Ministry for Primary Industries
Manatū Ahu Matua

Official Organic Assurance Programme

Review of Standard OP1 and Standard OP2

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Prepared for Plants, Food and Environment Directorate
by Food Production and Processing Team

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Growing and Protecting New Zealand

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1 Summary

This document presents the proposed changes made to Standard OP1 and Standard OP2 as part of the review of the Official Organic Assurance Programme (OOAP) Standards version 2 (August 2005).

The review provides a technical amendment to the OOAP Standards.

The content of the documents hasn't changed in nature with respect to version 2 (August 2005). However some aspects of the control system have been amended or detailed to align the OOAP standards to the requirements of New Zealand main trading partners.

Version 3 of the OOAP Standards will come into effect following publication on the MPI website and simultaneous notification to all the relevant stakeholders.

Appendix 1 and 2 provide a side-by-side comparison of version 2 and version 3 of the OOAP Standards. Substantial differences have been identified by strikethrough in version 2 and highlighted text in version 3.

2 Introduction

2.1 SCOPE OF THE REVIEW

The purpose of this paper is to seek public submissions on the proposed version 3 of OOAP Standard OP1 and OOAP Standard OP2 which are to be renamed as OOAP Standard 1 and OOAP Standard 2 respectively.

2.2 MPI ROLE IN REVIEWING THE OOAP STANDARDS

Part of MPI's role is to consult with stakeholders to ensure that the OOAP Standards are fit for purpose.

The intent of this review is to update the OOAP standards in order to keep the programme relevant, effective, accessible and to introduce some changes that will reduce compliance costs.

3 Consultation

Written submissions on the changes presented in this consultation paper are invited from all interested parties.

The closing date for submissions is 5pm **21 November 2014**.

Submissions should be sent to:

Food Production and Processing,
Ministry for Primary Industries
PO Box 2526
Wellington 6104
New Zealand

Email: organics@mpi.govt.nz

The following points may be of assistance in preparing comments:

- Wherever 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 to support comments are requested.
- The use of examples to illustrate particular points is encouraged.
- As a number of copies may be made of submissions, good quality type should be used, or comments should be clearly hand-written in black or blue ink.

The following information must be enclosed to submissions:

- Name and title (if applicable) of the submitter,
- organisation's name (if applicable) the submitter belongs to, and
- address of the submitter (or submitter's organization).

3.1 OFFICIAL INFORMATION ACT

Under the Official Information Act 1982 (OIA), information is to be made available unless there are grounds for withholding it. The grounds for withholding information are outlined in the OIA. Submitters may wish to indicate any grounds for withholding information contained in their 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 take such indications into account when determining whether or not to release information. Any decision to withhold information requested under the OIA may be reviewed by the Ombudsman.

3.2 PROCESS AFTER CONSULTATION

Once the consultation period has closed, MPI will analyse submissions and make any required amendment(s) to the draft of the OOAP Standards. A summary and analysis of submissions will be sent to all submitters and posted on the MPI website.

The draft of the Standards resulting from the domestic consultation will be sent to the five trading partners with whom New Zealand has government to government agreements in place. MPI will invite them to provide feedback. Any significant difference with the current equivalence agreements will be negotiated. As a result of the negotiation with trading partners, the final document may be modified.

4 Background

Official Organic Assurance is a form of government endorsement for exported organic products. It provides assurance that individual consignments of organic products have been produced in accordance with the terms of the equivalence agreement between New Zealand and the importing country. In other words the OOAP provides an additional level of scrutiny above organic certification. It is aimed at ensuring that the exported organic products meet the regulatory requirements of the destination markets which New Zealand organic products are exported to in addition to the private standards for organic production (owned and implemented by certification bodies).

The OOAP applies to products exported to countries that have a government-to-government agreement in place with New Zealand covering the trading of organic products.

The OOAP does not cover organic products sold on the domestic market or exported to countries that have no government-to-government agreement in place with New Zealand for the trading of organic products.

The OOAP is based on a framework of Standards which sets out the requirements for Third Party Agencies (TPAs) and organic operators. These standards are:

- MAF Standard OP1, "Accreditation, Recognition and Performance Criteria for Third Party Agencies' and their Personnel – Organic Products",

- MAF Standard OP2, "Third Party Agency Responsibilities – Organic Products", and
- MAF Standard OP3, "Registration and Performance Measurement Criteria for Operators – Organic Products" including Appendix Two, Technical Rules for Organic Production.

MPI recognises TPAs to perform evaluation and verification services on its behalf. MPI recognition is based on TPAs conformity with Standard OP1 and Standard OP2. TPA performance is periodically verified by an Accreditation Body in conjunction with MPI.

MPI recognised TPAs verify conformity of organic operators with Standard OP3 and eligibility of organic products for an Official Organic Assurance.

As there is no specific legal framework for organic agriculture in New Zealand, the OOAP is a voluntary programme. It is fully cost recovered from participating exporters.

The OOAP was first established in 2001, at the request of the Organic Products Exporters of New Zealand (OPENZ), to secure long term market access stability for New Zealand organic exports, initially to the European Union.

Over time, the scope of the OOAP has been extended to include new markets. The programme now covers the European Union, the United States, Japan, Switzerland and Taiwan. These markets recognise the OOAP in different ways. In summary:

- The EU[1], Switzerland[2] and Taiwan recognise the OOAP as equivalent for live, unprocessed, and processed agricultural products.
- The USA has determined that MPI's conformity assessment system (Standard OP1 and OP2) is sufficient to ensure conformity with the technical standards of the USDA's National Organic Program, but does not recognise the OOAP Technical Rules in Standard OP3 as equivalent.
- Japan recognises the OOAP as equivalent for plant products and processed food of plant origin.

The Official Organic Assurance Programme (OOAP) supports MPI's 2030 Strategy pillar of 'maximising export opportunities'. The OOAP facilitates the organic sector's access to high value regulated organic markets.

[1] Annex III of the EU Commission Regulation (EC) 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries.

2 Annex 4 of the Swiss Ordinance on Organic Farming FDE 910.181 of 22 September 1997

5 Drivers for this review

The main driver for this review has been the need to harmonise the OOAP Standards with trading partner's requirements so that trade can continue to proceed smoothly.

