contact details of the person by whom the service is provided (if not the operator):
  - (c) in the case of the service of transporting the product, the pick-up and delivery addresses:
  - (d) the date on which the service is provided:
  - (e) evidence of anything occurring in the provision of the service that causes the product to fail to comply with the organic standard or relevant export requirements:
  - (f) if a failure described in paragraph (e) has occurred, any advice about that failure that the operator, or the person they engaged to provide the service, gives to the person to whom the service is provided.

**112 Further record-keeping requirements for operators undertaking parallel production or split production**

- (1) An operator who undertakes parallel production or split production in relation to a product described as organic that they are approved to sell or market must keep records of the matters required by subclause (3) for each batch, lot, or unit of the product that they sell or market.

- (2) An operator who undertakes parallel production or split production in relation to a product described as organic that they are approved to export must keep records of the matters required by subclause (3) for each consignment of the product they export.
- (3) The matters are as follows:
  - (a) the parallel production or split production undertaken:
  - (b) any identified risks from that undertaking that may compromise a product's compliance with the organic standard or relevant export requirements, including any risks that may compromise the ability to distinguish between organic and non-organic products:
  - (c) the measures implemented to address those identified risks:
  - (d) the types and quantities of the products produced or processed that comply with the organic standard or relevant export requirements:
  - (e) the types and quantities of the non-organic products that are produced or processed.

### **113 Further record-keeping requirements for operators undertaking production or processing**

- (1) An operator who produces or processes a product described as organic must keep records of the matter in subclause (2) for each product they produce or process.
- (2) The operator must keep records of the forecast production or processing of that product in the next production season or processing season.
- (3) A forecast required by this regulation must be prepared before the relevant production season or processing season begins.

### **114 Records relating to verification**

An operator must keep records of the following for each verification that is carried out in relation to a product or the operator's activities as an operator:

- (a) the verifier's or verifying agency's name and other identifying particulars:
- (b) the date on which the verification is carried out:
- (c) the written report provided to the operator under subpart 3 of Part 3:
- (d) the outcome assigned for the verification in accordance with subpart 3 of Part 3:
- (e) any corrective action carried out by the operator (if required under subpart 4 of Part 3):
- (f) if the outcome assigned for the verification was an unacceptable outcome, the corrective action plan required to be agreed to under subpart 4 of Part 3 and progress under that plan.

*Matters that recognised entities must keep records about*

**115 Matters that recognised entities must keep records about**

A recognised entity must keep records relating to the following matters:

- (a) any evaluation reports that they prepare for the purposes of these regulations:
- (b) any communications with or about operators whose activities they have oversight of:
- (c) the following information about any verifications that they carry out:
  - (i) the name of the operator concerned:
  - (ii) the type of verification:
  - (iii) the date on which the verification is carried out:
- (d) the following information about any verifications that they carry out in relation to the organic standard or relevant export requirements:
  - (i) the written report provided to the operator under subpart 3 of Part 3:
  - (ii) the outcome assigned for the verification in accordance with subpart 3 of Part 3:
  - (iii) if the outcome assigned for the verification was an unacceptable outcome, the corrective action plan required to be agreed to under subpart 4 of Part 3 and progress under that plan:
- (e) the following information about any verifications that they carry out in relation to a product that is described as organic and that is subject to relevant export requirements:
  - (i) the outcome of the verification (that is, whether the product is eligible or ineligible for export to the overseas market to which the product is intended to be exported):
  - (ii) the evidence used to determine the outcome of the verification:
- (f) in the case of a recognised agency,—
  - (i) the qualifications, training, work-related experience, scope of recognition, and performance of each recognised person that the agency manages, employs, or engages:
  - (ii) the name and contact details of each operator whose activities the agency (or a recognised person whom the agency manages, employs, or engages) has any oversight of:
  - (iii) the name of each recognised person that the agency manages, employs, or engages and who carries out an evaluation or verification in relation to an operator described in subparagraph (ii):

- (g) in the case of a recognised person who is not managed, employed, or engaged by a recognised agency,—
  - (i) the person’s qualifications, training, work-related experience, and scope of recognition:
  - (ii) the name and contact details of each operator whose activities the person has any oversight of.

