

Summary of Submissions

Proposal to establish a regulatory export assurance framework for the halal certification of New Zealand dairy material and dairy products (MPI Discussion Paper No: 2018/06)

Submission theme	MPI response
<p>We are pleased to support the issuance of this Notice. We wish to express our appreciation for the positive engagement from MPI staff in addressing our concerns and the development of this Notice. The result is a document which recognises both the halal requirements from a regulatory perspective, and the practical realities of dairy manufacturing.</p>	<p>Noted.</p>
<p>We appreciate the opportunity to comment on the draft notice; <i>General Export Requirements for Halal Dairy material and Halal Dairy products</i>. The collaborative process between MPI and industry through the working group has been a success from our company's point of view, and we encourage this approach to be used in future, where significant changes or new legislation would benefit from industry input.</p>	<p>Noted.</p>
<p>The use of alcohol should be clarified. Alcohol can be present as an ingredient in industrial cleaning products and in dairy products as well.</p>	<p>The use of alcohol has been clarified in the Notice. A new clause 5.2.1(2) has been added, clarifying that alcohol can be used as an ingredient in dairy products provided the level in the final product does not exceed 0.3% (volume/volume%).</p> <p>A guidance box has also been added next to the definition of "haram material", clarifying that the use of alcohol in industrial cleaning products is acceptable provided that cross-contamination is avoided.</p>
<p>Why can't halal certification be left to the companies and the market as per the status quo? Why does the Government have to be involved?</p>	<p>MPI has a mandate under the Animal Products Act 1999 to facilitate the entry of New Zealand animal material and products into overseas markets. The relevant authorities of several importing countries and overseas Muslim consumers either directly require, or expect halal certification and labelling of dairy products to be underpinned by a credible, robust and transparent framework. The proposal is an opportunity for the Government to assist New Zealand exporters and operators in the export of halal dairy material and halal dairy products. As stated in the discussion paper, the</p>

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	proposal was collaboratively put together by MPI and New Zealand's top dairy operators and exporters.
The proposal stealthily introduces Sharia Law into New Zealand	<p>The proposal does not introduce Sharia law into New Zealand. Irrespective of the proposal, Muslims, like all other religious groups, already have the right under New Zealand law to manifest their religion or belief in worship, observance, practice, or teaching.¹</p> <p>The proposed requirements only apply to companies that have voluntarily chosen to process and export halal dairy material and halal dairy products for the consumption of Muslim consumers overseas. The requirements do not apply to dairy material and products intended for the domestic market.</p>
The proposal forces companies to implement Sharia Law	<p>The decision on whether or not to process halal dairy material and halal dairy products belong to dairy companies and the Government takes no part in that decision.</p> <p>As stated in the discussion document, halal certification practices for export purposes already exist amongst New Zealand's dairy companies. The proposal codifies existing halal certification, auditing and labelling practices. It is a result of collaboration between MPI and dairy industry representatives to assist industry in coping with market access requirements and expectations around halal certification and labelling for export purposes.</p>
The job of being a halal certifier or auditor should not be restricted to practising Muslims. This is religious-based hiring and contradictory to the Bill of Rights Act.	<p>Halal requirements are, by definition, religious requirements. Halal certification and auditing are regarded by Muslims as part of their right² under the Bill of Rights Act to observe and practice their religion. Additionally, several importing countries and Muslim consumers in particular, require or expect people who attest to the halal status of products to be practitioners of the Islamic faith who understand and believe in the importance of Islamic requirements and principles in relation to halal food.</p>
Approved Halal Organisations should be fully audited to ensure that money is not being used to fund terrorism or promote values that	MPI does not have a mandate to monitor how New Zealand companies manage their funds.

¹ Refer to sections 13, 15 and 20 of the Bill of Rights Act 1990.

² Refer to sections 13, 15 and 20 of the Bill of Rights Act 1990.