The OOAP standards form the key documents around which equivalency discussions with overseas governments can be negotiated. Equivalence agreements remove unnecessary barriers to trade, such as costly and time consuming accreditation for the TPAs and dual certifications for operators.

Standards OP1, OP2 and OP3 are, as are all MPI Standards, subject to periodic review and possible amendment. These Standards were last amended in 2005. Appendix Two of Standard OP3, which outlines the Technical Rules for Organic Production, has been through a number of reviews since then. The most recent reviews of the Technical Rules were carried out in 2009 and 2010.

Overseas government regulations have been amended during this time. For example, in January 2014 EU Regulation 392/2013 came into force. This regulation outlines new requirements for the control systems including the way competent authorities supervise control bodies and the way control bodies verify operators. The outcome of this review provides for evidencing that our two programmes remain 'equivalent'.

Additionally, MPI is seeking new equivalence agreements with new markets. The outcome of the OOAP Standard review provides for facilitating negotiations with overseas governments.

The review is also aimed at harmonising the OOAP Standards with other domestic programmes and streamlining the bureaucratic framework within which stakeholders need to operate.

6 Key Changes to Standard OP1

6.1 TITLE

The title of the document has been simplified to read: "Organic Export Requirement: MPI Official Organic Assurance Programme Standard 1, Recognition of Third Party Agencies and their Personnel" instead of "MPI Official Organic Assurance Programme Standard OP1, Accreditation, Recognition and Performance Measurement of Third Party Agencies and their Personnel – Organic Products".

The new title reflects the fact that this standard is a requirement document for organizations wishing to be recognised by MPI to provide evaluation and verification services under the OOAP. Accreditation is a pre-requisite for recognition so it has been deleted from the title.

Likewise performance measurement is a condition for continued recognition so it has also been deleted from the title.

6.2 LETTERHEAD AND LOGOS

The letterhead and logos have been amended to reflect the name change in 2012 of the Ministry of Agriculture and Forestry (MAF) to Ministry for Primary Industries (MPI).

6.3 TEMPLATE

The template used for Version 3 of OOAP Standard 1 is the template used for all MPI regulatory requirement documents. This template was introduced in 2013.

It provides specific rules on formatting, use of plain English and separation of requirements from guidance.

The text of version 2 of Standard OP1 has been extensively rearranged and modified to meet these requirements.

6.4 DOCUMENT STRUCTURE

6.4.1 Appendices

Appendix 1 and Appendix 2 have been deleted and the relevant content has been:

- Incorporated in the body of the standard in the form of requirements or, as appropriate, in the form of guidance, or
- moved, where relevant, to OOAP Standard 2, or
- deleted if the requirements are covered by ISO/IEC 17065.

This change improves the readability of the document in that:

- Requirements and guidance are outlined in a logical sequence throughout the document.
- Requirements relevant to OOAP standard OP2 have been moved to the appropriate location.
- Duplications are avoided (i.e. where a requirement is covered by ISO/IEC 17065).

6.4.2 Annexes

Annex A, Annex B and Annex C have been deleted.

The content of these annexes would be more relevant to Standard OP2. However, the recent adoption by TPAs of sophisticated electronic data management systems suggests that the information requested by MPI templates can be provided electronically in different formats and the use of specific MPI templates may cause unnecessary paperwork.

6.5 ACCREDITATION

This review proposes to base MPI recognition of TPAs on ISO/IEC 17065 (Conformity assessment – Requirements for bodies certifying products, processes and services) rather than on ISO/IEC 17020 (Conformity assessment – Requirements for the operation of various types of bodies performing inspection).

The main reasons to change the accreditation requirement to ISO/IEC 17065 are:

- ISO/IEC 17065 is more relevant to the organic industry. Table 1 provides an overview of the key differences between ISO/IEC 17020 and ISO/IEC 17065.
- ISO/IEC 17065 has been referenced as a base for most international organic standards and regulations.

- TPAs operating under the OOAP are currently maintaining dual accreditation, which appears to be an unnecessary compliance cost:
    - Accreditation to ISO/IEC 17020 which is required for MPI recognition and
    - ISO/IEC 17065 which is required for their direct accreditation to international organic regulations and standards outside the scope of the OOAP.

Table 1: Differences between ISO/IEC 17020 and ISO/IEC 17065

Activity	ISO/IEC 17020	ISO/IEC 17065
Nature of operation	Direct determination of Conformance: Inspection of individual products and not necessarily by third party	Indirect determination of Conformance: Certification of series of products and always by third party
Assurance	Report provides condition at the time of inspection	Certification normally provides continuing assurance of compliance
Decisions	No need for separation of those taking inspection decisions from those performing inspection	Certification decisions taken by a different person(s) from those who have carried out evaluation
Issuing of licences	No licences issued	Grants licence to suppliers to issue certificate
Marking of products	Marks put only on products covered by inspection	Marks may be put on a certified product under licence

6.6 KEY TECHNICAL PERSONNEL (KTP) SYSTEM

The Key Technical Personnel (KTP) system has been included as an option for the recognition of TPA personnel. This system has been successfully used in several MPI programmes. Under the KTP system, the TPA appoints a person named Key Technical Person who is responsible for carrying out the periodic assessment of recognised personnel involved in evaluation and verification activities under the OOAP. The Accreditation Body and MPI Technical Expert then assess the KTP and a sample of the personnel under the KTP supervision (generally a percentage of the personnel, but not less than two individuals) instead of assessing every recognised individual.

6.7 APPLICATION PROCESS

A new Section has been added to outline the TPA application process so that the document follows a logical sequence.

The intent is to create a comprehensive document which provides TPAs with all the information necessary to obtain MPI recognition.

6.8 DEFINITIONS

Several new definitions have been added to explain the new terminology used in the standard. The ones which are no longer relevant have been deleted.

6.9 MODIFICATIONS

The reporting requirements have been modified to cover the new requirements of EU Regulation 392/2013 (amending Regulation (EC) 889/2008 as regards the control system for organic production), and to align the TPA reporting time frame with the MPI reporting time frame required by trading partners.