*Other matters*

**116 Supplementary notices may specify detailed record-keeping requirements**

A supplementary notice may specify detailed requirements relating to the records that must be kept under any of regulations 108 to 115.

**117 Period for which operators must keep records**

- (1) For the purposes of section 59(2)(a) of the Act, the prescribed period for which an operator must keep a record is the period starting on the date that the record is first made and ending on the later of the following dates (as applicable):
  - (a) 5 years after the record is first made:
  - (b) if the record relates to a product that the operator is approved to import described as organic to sell or market, 5 years after they import the product into New Zealand:
  - (c) if the record relates to a product that the operator is approved to export described as organic, 5 years after they export the product from New Zealand:
  - (d) if the record relates to a product with a shelf life, 5 years after the shelf life ends:
  - (e) if the record relates to a verification, 5 years after the written report about the verification is provided to the operator under subpart 3 of Part 3:
  - (f) if the record relates to a conversion period, 5 years after the date on which the conversion period is due to be completed.
- (2) However, if the record relates to wine, the prescribed period is the period starting on the date that the record is first made and ending 7 years after that date.

**118 Period for which recognised entities must keep records**

- (1) For the purposes of section 59(2)(a) of the Act, the prescribed period for which a recognised entity that is a recognised agency or recognised person must keep a record is the period starting on the date that the record is first made and ending 5 years after that date.

- (2) However, if the record relates to wine, the prescribed period is the period starting on the date that the record is first made and ending 7 years after that date.

### **119 Persons to whom operators must give information in records**

For the purposes of section 59(3)(c) of the Act, the following persons are prescribed persons to whom an operator must give information in the records in accordance with a request under that section:

- (a) a verifier or verifying agency responsible for carrying out verification functions and duties in relation to the operator:
- (b) any other recognised entity that has oversight of any of the activities of the operator.

## **Part 5 Imports and exports**

### Subpart 1—Imports

### **120 Requirements that must be met before product imported**

- (1) This regulation applies to an operator who is approved to import a product restricted by an organic standard to sell or market it.
- (2) The operator must not import the product into New Zealand unless—
  - (a) the operator is satisfied that the product complies with the organic standard after carrying out an assessment in accordance with regulation 121; or
  - (b) the operator is satisfied that the product is approved under section 62 of the Act.

### **121 Assessments of imported products for compliance with organic standard**

- (1) This regulation applies if an assessment is carried out under regulation 120(2)(a).
- (2) The assessment must consider—
  - (a) whether the product was produced or processed in compliance with an overseas regulatory scheme for organic products that has similar or equivalent outcomes to those in the regime under the Act; and
  - (b) whether the product is certified to a standard that has similar or equivalent outcomes to those in the regime under the Act (such as a national standard of another country, a private standard, or an international standard); and
  - (c) whether the overseas supplier of the product—

- (i) is subject to oversight or certification by an entity that is equivalent to a recognised entity; and
    - (ii) can provide evidence (for example, certification) of the matters referred to in paragraph (b) and subparagraph (i); and
  - (d) whether the product complies with, or can be relabelled to comply with, the requirements of the organic standard that relate to labelling; and
  - (e) whether there are any known issues relating to any of the following that have a bearing on whether the product complies with the organic standard:
    - (i) the regulatory system of the country the product was exported from;
    - (ii) a private certification scheme;
    - (iii) a particular supplier of the product; and
  - (f) any other matter specified by supplementary notice.
- (3) The operator must ensure that the information used in the assessment—
- (a) is up to date; and
  - (b) unless otherwise specified by supplementary notice, applies to the product being assessed and to the specific batch, lot, unit, or consignment of the product being imported.
- (4) A supplementary notice may specify detailed requirements relating to how assessments must be carried out, including requirements for—
- (a) further matters that an assessment must consider; and
  - (b) the evidence needed to support the assessment; and
  - (c) when different products with similar characteristics may be grouped together for a single assessment.