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are incompatible with Western/democratic values	
Why are there no requirements for compulsory labelling of halal dairy material and halal dairy products intended for the domestic market in order to empower informed consumer choice?	<p>Dairy material and dairy products are primarily regulated under the Animal Products Act 1999 (the Act). The Act gives MPI the responsibility to regulate for the purposes of minimising and managing risks to human or animal health; and facilitating the entry of New Zealand animal material and products into overseas markets.</p> <p>Halal certification or labelling of dairy material and products is not a food safety issue affecting human or animal health so MPI does not have the mandate under the Act to impose mandatory halal certification or labelling requirements for the domestic market. On the other hand, several importing countries, especially Muslim countries, regard halal certification and labelling as a food safety issue and require it as a market access condition. New Zealand dairy companies want to export their products to those markets, and as stated, MPI does have a mandate under the Act to facilitate this.</p>
Who is paying the costs of halal certification? Will the taxpayer be paying the costs?	<p>Costs associated with halal certification will be paid for by companies that choose to process and export halal dairy material and halal dairy products. Charges relating to halal certification and auditing are negotiated directly between companies and the approved halal organisations of their choice without any Government involvement. Any costs to MPI in relation to the implementation or enforcement of the Notice will be subject to MPI's regulatory cost recovery regime.</p>
For premises handling both dairy and animal products e.g. premises that manufacture finished products from anhydrous milkfat, and tallow, are they required to have to have two halal programmes (i.e. one under the dairy Notice and the other under the meat notice)?	<p>A new clause 3.5(3) has been added to address this issue. In essence, where a premises already has an approved halal programme under the Halal Meat Notice and also processes halal dairy material and halal dairy products, the premises will not be required to have a separate halal programme under the Halal Dairy Notice if the scope of the halal programme approved under the Halal Meat Notice covers the relevant requirements of the Halal Dairy Notice</p>
Halal certification should be carried out by Halal certification Agencies of the importing countries.	<p>This will impose significant unnecessary costs to New Zealand exporters and operators as they will be subject to audits by multiple countries. MPI understands that it is also not the policy of importing countries to have their</p>

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	officials carrying out certification and auditing in overseas jurisdictions.
Importers should pay for all costs associated with halal certification to ensure that such costs are not passed on to New Zealand consumers.	Charges relating to halal certification and auditing are negotiated directly between companies and the approved halal organisations of their choice without any Government involvement.
How can MPI be sure that halal requirements will only apply for export purposes and not for the domestic purposes?	The decision on whether or not to process halal dairy material and products belong to dairy companies and Government takes no part in that decision. Companies independently make their own cost-benefit analyses. The proposed regulatory framework is designed to facilitate trade for companies that choose to produce halal dairy material and products for export. This is consistent with MPI's mandate under the Animal Products Act 1999 to facilitate the entry of New Zealand animal material and animal products into overseas markets.
There should be a list of countries that do not require halal certification for dairy products exported to them.	MPI considers this to be unnecessary. Halal certification and/or labelling is not always necessitated by the requirements of importing countries' competent authorities; it is just as likely to be necessitated by consumer demand.
MPI is extremely silent on what halal actually means, for example a Muslim prayer when creating the food, cutting the throat of an animal etc.	The proposal relates to dairy material and halal dairy products. For halal slaughter export requirements, please refer to the <i>Animal Products: General Export Requirements for Animal Material and Animal Products</i> , which is available on the MPI website. That Notice only applies for export purposes and not the domestic market. The requirements in that Notice do not contradict New Zealand animal welfare requirements.
The proposal stated that in order to become an Approved Halal Organisation (AHO) (i.e. an approved halal certification agency), the organisation must be managed and operated by practising Muslims. Also, employees of an AHO who carry out halal verification and certification are required to be practising Muslims. How do you assess this 'practising Muslim' criteria?	MPI will rely on the organisation's own declaration about whether the organisation is managed and operated by practising Muslims and whether the organisation's employees who are involved in the provision of halal certification services are practising Muslims. If any person raises a question as to whether or not the 'practising Muslim' criteria is being met then this can be referred to the AHO Forum established under the Notice. That Forum will have religious experts who are qualified to deal with the religious aspects of the Notice.