6.10 GUIDANCE

Guidance and requirements have been clearly separated in accordance with the MPI template guidelines. Guidance text appears enclosed in a box and includes:

- Suggestions for the TPAs on how to meet the requirements of the standard
- Relevant information on how MPI operates within the OOAP

Some text from the document "Official Organic Assurance Programme, a guide to the procedure for recognition and performance measurement of third party agencies and their individuals" has been included in the form of guidance. The text included relates to the description of the recognition categories and some general information on the criteria and frequency of assessments.

The intent is to provide some context and guidance to the reader in the same document for easy reference and to improve transparency and understanding of how the programme works.

6.11 TERMINOLOGY

6.11.1 "Recognised" / "Accredited" / "Approved"

Terminology referring to MPI recognition has been made consistent throughout the Standards. It is clearly distinguished from the endorsement provided by Accreditation Bodies and TPAs acceptance of operator requests:

- The term "approved" has been replaced by "recognised" when referring to MPI recognition.
- The term "accredited" has been replaced by "recognised" when referring to MPI recognition and it has been retained when referring to TPAs ISO accreditation.

The intent is to attribute a specific meaning to the terms "recognition", "accreditation" and "approval" to make clear that:

- MPI recognises TPAs and their personnel to operate under the OOAP.
- Accreditation bodies accredit TPAs to ISO/IEC 17065.
- TPAs approve, with MPI authorisation, requests / documentation from the operators.

6.11.2 "Assessment" / "Audit" / "Evaluation" / "Inspection" / "Verification"/ "Review"/ "Certification"

The terminology relating to the activities undertaken by MPI and by TPAs has been reviewed for clarity and consistency:

- The word “assessment” is now used only to refer to the supervision activities that the Accreditation Body in conjunction with MPI Technical Expert carry out on the TPAs.
- The wording “evaluation and verification” is used to refer to the control activities that TPAs undertake on operators.
- The wording “OMP review / reviewer” is used to refer to the review of the operator’s Organic Management Plan against OOAP Standard 3.
- The wording “OMP verification / verifier” is used to refer to the on-site inspections carried out by TPA personnel on the operator’s premises.
- The wording “OMP certification / certifier” is used to refer to the certification decision following on-site inspection.
  The wording “Assurance verification / verifier” is used to refer to the verification of the requests for Official Assurance for specific consignments (also known as export verifications).

The intention is to use a distinctive terminology for the OOAP which is consistent with the terminology used in other programmes across MPI. Distinctive terminology is also used to differentiate the control activity that MPI performs on TPAs (referred to as “assessment”) and the control activity that TPAs perform on operators (referred to as “evaluation and verification”).

6.11.3 Scope of recognised personnel

The roles of recognised personnel are outlined with specific terms and the respective tasks and competence requirements are clearly spelled out:

- OMP reviewer
- OMP verifier
- OMP certifier
- Assurance verifier
- KTP

The change in the accreditation requirement from ISO 17020 to ISO 17065 has imposed the introduction of new recognised functions such as the OMP reviewer and the OMP certifier. These functions are essential part of the certification process which underpins the OOAP.

Version 2 of Standard OP1 doesn’t distinguish between OMP Verifier and Assurance Verifier. These two roles are very different in terms of competence requirements and it’s therefore important to identify them clearly.

The KTP model wasn’t available under Version 2 of Standard OP1 but it has now been introduced in Version 3 because the current MPI approach to agencies recognition encourages the use of this model as a more efficient way of managing recognised individuals.

6.11.4 Scope for Recognised Personnel

The scope of personnel recognition has been simplified into 4 categories:

- Horticultural production.
- Livestock production.
- Apiary production.
- Food processing.

- Wine making.

These categories represent the main areas of expertise required to carry out OMP review, verification and certification.

7 Key Changes to Standard OP2

7.1 TITLE

The title of the document has been simplified to read: "MPI Official Organic Assurance Programme Standard 2, Third Party Agency Responsibilities".

This is because the reference to organic products is already included in the name of the Official Organic Assurance Programme (OOAP).

7.2 LETTERHEAD AND LOGOS

The letterhead and logos have changed to reflect the name change in June 2012 of the Ministry of Agriculture and Forestry (MAF) to Ministry for Primary Industries (MPI). In Version 3 of the OOAP Standards, references to "MAF" have been changed to read "MPI".

7.3 TEMPLATE

The template used for Version 3 of OOAP Standard 2 is the template used for all MPI regulatory requirement documents. This template was introduced in 2013.

It provides specific rules on format, use of plain English and separation of requirements from guidance.

The text of Version 2 of Standard OP2 has been extensively rearranged and modified to meet these requirements.

7.4 DOCUMENT STRUCTURE

7.4.1 Appendixes

Appendix 1of Standard OP2 has been deleted and the content has been incorporated in the body of the standard in the form of requirements or guidance as appropriate.

This change improves the readability of the document in that the requirements and guidance are outlined in a logical sequence throughout the document.

7.4.2 Annexes

Annex A of Standard OP2 has been removed. Its content has been partly deleted and partly incorporated in the body of the Standard.

- The deleted text relates to the criteria for standard and reduced verification frequency. Standard verification frequency (at least annual) is applied when operators meet OOAP standard OP3 (now Standard 3).The provision of reduced verification frequency has been removed because not in use and not in line with our trading partners regulations.

- The text relating to the criteria for increasing the verification frequency has been incorporated in the body of the Standard.

7.5 DEFINITIONS

Several new definitions have been added to explain new terminology used in the Standard. The ones which are no longer relevant have been deleted.

7.6 MODIFICATIONS

The following topics have been introduced or covered in more detail to harmonise the OOAP Standards with the changes to the EU Regulation 889/2008 brought about by EU Regulation 392/2013:

- Control file.
- Operator's registration (with a TPA).
- Risk analysis.
- Documentary evidence.
- Residue testing.
- Exchange of information between TPAs.

7.7 GUIDANCE

Guidance and requirements have been clearly separated in accordance with the MPI template guidelines.

Guidance text appears enclosed in a box, and includes:

- Suggestions for the TPAs on how to meet the requirements of the Standard.
- Relevant information on how MPI operates within the OOAP.