## **122 Further requirements before selling or marketing imported products**

- (1) This regulation applies to an operator who is approved to import a product restricted by an organic standard to sell or market it.
- (2) The operator must not sell or market the product and describe it as organic unless, after complying with any requirements relating to checks specified by supplementary notice, the operator is satisfied that—
- (a) the product is accompanied by or bears information necessary to identify and trace it; and
  - (b) the product was transported and stored en route to New Zealand in a manner that ensures compliance with—
    - (i) the organic standard; or
    - (ii) if the product has been approved under section 62 of the Act, that approval; and

- (c) the product has not been compromised or substituted in transit; and
  - (d) if the product has been approved under section 62 of the Act, the product imported is the product to which the approval relates; and
  - (e) if the product has been approved or certified to a standard of the kind described in regulation 121(2)(b), the product is accompanied by or bears information that demonstrates that it meets that standard.
- (3) A supplementary notice may specify detailed requirements relating to—
- (a) any checks required before an operator may be satisfied of any of the matters in subclause (2)(a) to (e); and
  - (b) the information referred to in subclauses (2)(a) and (e); and
  - (c) the storage and transport requirements referred to in subclause (2)(b).

## Subpart 2—Exports

### 123 Exporter to notify chief executive of certain events

- (1) An operator who is an exporter must, if a notifiable event has occurred in relation to a product that they export,—
- (a) notify the relevant chief executive in writing of the event; and
  - (b) do so without unnecessary delay and no later than 24 hours after they become aware of the event.
- (2) The following are **notifiable events** for the purposes of subclause (1):
- (a) the product is refused entry by the Government of a foreign country;
  - (b) the product fails to meet 1 or more of any export requirements that are specified in a notice referred to in section 63 of the Act;
  - (c) to the extent that the product is restricted by an organic standard, the product fails to meet the relevant organic standard;
  - (d) the product fails to have an official assurance in circumstances where it requires one for overseas market access.

### 124 Official assurances

- (1) An official assurance for a product to be exported may relate to—
- (a) 1 or more consignments;
  - (b) 1 or more exporters;
  - (c) 1 or more importing countries;
  - (d) any combination of the above.
- (2) An application for an official assurance must—
- (a) contain the information required by a supplementary notice; and
  - (b) be made in a form approved by the relevant chief executive.

- (3) An applicant for an official assurance must pay the prescribed fees and charges.
- (4) The relevant chief executive may require an applicant to supply further information or material before determining whether to issue an official assurance.
- (5) A supplementary notice may specify the information required in an application for an official assurance.

#### **125 Statements of compliance**

- (1) An application for a statement of compliance for a product that is to be exported must—
  - (a) contain the information required by a supplementary notice; and
  - (b) be made in a form approved by the relevant chief executive.
- (2) An applicant for a statement of compliance must pay the prescribed fees and charges.
- (3) The relevant chief executive may require an applicant to supply further information or material before determining whether to issue a statement of compliance.
- (4) A supplementary notice may specify the information required in an application for a statement of compliance.

## **Part 6 Sampling and testing**

#### **126 Sampling and testing programme**

- (1) This Part establishes a programme of sampling and testing in relation to products restricted by an organic standard, to test for the presence of—
  - (a) any input that is not an acceptable input; and
  - (b) any contaminant in a product.
- (2) The relevant chief executive may issue a supplementary notice specifying requirements for the sampling and testing programme.
- (3) A notice must set out—
  - (a) the proportion of the total number of operators who must be subject to sampling and testing in any given period; and
  - (b) criteria, for the chief executive to apply when issuing a sampling and testing plan, to determine which operators will be subject to sampling and testing; and
  - (c) the sampling and testing that must be done (for example, the inputs and contaminants that must be tested for); and

- (d) how sampling and testing, and any associated activities, must be carried out (for example, methods for sampling and testing and detection thresholds); and
- (e) requirements relating to how testing must be reported.

