



Proposed amendments to the halal export assurance system

**General export requirements for halal animal material
and halal animal products**

MPI Discussion Paper No: 2016/11

Prepared for the dairy, meat, and poultry industry
by the Food Assurance Team

ISBN No: 978-1-77665-211-2 (online)
ISSN No: 2253-3907 (online)

April 2016

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1 Submission

The Ministry for Primary Industries (MPI) invites your comment on this discussion paper and the accompanying draft notice, which propose certain changes to the halal export assurance system for animal material and animal products.

Consultation closes on Wednesday 11 May 2016 at 5:00 pm.

1.1 HOW TO HAVE YOUR SAY

You may comment directly on any sections of the discussion document or any provisions in the proposed notice.

MPI encourages submitters to make their submissions electronically so please email your submissions to: food.assurance@mpi.govt.nz.

If you wish to convey your submissions in writing, these should be posted to the following address:

Halal General Export Requirements
MPI Food Assurance Team (Level 12, Pastoral House)
PO Box 2526
Wellington

Please include the following information in your submission:

- the title of the discussion document;
- your name and title (if applicable);
- your organisation's name (if applicable); and
- your address

The following points may be of assistance in preparing comments:

- where possible, comment should be specific to a particular section in the document. All major sections are numbered and these numbers should be used to link comments to the document;
- where possible, reasons and data to support comments may be provided;
- the use of examples to illustrate particular points is encouraged;
- as a number of copies may be made of your comments, please use good quality type, or make sure the comments are clearly hand-written in black or blue ink.

1.2 THE OFFICIAL INFORMATION ACT 1982 (THE OIA)

Everyone has the right to request information held by government organisations, known as "official information". Under the OIA, information is to be made available to requesters unless there are reasonable grounds for withholding it. The grounds for withholding information are outlined in the OIA.

If you are submitting on this discussion document, you may wish to indicate any grounds for withholding information contained in your submission. Reasons for withholding information could include that information is commercially sensitive or that the submitters wish personal

information such as names or contact details to be withheld. MPI will consider such grounds when deciding whether or not to release information.

Any decision to withhold information requested under the OIA may be reviewed by the Ombudsman.

For more information please visit <http://www.ombudsman.parliament.nz/resources-and-publications/guides/official-information-legislation-guides>

1.3 WHAT HAPPENS NEXT?

A panel consisting of MPI officials will consider all submissions and make a recommendation to the relevant decision maker about the final version of the proposed notice to be issued. A document summarising all submissions and MPI's response will be sent to all submitters and posted on the MPI website.

The new notice is expected to be in place by 31 May 2016. The new notice will revoke and replace the Animal Products (Overseas Market Access Requirements for Halal Assurances) Notice (No. 3) 2015.

Key dates	Action
Wednesday 6 April 2016	Consultation starts
Wednesday 11 May 2016	Consultation closes (5 weeks)
Thursday 12 May 2016 – Friday 20 May 2016	Consideration of submissions (1 week)
Monday 23 May 2016 – Friday 27 May 2016	Final review of notice (1 week)
Tuesday 31 May 2016	Notice is issued and notified

2 Background

The Animal Products Act 1999 (the Act) empowers the Director-General of MPI to issue export requirements for the purposes of:

- facilitating the access of New Zealand animal material and animal products exports to overseas markets;
- ensuring compliance with the requirements of importing countries; or
- safeguarding assurances provided by New Zealand.

MPI currently has in place a halal export assurance system, which was established under the Animal Products (Overseas Market Access Requirements for Halal Assurances) Notice (No. 3) 2015. That Notice, which was issued on 15 December 2015, only applies to meat and meat products intended for export to any of the following major halal markets, as listed in Annex 1 of that Notice:

- Algeria;
- Bahrain;
- Indonesia;
- Iran;
- Jordan;
- Kuwait;
- Malaysia;
- Oman;
- Qatar, Saudi Arabia; and
- United Arab Emirates.