7.8 SUSPENSION, TERMINATION, REINSTATEMENT

These sections have been added to provide a complete overview of all aspects of operator's participation in the OOAP.

7.9 "ASSESSMENT" / "AUDIT" / "EVALUATION" / "INSPECTION" / "VERIFICATION"/ "REVIEW"/"CERTIFICATION"

The terminology relating to the activities undertaken by MPI and by TPAs has been reviewed for clarity and consistency:

- The word "assessment" is now used only to refer to the supervision activities that the Accreditation Body in conjunction with MPI Technical Expert carry out on the TPAs.
- The wording "evaluation and verification" is used to refer to the control activities that TPAs undertake on operators.
- The wording "OMP review / reviewer" is used to refer to the review of the operator's Organic Management Plan against OOAP Standard 3.

- The wording “OMP verification / verifier” is used to refer to the on-site inspections carried out by TPA personnel on the operator’s premises.
- The wording “OMP certification / certifier” is used to refer to the certification decision following on-site inspection.
  The wording “Assurance verification / verifier” is used to refer to the verification of the requests for Official Assurance for specific consignments (also known as export verifications).

The intention is to use a distinctive terminology for the OOAP which is consistent with the terminology used in other programmes across MPI. Distinctive terminology is also used to differentiate the control activity that MPI performs on TPAs (referred to as “assessment”) and the control activity that TPAs perform on operators (referred to as “evaluation and verification”).

APPENDIX 1 Side-by-side comparison of OOAP Standard OP1 (version 2) and OOAP Standard 1 (version 3)

OOAP Standard OP1 (version 2)	OOAP Standard 1 (version 3)
Accreditation, Recognition, and Performance Measurement Criteria for Third Party Agencies and their Personnel - Organic Products (NZFSA Standard OP 1) August 2005 Version Two	Official Organic Assurance Programme Standard 1 Recognition of Third Party Agencies and their Personnel
1 Background The NZFSA Standard on Accreditation, Recognition and Performance Measurement Criteria for Third Party Agencies and their Personnel – Organic Products was developed as part of the NZFSA system for official assurances. It describes acceptable criteria (means for satisfying NZFSA) for the initial and ongoing recognition of Third Party Agencies (TPAs) and accreditation of their personnel providing assessment and verification services for the NZFSA Official Organic Assurance Programme.	Background (1) The MPI Standard on Recognition of Third Party Agencies (TPAs) and their personnel is an integral part of the MPI system for Official Assurances for organic products. MPI recognition is based on the TPA accreditation to ISO/IEC 17065 performed against OOAP Standards 1 and OOAP Standard 2 as the reference standards. An auditor appointed by MPI participates in the accreditation process in the role of Technical Expert. (2) The Accreditation Body and the MPI Technical Expert work in conjunction in the initial assessment and ongoing performance measurement of TPAs and their personnel. (3) Ongoing performance measurement is undertaken at a frequency determined in accordance with Part 3. (4) This Standard is administered by the Food Production and Processing Team, Plant Food and Environment Directorate, Regulation and Assurance Branch.
~~2 Summary~~ ~~This Standard specifies requirements relating to the recognition of Third Party Agencies and accreditation of their personnel participating in the official assurance~~	

~~programme for organic products.~~ ~~Appendix One outlines criteria for demonstrating that the outcomes in the Standard for TPAs are achieved, including TPA compliance with:~~ ~~• accreditation standards;~~ ~~• contractual conditions with clients;~~ ~~• management of confidentiality;~~ ~~• management of workload;~~ ~~• management of any potential conflicts of interest;~~ ~~• management of accredited individuals;~~ ~~• control of documents;~~ ~~• management of internal non-compliance;~~ ~~• management review;~~ ~~• reporting to NZFSA; and~~ ~~• participation in industry standardisation sessions.~~ ~~Appendix Two outlines criteria for demonstrating that the outcomes in the Standard for TPA individuals providing assessment and verification activities are achieved, including:~~ ~~• skills, knowledge, experience and qualifications;~~	

~~• training and assessment;~~ ~~• minimum performance criteria; and~~ ~~• performance reviews.~~ ~~Proposals for alternative criteria may be approved by NZFSA, provided it can be demonstrated to NZFSA's satisfaction that the required outcomes will be achieved.~~	
3 Outcome NZFSA is confident that all TPAs and TPA individuals providing assessment and verification services for official assurance of organic production, and monitoring the performance of the organic export industry against the overseas market access requirements, on NZFSA's behalf, are independent and competent.	Why is this important? (1) The OOAP is a voluntary programme. MPI recognition of TPAs is conditional on their agreement to the conditions set down in the OOAP Standards. (2) Operating other than in accordance with this document may result in the refusal or suspension of MPI recognition. Failure to address the corrective actions to resolve a suspension may result in the termination of recognition.
~~4 Effective changes~~ ~~This standard will introduce the following changes from the previously existing situation:~~ ~~• NZFSA will use accreditation bodies to assess and recommend organic certification agencies for recognition as Third Party Agencies, with NZFSA providing technical experts for the process.~~ ~~• All TPA personnel undertaking assessment and verification activities for this programme will be accredited by NZFSA.~~ ~~• Accreditation bodies in conjunction with a NZFSA Technical Expert will assess TPA individuals applying for accreditation.~~	

5 Implementation This Standard will apply from the date of its issue by Circular or other means of official promulgation by NZFSA.	COMMENCEMENT The Organic Export Requirement comes into force on...
NZFSA Standard OP1, "Accreditation, Recognition and Performance Measurement Criteria for Third Party Agencies and Personnel - Organic Products"	
1.0 SCOPE This Standard contains the requirements for the accreditation, recognition and performance measurement of Third Party Agencies (TPAs) and their personnel who are providing assessment and verification services for NZFSA's Official Organic Assurance Programme. All Third Party Agencies and personnel recognised and accredited by NZFSA to provide assessment and verification services for organic products must comply with this Standard when undertaking activities for the NZFSA Programme. The criteria outlined in Appendices One and Two of this Standard were developed in consultation with industry to establish clear rules for verifying whether or not a TPA and/or an individual is satisfactory, and to assist parties to achieve the outcomes described in the Standard.	Who should read this Organic Export Requirement? (1)This document applies to TPAs and their personnel who apply for recognition or are recognised by MPI to provide verification and evaluation services under the OOAP
2.0 PURPOSE This standard provides a framework for the recognition and accreditation of TPAs and their individuals, and ensures independent service delivery by technically competent individuals.	Purpose This document outlines the criteria for the recognition of Third Party Agencies and their personnel providing evaluation and verification services for the MPI Official Organic Assurance Programme (OOAP).
3.0 OUTCOME	Why is this important? (1) The OOAP is a voluntary programme. MPI recognition of TPAs is conditional