### **127 Who may carry out sampling**

Sampling under the programme established by this Part may be carried out only by a sampler.

### **128 Sampling and testing plans**

- (1) The relevant chief executive may require sampling and testing to be undertaken in any given period by issuing 1 or more sampling and testing plans to 1 or more samplers.
- (2) A sampling and testing plan must be prepared in accordance with a supplementary notice issued under regulation 126.
- (3) A sampling and testing plan may set out—
  - (a) the operator or operators that a sampler must sample in the period to which the plan relates; and
  - (b) the products or production units of those operators that the sampler must sample in that period; and
  - (c) how the sampler must carry out sampling, including what samples must be taken; and
  - (d) what samples the sampler must take; and
  - (e) the laboratory to which the samples must be sent for testing; and
  - (f) the tests, or criteria for determining the tests, to be undertaken on the sample.

### **129 Sampler must comply with sampling and testing plan**

A sampler must comply with a sampling and testing plan that is issued to them.

### **130 Chief executive may require further sampling and testing**

The relevant chief executive may require further sampling and testing in relation to a sample taken in accordance with a sampling and testing plan if the chief executive considers it appropriate in the circumstances.

### **131 Operators must allow samples to be taken**

An operator that is subject to sampling authorised by a sampling and testing plan or regulation 130 must, on request by a sampler,—

- (a) allow samples of the product, and of any production unit associated with the product, to be taken in the manner and time frame specified by the sampler; and

- (b) take all reasonable steps to assist the sampler in carrying out sampling, including by providing access to the product and any production unit.

## Part 7 Exemptions

### *Exemption from requirement to be approved as operator*

#### **132 Class exemption from requirement to be approved as operator**

- (1) A person in the low-turnover class is exempt from the requirement under section 15(1) of the Act to be approved as an operator.
- (2) A person is in the **low-turnover class** if—
  - (a) they sell, or sell and market, a product that—
    - (i) complies with the organic standard; and
    - (ii) does not include an ingredient that has been sourced directly or indirectly from an exempted person; and
  - (b) their turnover from sale of the product does not exceed \$10,000 for each 12-month period in which the product is sold while the product is restricted by the organic standard; and
  - (c) they keep records that demonstrate their compliance with paragraph (b).
- (3) A person who is exempted by this regulation must keep records that demonstrate that the product complies with the organic standard.
- (4) In subclause (2)(a), **exempted person**, in relation to an ingredient, means a person exempted from the requirement under section 15(1) or 63(3)(a) of the Act to be approved as an operator in respect of the ingredient.
- (5) For the purposes of subclause (2)(b), the 12-month period commences on—
  - (a) the date on which the product is restricted by the organic standard, if the product is sold before that date; or
  - (b) the date on which the product is first sold, if the product is sold on or after the date that the product is restricted by the organic standard.

#### **133 Class exemption from verification and organic management plan requirements**

- (1) A person in the export-only class is exempt—
  - (a) from the requirements of section 26 of the Act (which relate to verification):
  - (b) from the requirements of subpart 3 of Part 1 (which relate to organic management plans).
- (2) A person is in the **export-only class** if they export a product described as organic and they—

- (a) do not sell the product, or market it for sale, to anyone in New Zealand;  
and
- (b) do not produce, process, pack, or store the product.