Global demand for halal animal material and animal products is quite significant and it extends beyond meat and meat products. There is also significant demand among non-traditional halal markets with sizable Muslim populations (for example: China - approximately 23 million Muslims; United Kingdom – approximately 2.8 million Muslims, France – approximately 4.7 million Muslims; Russia – approximately 16.3 million Muslims). Consumers of halal animal material and animal products are prepared to pay premium price for genuine halal products. To support New Zealand exporters of halal animal material and animal products, the existing halal export assurance system was established, specifying requirements that must be complied with in order for animal material and animal products to be exported with a halal certificate.

MPI proposes to extend the scope of the halal export assurance system to include other animal material and animal products in addition to meat and meat products.

The table in section 3 summarises the proposed changes.

3 Summary of proposed changes

The following table provides an outline of the proposals covered by this consultation document:

Issue/Principle	Status quo	Proposed change(s)	Draft Notice clause(s)	Affected Parties
Affected animal products	Currently covers the following animal products:	Extend coverage to also include: <ul style="list-style-type: none">• poultry meat	Clause 1.1 - Application	Poultry Industry and Dairy Industry

	<ul style="list-style-type: none"> meat and meat products 	<p>and poultry meat products; and</p> <ul style="list-style-type: none"> dairy material and dairy products 		
Affected markets	<p>Currently covers the following markets:</p> <ul style="list-style-type: none"> Algeria, Bahrain, Indonesia, Iran, Jordan, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia, and United Arab Emirates 	Extend coverage to include all markets	Clause 1.1 - Application	Meat, Poultry, and Dairy Industries
Traceability in E-cert	No direct indication in the relevant transfer document	The “h” mark must be added to the product description field of all transfer documents raised in E-cert for the transfer of meat and meat products (including poultry), dairy material, and dairy products.	Clause 2.3 – Traceability, and marking and labelling of halal animal products	Meat Industry, Poultry Industry, Dairy Industry
Halal programme	<ul style="list-style-type: none"> Applies only to slaughter premises Clear in relation to content of a halal programme but silent on the approval process 	<p>Application extended – refer to clause 3.3</p> <p>Halal programme is separated into its own part.</p> <p>Requirements in relation to the duties of operators of halal programmes and the approval, suspension and renewal process are now</p>	Part 3: Halal programmes	Refer to clause 3.3 of the proposed notice

		specified.		
Halal premises	Premises has to be assessed and approved by AHOs but lack of clarity around process	The halal status of a premises is tied to the approval of halal programme. Approval of halal programme will include on-site assessment of the premises to which the programme relates. Once the programme is approved, the premises will have to be listed by MPI before halal processing can commence. The listing process is specified.	Part 4: Halal premises	Refer to clause 4.1 of the proposed notice
Halal processing	Requirements relate largely to slaughter	Requirements are comprehensive, and cover: slaughter, restriction in relation to haram material, requirements relating to ingredients, processing aids and food additives, brands, labels, packaging material, and specific requirements for processing at slaughterhouses, packhouses, and independent stores	Part 5: Halal processing	Meat, Poultry, and Dairy Industries
Approved Halal Organisations (AHOs)	AHOs to be listed by MPI. Listing can be full or provisional.	Distinction between full and provisional listing is removed.	Part 6	AHOs

	AHOs must gain accreditation within 12 months of listing	Instead, there will be a distinction between approval and listing.		
AHOs – halal assessment and approval persons - Issuing officers	Competency requirements are specified but obligations and responsibilities are not clear	Object of the requirements is clearly spelt out. It is now clarified that only ‘issuing officers’, and ‘approval and assessment persons’ are allowed to undertake assessment, approval, and halal certification activities on behalf of an AHO.	Part 7	AHOs
Halal slaughter persons	Requirements for halal slaughter persons are mixed with other requirements relating to slaughter	Requirements for halal slaughter persons are separated into their own part to provide clarity. Requirements relating competency and general responsibilities are specified.	Part 8: Halal slaughter persons	Slaughter premises
Industry Engagement Group	Establishes the Halal Standards Advisory Council (HSAC)	HASC is disestablished and replaced with the Approved Halal Organisation Forum (AHOF).	Part 9: Establishment of the Approved Halal Organisations Forum	AHOs
Halal Academy	No provision	Provide for the establishment of a Halal Academy	Part 10: Establishment of a Halal Academy	MPI
Halal premises registration certificates	No provision	Allow for the issuing of halal premises registration	Part 11: Issuing of halal certificates and premises	Halal premises