All TPAs and their personnel assessing and verifying organic management plans and their components on NZFSA's behalf operate in conformance with these requirements, and provide quality independent assessment and verification services to organic operators and NZFSA.	on their agreement to the conditions set down in the OOAP standards. (2) Operating other than in accordance with this document may result in the refusal or suspension of MPI recognition. Failure to address the corrective actions to resolve a suspension may result in the termination of recognition.
4.0 INTERRELATED REQUIREMENTS The following standards must be read in conjunction with this Standard. • AS/NZS ISO/IEC Standard 17020:2000, "General Criteria for the Operation of Various Types of Bodies Performing Inspections" (EN 45004:1009). • "NZFSA Technical Rules for Organic Production" (NZFSA Standard OP3, Appendix Two). Food Assurance Authority, Ministry of Agriculture and Forestry. • NZFSA Standard OP2, "Third Party Agency Responsibilities – Organic Products". Food Assurance Authority, Ministry of Agriculture and Forestry. • NZFSA Standard OP3, "Registration and Performance Measurement Criteria for Operators – Organic Products." Food Assurance Authority, Ministry of Agriculture and Forestry.	Other information (1)The following standards should be read in conjunction with this Standard: • ISO/IEC Standard 17065:2012 Conformity assessment – Requirements for bodies certifying products, processes and services. • MPI OOAP Standard 2, "Third Party Agency Responsibilities" • MPI OOAP Standard 3, "Operators Responsibilities" • Organic Overseas Market Access Requirements (Organic OMARs)
~~5.0 ADDITIONAL RESOURCES~~ ~~The following documents are useful resources.~~ ~~• "Guide to the NZFSA Official Organic Assurance Programme". Food Assurance Authority, Ministry of Agriculture and Forestry.~~ ~~• "NZFSA Official Organic Assurance Programme, A Guide to the performance~~	*Relevant content has been incorporated in the Standard*

~~measurement of Third Party Agencies and their individuals".~~	
6.0 DEFINITIONS NZFSA definitions of terms can be found in their "Glossary of Terms", available on the NZFSA website (http://www.nzfsa.govt.nz/dairy/publications/information-papers/glossary.htm).. **Accreditation** - Formal granting of recognition of competency for specified categories, following assessment against a standard, by an accreditation body or NZFSA. **Accreditation body** - An internationally recognised, independent organisation which is authorised to accredit organisations to certain ISO or other standards in New Zealand. **Accredited individual** - A person who has demonstrated that they meet NZFSA competency standards, and has subsequently been formally accredited by NZFSA to undertake prescribed activities. An accredited individual may or may not have signatory status. **Assessment** - Systematic examination of an individual, organisation, plan, programme, or system against regulatory requirements. ~~**Assessor** – A person who carries out an examination to determine the degree of conformity with prescribed criteria (i.e. documents and procedures).~~ ~~**Conflict of interest** – Any circumstance that may undermine or detract from the impartiality and/or independence of an individual or organisation.~~ ~~**Contracting party** – An organisation or operator who has contracted the TPA to~~	1.2 Definitions *(1) Accreditation* means formal endorsement of competency of Third Party Agencies (TPAs) for specified categories, following assessment against a standard, by an accreditation body. *(2) Accreditation body* means an independent organisation that is member of ILAC, APLAC, IAF or PAC which accredits TPAs to certain ISO standards as agreed with MPI. *(3) Assessment*: systematic examination of an individual, organisation, plan, programme, or system against a defined set of requirements. *(4) Assurance failure* means a situation where an Official Assurance has been issued for product which does not conform to the OOAP requirements. *(5) Assurance verifier* means a recognised person who verifies requests for Official Organic Assurances on behalf of a TPA. *(6) Calibration* means a comparison exercise to determine that decision making processes are reaching the same, consistent outcomes. *(7) Critical non-conformity* means any identified non-conformity which affects the system's ability to continue to provide confidence that the requirements of the OOAP are met. Guidance: The following are examples of critical non-conformities: • Events • Critical non-conformity identified following assessments of registered

~~provide specified services as detailed in a contract.~~

Critical non-compliance - Any identified non-compliance is defined as critical if it affects the system's ability to continue to provide confidence that the product meets the requirements of the relevant NZFSA Programme.

e.g. An action, event or omission which may result in:

• Failure of organic product to comply with the overseas market access requirements;

• Failure to identify when organic product is not conforming;

• Failure to identify or rectify a non-compliance;

• Failure to keep accurate and complete records;

• Failure to provide accurate, complete and timely reports;

• Failure to identify and segregate non-conforming organic product in accordance with the requirements of the Official Organic Assurance Programme;

• Failure to comply with an Organic Management Plan;

• Failure to prevent recurrence of non-compliance; and/or

- Failure to rectify non-compliance within the specified timeframe.

Critical situation – Any situation which, in the professional judgement of the Assessor, places public health, animal welfare, market access, official assurances, national good, or NZFSA's credibility at risk, or where an offence is suspected.

~~**Director** - Director, Export Standards & Systems, NZFSA.~~

operators

- Failure to identify when a product is non-conforming
- Failure to segregate non-conforming product
- Failure to identify a non-conformity
- Failure to rectify non-conformity within the specified timeframe
- Failure to prevent reoccurrence of a non-conformity

(8) Critical situation means any situation which places public health, animal welfare, market access, national good, or MPI's credibility at risk, or where an offence is suspected.

(9) Evaluation means the determination of the validity of documented systems including OMP review and OMP certification.