## Schedule 1

### Transitional, savings, and related provisions

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#### Part 1

#### Provisions relating to these regulations as made

#### 1 Interpretation

In this Part,—

**appropriate certification body** means any of the following:

- (a) AsureQuality Limited;
- (b) BioGro New Zealand Limited;
- (c) Organic Farm New Zealand Incorporated

**specified standard** means any of the following:

- (a) AsureQuality Organic Standard;
- (b) BioGro Organic Standard;
- (c) IFOAM Standard for Organic Production and Processing;
- (d) New Zealand Standard NZS 8410:2003 Organic Production;
- (e) the Ministry for Primary Industries Official Organic Assurance Programme—Organic Export Requirements.

#### 2 Evaluation report: certification under certain programmes, standards, or systems

- (1) This clause applies to a person who—
  - (a) applies to the relevant chief executive for approval as an operator in relation to a product; and
  - (b) applies for that approval no later than 12 months after the product is restricted by an organic standard.
- (2) The evaluation report of an organic management plan that the operator must provide under regulation 5 is not required to confirm that an evaluator carried out an on-site assessment for each site within the operation boundaries of the proposed organic management plan if—
  - (a) the product has been—
    - (i) certified by an appropriate certification body as meeting 1 or more specified standards; or
    - (ii) verified by Te Waka Kai Ora Incorporated as meeting the requirements of the Hua Parakore verification system; and

- (b) that certification or verification (as the case may be) included an on-site assessment at the site in the 12-month period before the product was restricted by the organic standard.

### **3 Verification for operators approved to export product that has been certified**

- (1) This clause applies if—
  - (a) an operator is approved—
    - (i) to export a product that is described as organic;
    - (ii) to sell or market a product described as organic and that is compliant with the relevant export requirements; and
  - (b) at the time these regulations come into force, the operator's product is certified as meeting the Ministry for Primary Industries Official Organic Assurance Programme—Organic Export Requirements by one of the following:
    - (i) AsureQuality Limited;
    - (ii) BioGro New Zealand Limited.
- (2) Despite regulation 86(2), the operator must ensure that initial verification is carried out before the date that is 12 months after the beginning of the verification that resulted in the certification referred to in subclause (1)(b).
- (3) If the initial verification results in an acceptable outcome, the next subsequent verification must begin within 12 months after initial verification is completed.
- (4) If the initial verification results in an unacceptable outcome, the next subsequent verification must begin within 6 months after initial verification is completed.
- (5) After verification carried out under subclause (3) or (4), the frequency of subsequent verifications must be determined in accordance with regulation 86(4) and (5).

## Schedule 2

### Eligibility requirements for internal verification

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#### 1 Eligibility for internal verification

- (1) A person must meet all of the following requirements to be eligible for approval to be subject to internal verification in relation to a product:
  - (a) the person must be, or seek to be, approved as one of a group of operators:
  - (b) the person must be a producer or processor of the product:
  - (c) the person must not undertake split production or parallel production of the product:
  - (d) the person's expected annual turnover from the product must be less than an amount specified by a supplementary notice:
  - (e) the person's production system for the product, and operation in relation to the product, must be of a similar complexity to those of the other persons in the group of operators:
  - (f) the person's proposed organic management plan must be of a similar complexity to those of the other persons in the group:
  - (g) the person must produce or process the product in a location that is in close proximity to the production or processing locations of the other persons in the group.
- (2) For the purposes of subclause (1), a supplementary notice may specify—
  - (a) a threshold for expected annual turnover; and
  - (b) measures to determine whether production systems and operations are of similar complexity; and
  - (c) measures to determine whether proposed organic management plans are of similar complexity; and
  - (d) measures (such as a maximum distance) to determine whether production or processing locations are in close proximity.

## Schedule 3

### Information to be included in organic management plan

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#### 1 Interpretation

In this schedule, unless the context otherwise requires, **operator's activities**—

- (a) means activities of an operator relating to the operator's product; and
- (b) includes any related activity of the operator that could affect whether the product to which the plan applies complies with the organic standard.