		certificate, which is dependent on the premises having an approved halal programme.	registration certificates	
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4 Proposed amendments

4.1 EXTENDING THE SCOPE OF THE HALAL EXPORT ASSURANCE SYSTEM (REFER TO CLAUSE 1.1 OF THE PROPOSED NOTICE AND THE DEFINITION OF “HALAL ANIMAL PRODUCT” UNDER CLAUSE 1.3)

As stated, the current halal export assurance system, as specified under the current notice, only covers meat and meat products. MPI proposes to extend the scope of the system to include dairy material, dairy products, poultry meat, and poultry meat products. In terms of countries covered, the current notice only covers meat and meat products earmarked for export to traditional halal markets listed in Annex 1 of that notice, which include Algeria, Bahrain, Indonesia, Iran, Jordan, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia, and United Arab Emirates. MPI proposes to extend the scope of the system to include dairy material and dairy products, meat and meat products, and poultry meat and poultry meat products that are intended for export as halal to all countries.

This proposal has the following advantages:

- It recognises that demand for halal animal material and halal animal products are not limited to traditional halal markets. There is a significant Muslim population in other countries outside of those traditional halal markets as described earlier, so there are economic benefits to be gained by pursuing or consolidating access to these other markets; and
- It imposes a consistent/single standard against which the halal status of New Zealand export halal animal products are measured or verified. Currently, there is a lack of clarity in ascertaining the halal status or claims for dairy material and dairy products, and poultry meat and poultry meat products as they are not covered by the current notice or any equivalent regulatory standard. The absence of a regulatory standard leads to a lack of consistency and clarity among industry regarding the acceptable means or methods for verifying halal claims. Where a halal claim is made for any of those products, it does not carry the same weight or credibility as those that are covered by a regulatory standard. The proposal ensures that halal claims for dairy products, poultry meat, and poultry meat products are verifiable against a regulatory standard in the same way as meat and meat products are.

4.2 TRACEABILITY (REFER TO CLAUSE 2.3 OF THE PROPOSED NOTICE)

MPI proposes to strengthen the traceability of halal animal products using MPI’s Animal Products Electronic Certification System (AP E-cert). Currently under the *Animal Products Notice: Official Assurances Specifications for Animal Material and Animal Products* (the AP OAS), risk management programme operators (RMP operators) are obliged to raise a transfer document in E-cert for every consignment of animal products they transfer from their

premises to another premises. The *Animal Products Notice: Official Assurances Specifications for Dairy Material and Dairy Products* imposes the same requirement.

For traceability purposes, where RMP operators are transferring halal animal products, they will be required to include the word “halal” in the product description field of the associated transfer document. Where the products have lost their halal status, the halal mark will have to be removed accordingly.

This proposal has the following advantages:

- It gives MPI certifiers, official assurance verifiers, and AHOs quick access to information for verifying the halal status of animal products; and
- It gives MPI oversight of the type and volume of animal product exports that are associated with a halal claim; and
- It assists MPI in the identification and tracing of halal animal products, and the parties involved, where allegations against the halal status of any animal products are made; and
- It feeds into the existing process without imposing additional implementation burden.