(10) Event means any of the following situations is classified as an "event":

a) assurance failure
b) critical non conformity identified by the TPA within the TPA's system
c) critical situation identified during the TPA's work
d) importing countries requirements obtained from sources other than MPI

Guidance
For example the situation whereby an overseas authority has issued a new requirement and not notified MPI through normal channels.

(11) Key Technical Personnel (KTP) means recognised TPA personnel who has been assessed, and formally recognised by MPI, as being competent to accept responsibility for the assessment of the competence of recognised persons within a TPA.

(12) MPI means Ministry for Primary Industries.

(13) MPI Technical Expert means an MPI auditor who has been assigned to

~~**Facilities** – Machinery, equipment, premises, packaging and transport containers used during the production, harvesting, processing and handling of organic agricultural product and foodstuffs.~~

~~**Full assessment** – An assessment to confirm that staff, facilities, operations and procedures comply with regulatory requirements and documented procedures are followed. Information gathered will include, but need not be limited to, records, discussions with management and personnel, and the observation of activities.~~

~~**IANZ** – International Accreditation New Zealand. An accreditation body.~~

~~**JAS-ANZ** – Joint Accreditation System of Australia and New Zealand. An accreditation body.~~

~~**MAF** – Ministry of Agriculture and Forestry, New Zealand.~~

~~**NZFSA Compliance** – The Compliance and Investigation Group of NZFSA, reporting to the Director, Compliance and Investigation Group.~~

~~**NZFSA** – New Zealand Food Safety Authority.~~

Non-compliance - Any failure to comply with the requirements of the Official Assurance Programme.

Operator - A natural or legal person or business entity who has completed the registration process with a TPA and has the day to day management and/or contractual control of an organic management plan.

Surveillance assessment - A partial assessment to confirm selected components of a programme comply.

Third Party Agency (TPA) - An organisation recognised by NZFSA to carry out assessment (evaluation and/or verification) services.

assess the competence of TPAs and their personnel in conjunction with the Accreditation Body as part of the Accreditation process.

(14) Non-conformity means any failure to conform to the requirements of the OOAP.

(15) Official Assurance means a statement made by MPI to a foreign government, or an agent of a foreign government, attesting that, as appropriate, any one or more of the following conditions apply in respect of a product:

a. any specified process has been completed with respect to the product concerned
b. the product concerned meets the standards set for the product
c. any market access requirements of the importing country, which New Zealand has agreed to meet, that are stated in the Official Assurance, have been met by the system under which the product was produced or processed
d. the situation in New Zealand, in relation to any matter concerning plant or animal product, is stated in the Official Assurance

(16) OMP Certification means the determination of an operator's eligibility to participate in the OOAP based on the findings of the OMP verification.

(17) OMP Certifier means a recognised person who reviews the OMP verification report and determines operator's eligibility to participate in the OOAP.

(18) OMP Review means the review of an OMP against OOAP Standard 3

(19) OMP Reviewer means a recognised person who reviews the OMP against OOAP Standard 3

Verification - Application of methods, procedures, tests and other checks, in addition to monitoring, to determine compliance with NZFSA-approved plans, programmes and systems, and to confirm the ongoing applicability of those.	*(20) OMP Verification* the examination of the evidence to determine operator's conformity with the OMP. *(21) OMP Verifier* means a recognised person who examines the evidence to determine operator's conformity with the OMP. *(22) Operator* means a natural or legal person or business entity who has completed the registration process with a TPA and has the day to day management and/or contractual control of an Organic Management Plan. Guidance Operators include primary producers, processors, handlers, importers and exporters. *(23) Organic Certification* means the certification process substantiating marketing claims referring to the method of organic production. *(24) Organic Management Plan (OMP)* means a plan for managing a certified organic operation that has been agreed to between the operator and the TPA and covers all aspects of organic production and / or handling. *(25) Overseas Market Access Requirements (OMARs)* means official sanitary, truth of labelling, and/or related specifications set by the relevant competent authority for the importation of animal or plant products. *(26) Programme* means set of rules that applies to a certain export market. *(27) Recognised Person* means TPA personnel who have been formally recognised by MPI as being competent to undertake one or more roles defined in this standard. *(28) Scope* means the type of activities verified as part of the OMP. These include: horticultural production, livestock production, food processing and apiary production.

	(29) Subcontractor means an organisation or person who has been contracted by the TPA to provide specified services as detailed in a contract. *(30) Surveillance assessment* means a partial assessment performed by the Accreditation body and or MPI technical Expert to determine TPA conformance with selected components of the OOAP. *(31) Surveillance verification* means a partial verification performed by the OMP Verifier to determine operator's conformance with multiple selected components of the OMP. Surveillance verifications can be targeted, random, announced or unannounced. *(32) Third Party Agency (TPA)* means an organisation recognised by MPI to carry out evaluation and verification services on behalf of MPI.
7.0 REQUIREMENTS	Part 1: General Requirements
7.1 Third Party Agency A recognised TPA providing assessment and verification services to the New Zealand organic product export industry on behalf of NZFSA, must:	1.3 Recognised Third Party Agencies
be accredited, by an accreditation body, ~~to ISO Standard 17020~~ and the requirements set out in this Standard (~~note: the NZFSA criteria for the relevant sections of ISO Standard 17020 are contained in Appendix One to this Standard~~);	1.3.1 Accreditation (1) TPAs must: a) be accredited to the most recent version of Standard ISO/IEC 17065 (Conformity assessment – Requirements for bodies certifying products, processes and services) or b) demonstrate that the outcomes of Standard ISO/IEC 17065 are achieved in an equivalent way. Guidance Proposals for alternative criteria outlined in 1.3.1 (1) b) may be accepted by MPI, if it can be demonstrated to MPI's satisfaction that the required outcomes will be achieved.