#### 2 Details of operator, service provider, and vehicles

(1) The organic management plan must specify—

- (a) the operator's name, trading name (if any), and New Zealand Business Number (if any):
- (b) the operator's electronic address:
- (c) the operator's business address:
- (d) the name and contact details of the person that has day-to-day management of the operator's business as an operator:
- (e) the name and business address of any relevant service provider.

(2) In this clause, **operator's business address**—

- (a) includes the address where the operator's activities are carried out; and
- (b) includes,—
  - (i) if a vehicle is used only for transporting the operator's product (and no other activity relating to the product), the address where the vehicle is usually kept; and
  - (ii) if the operator's activities are carried out on mobile premises, the address of any premises where the mobile premises are usually kept; but
- (c) does not include the address of any vehicle other than as required under paragraph (b).

#### 3 Responsible individuals

An organic management plan must specify the position, or name and position, of each of the following:

- (a) the individual responsible for the day-to-day management of the organic management plan:
- (b) the individual responsible for managing, on behalf of the operator, any key task relating to the plan that is prescribed by supplementary notice.

**4 Details of activities and services**

- (1) An organic management plan must set out particulars of—
  - (a) the operator’s activities; and
  - (b) any services relating to the product that are provided by a relevant service provider.
- (2) A supplementary notice may specify detailed requirements relating to the description of activities or services required under subclause (1)(a) or (b).

**5 Details of operation boundaries and layout of sites**

- (1) An organic management plan must identify—
  - (a) the boundaries and layout of each site within which any operator’s activities (other than transporting the product) are carried out; and
  - (b) the location of the operator’s activities within those boundaries (but only in the circumstances prescribed by a supplementary notice).
- (2) If the operator’s activities are carried out on or in mobile premises at more than 1 site, the organic management plan must instead identify—
  - (a) the boundaries and layout of each site at which the mobile premises are mainly kept; and
  - (b) the layout of the mobile premises (but only in the circumstances prescribed by a supplementary notice).
- (3) If the operator’s activities involve transporting the product, the organic management plan must identify the boundaries and layout of each site at which any vehicles that are used to transport the product are mainly kept.
- (4) The following must be identified in accordance with any requirements specified in a supplementary notice:
  - (a) the boundaries of each site referred to in subclause (1)(a), (2)(a), or (3);
  - (b) the locations of operator’s activities within the operation boundaries of each site referred to in subclause (1)(a) if subclause (1)(b) applies;
  - (c) the layout of mobile premises if subclause (2)(b) applies.
- (5) A supplementary notice may specify detailed requirements relating to the boundaries, locations, and layouts described in subclause (4).

**6 Key tasks**

- (1) An organic management plan must describe any key tasks that relate to the plan.
- (2) In relation to each key task, the organic management plan must specify—
  - (a) the name of the individual responsible for managing the key task; and

- (b) how the operator proposes the person concerned will acquire or maintain any competencies or skills relating to the task specified by supplementary notice under regulation 26.

## **7 Product details**

An organic management plan must provide the following details in relation to each product to which the plan applies:

- (a) the product's name or type when it is produced within, or enters, the operation boundaries of the plan and whether the product complies with the organic standard and any relevant export requirements:
- (b) the product's name or type when it leaves the operation boundaries of the plan and whether it has been produced or processed to be sold or marketed as a product to be described as organic:
- (c) any ingredient, component, or product that will be used to produce the product:
- (d) any input referred to in the Organic Standards Regulations 2025 used in producing the product:
- (e) any other product, material, or substance that could affect whether the product complies with the organic standard:
- (f) any outputs from the production or processing of the product, including—
  - (i) the product:
  - (ii) any waste.