4.3 HALAL PROGRAMMES (REFER TO PART 3 OF THE PROPOSED NOTICE)

The requirement to have an approved halal programme currently only applies to halal slaughter premises. MPI proposes to apply this requirement to packhouses and other premises that manufacture halal animal products such as gelatine, and dairy processors that process dairy products with added non-dairy food additives, ingredients or processing aid. Dairy processors that do not add non-dairy food additives, ingredients or processing aid during processing are not required to have an approved halal programme as dairy products are halal by default.

An assessment of a halal programme will include an onsite assessment of the premises by the AHO to ensure that the premises comply with or has the ability to comply with the requirements of the notice and has the appropriate capability to effectively implement its halal programme.

Additionally, new requirements are being proposed to provide transparency and clarity in relation to the process of approval of halal programmes by AHOs. Notably, natural justice provisions are being included to make sure that operators are given a reasonable opportunity to respond where an AHO proposes to refuse to approve a halal programme, or proposes to suspend an approved halal programme.

Requirements relating to halal programmes have been structured in a way that amplifies the status of halal programmes as the centrepiece of the halal export assurance programme.

The proposed notice will make it clear that if there is no approved halal programme:

- premises cannot commence halal processing; or in other words, animal products processed at that premises are not eligible to be exported as halal, and the AHO cannot issue a halal certificate for any such products;
- premises cannot be issued with halal premises registration certificates by an AHO;

- premises cannot be listed as halal premises by MPI.

Comprehensive provisions are being proposed to specify:

- What a halal programme is;
- Who must have an approved halal programme and the duties of such persons;
- The contents of a halal programme; and
- The process for approval of halal programmes.

4.4 LISTING OF HALAL PREMISES (REFER TO PART 4 OF THE PROPOSED NOTICE)

Under the proposed notice, only halal premises may carry out halal processing. To be a halal premises, the premises must be listed by the Director-General. Notably, the requirement to be listed only applies to premises that are required to have an approved halal programme.

Listing by the Director-General is therefore conditional upon the following:

- The premises must have an approved halal programme; and
- The applicant must follow the specified application process.

Natural justice provisions have also been added, giving applicants a reasonable opportunity to be heard where the Director-General proposes to refuse to list a premises upon receipt of a valid application.

Halal premises will be subject to routine assessment to ensure that they are correctly implementing their halal programmes and are producing animal products that are halal-compliant. As stated, premises will be initially assessed as part of approval of their halal programme. After that, MPI proposes that halal premises are subject to the following frequency of routine assessment:

- for halal premises that are slaughter premises, once every month; and
- for halal premises that are neither slaughter premises nor dairy processing premises, once every 3 months; and
- for halal premises that are dairy processing premises, once every 12 months; and
- for any halal premises where the approved halal programme has undergone significant amendments under clause 3.13 of the proposed notice, within one month of the approval of the amended halal programme.

Assessment will be carried out by the AHO responsible for providing halal certification services to the premises and it will be performance-based. The AHO will have the discretion to increase the frequency of assessment if necessary after giving regard to the degree of compliance of the premises as ascertained through previous assessment.

It is also proposed that halal premises that are slaughter premises or packhouses are to have a halal management committee and a halal quality assurance officer. The proposed notice specifies the responsibilities and competency requirements for members of the committee and the halal quality control officer.

4.5 PROCESSING OF ANIMAL PRODUCTS INTENDED TO BE MARKED AND LABELLED AS HALAL FOR EXPORT (REFER TO PART 5 OF THE PROPOSED NOTICE)

Comprehensive requirements are being proposed, which cover the following areas:

- Restrictions in relation to contact with haram substances or non-halal animal products;
- Responsibility of operators to keep records demonstrating the halal status of any ingredients, processing aids or food additives they sourced from another premises or imported;
- Responsibility of operators to keep records demonstrating the halal status of any brands, labels or packaging materials that come into direct contact with halal animal products;
- Requirements in relation to the transportation and storage of halal animal products. The proposed notice makes a distinction between halal animal products, non-halal animal products, non-conforming halal animal products, and haram animal products. The proposed requirements specify when halal animal products may or may not be stored with products of the other categories;
- Specific processing and storage requirements at slaughter premises, packhouses and independent stores;
- Specific requirements relating to the processing of gelatine and non-dairy fats and oils of animal origin;
- Requirements relating to stunning, slaughter, recovery verification, and electro-immobilisation and stimulation.