Fulfill the requirements of NZFSA Standard OP2;

participate in industry standardisation sessions; and

- report the following information to NZFSA in accordance with the prescribed time-scale:

Topics	Events	Quarterly	Annually
Importing countries requirements obtained from sources other than the Director.	X		
Assurance failure (i.e. where exported product has been intercepted by offshore control authorities and does not comply with NZFSA requirements). Information on who did what, where, when and how, interim actions taken and recommendations must be provided.	X		
Critical non-compliance identified within the TPA's system.	X		
~~Critical non-compliance identified following assessments of registered operators (including assessment reports).~~	X		
Any critical situations identified during the course of the TPA's work.	X		
A summary of actual changes to the TPAs system, and details of any significant changes (i.e. changes that impact on the TPAs ability to meet the requirements of NZFSA Standards OP1 & OP2) that are proposed.		X	
Disputes: background, outcomes, legal action		X	

1.3.2 Conformity with other OOAP Standards

(1) TPAs must fulfil the requirements of MPI OOAP Standard 2.

1.3.3 Stakeholders engagement

(1) TPAs must participate in stakeholder standardisation sessions organised by MPI.

1.3.4 Reporting to MPI

(1) TPAs are required to submit event reports to MPI the following working day after becoming aware of situations such as:

a) Assurance failure
b) Critical non-conformity identified within the TPA's system
c) Any other critical situation
d) Importing countries requirements obtained from sources other than MPI

(2) TPAs are required to provide MPI with quarterly reports by the 23rd day of the month following the three months report period. Quarterly reports must cover the following topics:

e) A summary of any events that have been notified to MPI
f) A summary of critical non-conformities identified following assessments of registered operators
g) A summary of actual and proposed changes to the TPAs system that may impact on the TPAs ability to meet the requirements of OOAP Standards 1 and 2
h) Disputes including background, outcomes, legal action and settlements
i) TPA management and staff changes

(3) TPAs are required to provide MPI with an annual report for the year ending on the 31 December before 31 January. The annual report must include:

j) Name, address and phone number of the operator
k) ID code of the operator

and settlements.			
Other issues or events (e.g. potential problem issues relating to NZFSA Assurance for organic products).		X	
TPA management & individual changes.		X	
Report of system assessments undertaken for the year by registered operator stating: - the name of the operator, - date(s) the assessment was undertaken, - any non-compliance, and - dates any corrective actions were verified.			X

l) Programme
m) Scope
n) Number of annual OMP verifications
o) Number of surveillance verifications
p) Number of non-conformities issued
q) Number of non-conformities not closed out within the agreed time frame
r) Number of tests for prohibited substances
s) Number of tests showing residues of prohibited substances
t) Number of event reports submitted to MPI

(4) TPAs are required to provide any other relevant report upon MPI request.

7.1.1 Reporting

~~Staff who are responsible for providing reports must be specifically nominated and recorded in the TPA's documented system.~~

~~Reports must be kept confidential and secure at all times. Reports must have a consistent format which is used throughout the organisation.~~

Event management, quarterly and annual reports must be provided to NZFSA as follows.

A Event management reports

Reports must be submitted to the Director within 24 hours of the TPA becoming aware of an event (See table under 7.1).

B Quarterly reports

Reports must be submitted to the Director by mail, fax or electronic mail in a consistent format. Reports are to be received by the following dates: • Report for July/August/September due October 23 • Report for October/November/December due January 23 • Report for January/February/March due April 23 • Report for April/May/June due July 23 C Annual reports Reports for the year ending 30 June must be submitted to the Director before ~~31 July by mail and electronic mail~~.	
7.2 Third Party Agency personnel To be accredited by NZFSA to provide assessment and verification services, individuals must: • be competent in the skills of assessment and verification; • have a thorough understanding of, and experience in, the specific aspect of the organic industry in which they provide accredited services; • demonstrate an understanding of the relevant NZFSA Standards and overseas market access requirements; and • understand and effectively apply the quality system and procedures of the	1.4 Third Party Agency Personnel 1.4.1 Competence (1) Recognised personnel providing evaluation and verification services for the MPI Official Organic Assurance Programme must: a) Be competent in the skills relevant to their role b) Have a satisfactory understanding of the technical aspects of the scope for which they are to be recognised c) Have an understanding of the organic industry appropriate to the scope of their recognition d) Demonstrate an understanding of the relevant OOAP Standards and OMARs and e) Effectively apply the quality system and procedures of the TPA for which they are recognised

TPA(s) for which they have accredited status.	Guidance Recognised personnel should have had technical training in the field for which recognition is sought. This should preferably be formal training such as a tertiary qualification or other industry-recognised training programme, e.g. Diploma in Agriculture or Horticulture, Bachelor in: Agriculture Science, Horticulture Science, Environmental Science, or Veterinary Science. However, practical experience may be considered in lieu of formal training. Recognised personnel should have a thorough understanding of the specific aspect of the organic industry in which recognition is sought. Competence in the skills relevant to the role of OMP verification is demonstrated by completion of an appropriate Lead Assessor course (or equivalent). OMP verifiers should be able to evidence active involvement in verification activities since completing their formal training. Candidates for recognition renewal should have carried out at least two relevant tasks in each of the scopes for which recognition is sought within the previous 12 months unless they can demonstrate that they have maintained current technical training in each of the scope. (2) Candidates for initial recognition and/or scope extension must have carried out at least two relevant tasks under the supervision of a recognised person in each of the scopes for which recognition is sought within the previous 12 months.

7.2.1 Assessment and accreditation of individuals Internal assessment of individuals must: • follow the assessment procedure of the TPA for which they work; • include annual internal performance appraisals and peer reviews; and • include an assessment of the consistency of the work of all accredited individuals working within and across TPAs. External assessment of individuals must: • include assessment by the accreditation body and NZFSA, at the frequency assigned by NZFSA, of compliance with the criteria stated in this Standard and Appendix two to this Standard.	1.4.2 Assessment of recognised personnel (1) TPAs have the option to choose between two different systems for the recognition of their personnel: a) Recognition based on a recommendation from the MPI Technical Expert. Guidance Under this system a recognised person's competence is determined by a review of training records, experience and an on-site assessment by the Accreditation Body in conjunction with MPI Technical Expert. b) Recognition based on a recommendation from the TPA's Key Technical Personnel (KTP). Guidance Under this model a recognised person's competence is assessed by: An on-site assessment carried out by the KTP and A desk-top documentary review by MPI as part of the recognition renewal process.
	1.4.3 Key Technical Personnel (KTP) (1) Personnel who carry out the role of KTP must conform to the requirements stated in 1.4.1 and 1.4.2 (1) a). Guidance The recognition of the KTP is based on a recommendation from the Accreditation Body in conjunction with MPI Technical Expert. The assessment of the KTP includes the appraisal of their competence and the assessment of