## **8 Activities that do not relate to product**

- (1) An organic management plan must describe any activities or services that—
  - (a) are carried out within the operation boundaries of the plan; but
  - (b) do not relate to the product to which the plan applies.
- (2) If the activities and services described in subclause (1) relate to a product, the organic management plan must—
  - (a) describe the product; and
  - (b) state which of the following applies:
    - (i) the plan does not apply to the product because another organic management plan applies to it; or
    - (ii) the plan does not apply to the product because it is not a product described as organic.
- (3) An organic management plan must—
  - (a) describe how any interface between the plan and the activities or services described in subclause (1) will be managed to ensure that any

product to which the plan applies will comply with the organic standard; and

- (b) describe how any other issue arising from the activities or services described in subclause (1) that could adversely affect whether the product complies with the organic standard, or whether the operator complies with the Act, secondary legislation made under it, and directions given under it, will be managed.

## **9 Details of activities carried out on adjacent land or waters**

- (1) An organic management plan must identify any activities that—
  - (a) are carried out on land or waters that—
    - (i) are not within the operation boundaries for the plan; but
    - (ii) are adjacent to a site within those boundaries; and
  - (b) could adversely affect—
    - (i) whether the product to which the plan applies will comply with the organic standard, or
    - (ii) whether the operator can comply with the Act, secondary legislation made under it, and directions given under it.
- (2) An organic management plan must describe how the activities described in subclause (1), or the effects of those activities, will be managed to ensure that—
  - (a) the product complies with the organic standard; and
  - (b) the operator complies with the Act, secondary legislation made under it, and directions given under it.

## **10 Processes and procedures to show compliance with standards and other prescribed requirements**

- (1) An organic management plan must set out processes and procedures that the operator will use for the following purposes:
  - (a) ensuring that the product to which the plan applies complies with the relevant organic standard and any relevant export requirements:
  - (b) identifying, controlling, managing, and minimising or eliminating risks that may cause the product to fail to comply with the organic standard:
  - (c) confirming that the plan is working effectively for the purposes specified in paragraphs (a) and (b).
- (2) In particular, and without limiting the generality of subclause (1), an organic management plan must specify—
  - (a) how the operator will comply with—
    - (i) verification requirements under section 26 of the Act; and
    - (ii) tracing and recall requirements (*see* subpart 5 of Part 1); and

- (iii) record-keeping requirements (*see* subpart 3 of Part 4); and
  - (b) specific corrective action procedures for managing foreseen breaches of the relevant organic standard or relevant export requirements; and
  - (c) general corrective action procedures for managing unforeseen breaches of the relevant organic standard or relevant export requirements, for which there is no specific corrective action specified under paragraph (b); and
  - (d) if the organic management is one of a series of organic management plans, how the plans will work together to ensure that the purposes specified in subclause (1) are met; and
  - (e) for importer operators,—
    - (i) how the imported product to which the plan applies would comply with the organic standard; and
    - (ii) how the operator will comply with the requirements of regulations 120 and 121; and
  - (f) for exporter operators, meeting requirements for official assurances and statements of compliance.
- (3) An organic management plan is not required to set out the procedures referred to in subclause (1)(a) if—
- (a) the operator’s product is an imported product; and
  - (b) either of the following applies:
    - (i) the product is approved under section 62 of the Act;
    - (ii) it would be impracticable for the product to comply with an organic standard because the product was not produced or processed in New Zealand.

## **11 Processes and procedures must be sufficiently detailed**

- (1) The processes and procedures specified in an organic management plan must—
- (a) be appropriate to the operator’s activities, having regard to—
    - (i) each product to be produced or processed under the plan; and
    - (ii) the nature of the processes involved; and
    - (iii) the range of products to be produced or processed under the plan; and
  - (b) contain sufficient detail to show that, if they are applied, they will be effective for the purposes referred to in clause 10(1); and
  - (c) contain any other details specified in a supplementary notice in relation to the processes and procedures.

- (2) A supplementary notice may specify requirements relating to details that an organic management plan must contain in relation to the processes and procedures described in clause 10(1) and (2).

## **12 Timing and frequency of tasks, processes, and procedures**

An organic management plan must include details of when, and how often, any task, process, or procedure identified in the plan will be undertaken.