4.6 APPROVED HALAL ORGANISATIONS (AHOS) (REFER TO PART 6 OF THE PROPOSED NOTICE)

Proposed requirements make an important distinction between the approval of an organisation as an AHO and the listing of an AHO. Any organisation that wants to provide halal certification services must apply to MPI to be an AHO. An important criterion for approval as an AHO is that the organisation must be accepted as a halal organisation by the relevant national authority of any of the countries listed in Annex 1 of the proposed notice (i.e. Indonesia, Malaysia, Saudi Arabia, United Arab Emirates).

Once an organisation becomes an AHO, it can start providing halal certification services to premises that process halal animal products for export to the relevant country in Annex 1 and all other countries, except those countries listed in Annex 2 of the proposed notice. If the AHO wishes to provide halal certification services to premises that process halal animal products for export to countries listed in Annex 2, the AHO must be listed by MPI for those countries.

Given that all countries in Annex 1 are also listed in Annex 2, this means that in all cases, an AHO would be listed for at least one traditional halal country.

The process for approval and listing as an AHO is clearly specified, with the notable inclusion of natural justice provisions in relation to refusal and revocation of approval as an AHO. The duties of an AHO are also specified.

4.7 AHOS - HALAL ASSESSMENT AND APPROVAL PERSONS, AND ISSUING OFFICERS (REFER TO PART 7 OF THE PROPOSED NOTICE)

Requirements are being proposed, which will impose the following obligations on AHOs:

- They must ensure that any person who approves halal programmes, assesses halal premises, periodically assesses halal slaughter persons, or observes recovery verification, on behalf of the AHO, is employed by the AHO and is an assessment and approval person under the notice; and
- They must ensure that any person who issues halal certificates or halal premises registration certificates on behalf of the AHO is employed by the AHO and is an issuing officer under the notice.

The competency criteria for becoming an assessment and approval person, or an issuing officer, is specified in the proposed notice. It is the duty of the AHO to ensure that their assessment and approval persons, and an issuing officers are competent. Part of this duty is to ensure that those who have failed to comply with the notice, or are no longer competent, are not allowed to undertake the relevant tasks. Where MPI has reasonable grounds to believe that an assessment and approval person, or an issuing officer has failed to competently carry out their obligations and duties, or acts in a fraudulent manner, MPI may suspend such persons from carrying out the relevant tasks. AHOs will be notified and given a reasonable opportunity to respond before any suspension is imposed.

4.8 HALAL SLAUGHTER PERSONS (REFER TO PART 8 OF THE PROPOSED NOTICE)

Requirements are being proposed, which will impose upon operators of halal premises that are halal slaughter premises the obligation to ensure that no person slaughters halal animals in their premises unless that person is a competent halal slaughter person.

The competency criteria for becoming a competent halal slaughter person is specified in the proposed notice. It is the duty of the operator to ensure that their halal slaughter persons are competent. Part of this duty is to ensure that those who have failed to comply with the notice, or are no longer competent, are not allowed to slaughter halal animals. Operators are required to keep evidence of competency for each of their halal slaughter persons.

It is proposed that halal slaughter persons are subject to periodic assessment by their relevant AHO. It is the obligation of the operator to arrange the assessment with their AHO and the frequency of assessment will have to be agreed between the parties. The proposed notice also sets out how the AHO must notify the result of the assessment to the operator.