## **13 Document control**

- (1) An organic management plan must specify—
- (a) the date on which it was prepared or last updated; and
  - (b) a version number.
- (2) If an organic management plan is made up of more than 1 document, each document must contain a list of all documents that make up the plan.

Rachel Hayward,  
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 3 October 2025, are made under the Organic Products and Production Act 2023 (the **Act**). They prescribe various procedural and administrative matters to support the regime for organic products and production established by the Act. The regulations also permit the making of supplementary notices under section 143 of the Act to supplement these regulations with matters of detail.

### *Part 1—Operators*

*Part 1* relates to operators under the Act.

*Subpart 1 of Part 1* prescribes matters relating to applications for approval as an operator, including the information required in applications. *Subpart 2* fills in details on the processes for renewing an operator's approval, changing conditions of approval, withdrawing approval, and suspending approval. *Subpart 3* requires operators to prepare and maintain organic management plans to show how the operator will comply with various obligations under the Act (including relevant organic standards). *Subpart 4* sets procedures relating to groups of operators, and *subpart 5* requires operators to have tracing and recall procedures for their products.

### *Part 2—Recognised entities*

*Part 2* contains matters relating to recognised entities, which are entities recognised under the Act to carry out certain functions and duties relating to organic compliance.

*Subpart 1 of Part 2* prescribes matters relating to how an entity becomes a recognised entity. *Subpart 2* covers the process for maintaining, renewing, and ceasing recognition. *Subpart 3* sets reporting requirements for recognised entities.

### *Part 3—Verification*

*Part 3* sets out requirements relating to verification, which is a process for checking compliance with the regime established by the Act.

*Subpart 1 of Part 3* sets general verification requirements, such as the subject matter and conduct of verification. *Subpart 2* relates to the timing and frequency of verification. *Subpart 3* sets requirements relating to the scope and outcomes of verification, including requirements for verification reports. *Subpart 4* deals with the consequences of verification, including by setting requirements for corrective action where issues are identified. *Subpart 5* specifies further matters relating to verification that apply to groups of operators, including enabling members of groups to verify each other's activities in certain situations.

### *Part 4—Public register, information requirements, and record-keeping*

*Part 4* sets requirements relating to information and records.

*Subpart 1 of Part 4* prescribes further information that the relevant chief executive must hold in the public register required under the Act. *Subpart 2* requires operators to provide certain information to the chief executive and keep that information up to date. *Subpart 3* sets record-keeping requirements, including the matters that operators and recognised entities must keep records about.

### *Part 5—Imports and exports*

*Part 5* sets out requirements for importing and exporting products covered by the Act. *Subpart 1 of Part 5* deals with imports and *subpart 2* with exports.

### *Part 6—Sampling and testing*

*Part 6* establishes a programme of sampling and testing of products restricted by an organic standard to test for the presence of—

- any input in a product that is not an acceptable input under the applicable organic standard; and
- any contaminant in a product.

### *Part 7—Exemptions*

*Part 7* provides for certain class exemptions. It exempts people in the low-turnover class from the requirement to be approved as an operator, and people in the export-only class from requirements relating to verification and organic management plans.

### *Schedules*

There are 3 schedules, as follows:

- *Schedule 1* contains transitional, savings, and related provisions:
- *Schedule 2* sets out eligibility requirements for internal verification, in which members of a group of operators verify each other's activities:
- *Schedule 3* sets out the information that must be included in organic management plans.

### **Regulatory impact statement**

The Ministry for Primary Industries produced a regulatory impact statement on 8 March 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mpi.govt.nz/dmsdocument/58411-Proposals-for-regulating-organic-businesses-in-the-primary-sector-Regulatory-impact-statement/>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/regulatory-impact-statement-proposals-for-regulating-organic-businesses-in-the-primary-sector/>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 18 September 2025.

These regulations are administered by the Ministry for Primary Industries.