4.9 APPROVED HALAL ORGANISATIONS FORUM (REFER TO PART 9 OF THE PROPOSED NOTICE)

MPI proposes to disestablish the Halal Standards Advisory Council as existed under Part 8 of the current notice and replace it with the Approved Halal Organisations Forum. The differences are summarised in the following table:

Halal Standards Advisory Council (to be disestablished)	Approved Halal Organisations Forum (to be established)
Who appoint the members?: Members and chairperson are appointed by the Director-General of MPI	Who appoint the members?: Members and chairperson to be jointly decided by the AHOs If AHOs fail to agree on the membership of the Forum, the Director-General will appoint the members and the chairperson.
Who can be a member?: The Director-General can appoint any person as long as that person has the relevant knowledge relating to Islam, food safety and quality systems management and audit.	Who can be a member?: Members must be employees of AHOs who are practising Muslims and have sound knowledge of Islamic principles and the notice.
Function: provide advice to MPI on- <ul style="list-style-type: none"> • matters relating to the production and processing of halal animal products; and • whether an Islamic organisation is, in the opinion of the Council, suitable for approval as an AHO. 	Function: provide advice to MPI on halal operational matters that may arise from time to time
Frequency of meeting: none specified	Frequency of meeting: at least once every 6 months

The proposal is intended to provide AHOs with the opportunity for dialogue and collaboration (e.g. to decide amongst themselves the membership of the Forum). The credibility of the halal export assurance system is significantly influenced by agreement and consistency of practice amongst AHOs. Where there are challenges, MPI expects AHOs to engage in constructive dialogue to address them.

The overarching responsibility of the Forum is to protect the integrity of the halal export assurance system through the provision of impartial and independent advice to MPI. Members are not there to represent the interests of their respective AHO; when in the Forum, they are responsible to MPI.

4.10 HALAL ACADEMY (REFER TO PART 10 OF THE PROPOSED NOTICE)

Requirements are being proposed to enable MPI to convene a Halal Academy from time to time. The purpose of the Academy is to provide independent expert advice to the Director-General on halal standards and related halal matters. Membership would include:

- an independent chairperson appointed by the Director-General; and
- at least 3 persons nominated by the competent authorities of selected overseas countries; and

- at least one New Zealand citizen with appropriate Islamic religious scholarship credentials nominated by the Approved Halal Organisations Forum.

4.11 HALAL CERTIFICATION IN AP E-CERT (REFER TO PART 11 OF THE PROPOSED NOTICE)

MPI proposes that halal certification by AHOs are carried out in AP E-cert. Exporters will have the ability to raise halal certificate requests in E-cert. AHOs will be granted access to AP E-cert as part of their approval and they will be able to issue halal certificates in AP E-cert.

The issuing of a halal certificate by an AHO will be conditional on there being a health certificate issued by MPI for the consignment of meat or meat products to which the halal certificate relates. As such, an AHO cannot issue a halal certificate for a consignment of meat or meat products for which MPI has not issued a health certificate. Halal certificates will have to state the shoulder number of the corresponding health certificate.

4.12 TRANSITIONAL PROVISIONS (REFER TO PART 13 OF THE PROPOSED NOTICE)

It is proposed that premises that were approved for halal processing under the Animal Products (Overseas Market Access Requirements for Halal Assurances) Notice (No. 3) 2015 immediately before the commencement of the proposed notice are to be deemed as halal premises for the purposes of Part 4 of the proposed notice. Any respective halal programme under which such premises were operating are to be deemed as an approved halal programme for the purposes of Part 3 of the proposed notice.

For the dairy and poultry industries, MPI understands that some premises in those industries are currently being provided halal certification services by AHOs. MPI proposes that these premises are to be deemed as halal premises for the purposes of Part 4 of the proposed notice. Additionally, the respective documented system and procedures under which such premises were operating are also to be deemed as an approved halal programme for the purposes of Part 3 of the proposed notice. However, those premises must apply for approval of their halal programme under clause 3.8 of the proposed notice before 1 June 2017.

In regards to AHOs, MPI proposes that Islamic organisations listed under Annex 5 of the proposed notice are to be deemed as approved halal organisations for the purposes of Part 6 of the proposed notice for all animal products covered by the notice and for the countries for which they were previously listed.