	a sample of recognised personnel that are under their supervision.
7.2.2 Sub-contracted personnel Individuals who sub-contract their services to TPAs must comply with the requirements stated in 7.2 and 7.2.1 above.	1.4.4 Sub-contracted personnel (1) Individuals who sub-contract their services to TPAs must conform to the requirements stated in 1.4.1 and 1.4.2. Guidance If sub-contracted personnel are recognised to provide the same evaluation and verification services for more than one TPA, the Accreditation Body in conjunction with the MPI Technical Expert may tailor their re-assessment to avoid unnecessary duplications.
7.3 Ownership of data contributing to official assurance issue All data collected by TPAs in the course of their activities undertaken on behalf of NZFSA, for the issue of an official assurance of organic products, is official information and is subject to the requirements of the *Official Information Act 1982*.	1.5 Data pertaining to Official Assurances (1) All data collected by the TPAs in the course of activities undertaken on behalf of MPI, under the OOAP, is official information and is subject to the requirements of the Official Information Act 1982.
7.4 Publication of TPA recognition status In making reference to recognition status in communication media, TPAs may use only the following phrase (or an equivalent phrase approved by the Director), "Recognised by the Director to provide assessment and/or verification services to support NZFSA official assurances for organic products".	1.6 Publication of TPA recognition status (1) In making reference to recognition status in communication media, TPAs must use only the following phrase (or an equivalent phrase approved by MPI), "Recognised by MPI to provide evaluation and/or verification services to support MPI Official Assurances for organic products".
	Part 2: Application Requirements 2.1 Third Party Agencies (1) Any organisation wishing to be recognised as a Third Party Agency under

	the OOAP must apply to MPI. (2) The application for Third Party Agency recognition must include: a) A complete application form b) The application fee ## 2.2 Third Party Agency Personnel Guidance The recognition of personnel is available in one or more of the following roles: • OMP Evaluator • OMP Verifier • Assurance Verifier • Key Technical Personnel OMP Evaluators and OMP Verifiers can be recognised in one or more of the following scopes: • Horticultural production • Livestock production • Food processing • Wine making • Apiary production (1) Recognised TPAs seeking recognition for their personnel, or amending the roles and scopes for which a person is recognised, must apply to MPI. (2) The application must include a letter outlining the competences of the personnel for which recognition is applied for.

2.3 Key Technical Personnel (KTP)

(1) TPAs wishing to operate under a KTP system must apply to MPI as under 2.1 and develop a proposal outlining how their organisation will operate.

(2) The proposal must include the following information:

a) Organisational chart including the TPA management team, the KTP and the makeup of the evaluation and verification team
b) Internal procedures for assessing recognised personnel and making recommendations to MPI
c) KTP calibration including peer review and training

Guidance

After an acceptable proposal has been submitted, MPI will arrange a meeting with the TPA to discuss the proposal. The meeting is an opportunity for:

- the agency to present how their organisation will operate under the KTP system and to answer any questions or concerns that MPI may have
- MPI to work through areas of interest and to document any agreed outcomes of the meeting

2.4 Renewal applications

(1) Renewal applications must be sent to MPI at least one month before the recognition expiry date.

8.0 VERIFICATION Verification of compliance of TPAs and their personnel with this Standard is undertaken by the accreditation body in conjunction with a technical expert appointed by NZFSA and at a frequency determined by NZFSA. A list of recognised TPAs and their accredited individuals is available on the NZFSA website, http://www.nzfsa.govt.nz/organics/tpa/tpa-register/index.htm.	Part 3: Conformity Assessment
8.1 Criteria The criteria for assessing compliance with the Standard are as follows. • The procedures to meet the requirements of this Standard are documented in the TPA's quality system and no deficiencies are identified in the TPA's procedures. • The TPA and accredited personnel undertake activities in accordance with the TPA's procedures. • Accredited personnel meet all the relevant requirements of this Standard. • At the annual internal management and peer reviews, and external assessment, the accredited individual is judged to be competent. • The TPA has paid its fees.	Guidance Recognised TPAs Conformity with this Standard is assessed by the Accreditation Body in conjunction with an MPI Technical Expert at a frequency assigned by the Accreditation Body and MPI. In general TPAs will be re-assessed annually. However the assessment frequency may be increased or decreased based on the level of conformity with the OOAP Standards. Additional surveillance assessments may be required, as needs arise. Recognised Personnel Depending on the recognition model agreed, assessment of conformity with this standard is undertaken by: • MPI Technical Expert, at a frequency assigned by MPI or • The TPA Key Technical Personnel, in accordance with the TPA's procedures Regardless of the recognition model agreed, recognised personnel will be re-assessed annually. However the assessment frequency may be increased or decreased based on the level of conformity with the OOAP Standards. KTP Assessment of conformity with this Standard is undertaken by the Accreditation Body in conjunction with MPI Technical Expert at a frequency

	assigned by the Accreditation Body and MPI. In general the KTP will be re-assessed annually. However the assessment frequency may be increased or decreased based on the level of conformity with the OOAP Standards. The Accreditation Body and MPI Technical Expert assess the KTPs conformity through an interview and an on-site assessment of a sample of recognised personnel supervised by the KTP. Assessment Criteria Criteria for assessing TPAs conformity: • The procedures to meet the requirements of this Standard are documented in the TPA's quality system • No deficiencies are identified in the TPA's procedures • The TPA and recognised personnel undertake activities in accordance with the TPA's procedures • The TPA meets all the relevant requirements of this Standard • The TPA has paid its fees Criteria for assessing conformity of Recognised Personnel: • The recognised personnel meet all the relevant requirements of this Standard Criteria for assessing conformity of KTP: • The KTP meets all the relevant requirements of this Standard Listing of Recognised TPAs A list of recognised TPAs and their personnel is available on the MPI website.
~~8.2 Decision~~ ~~The TPA or individual is non-compliant if one or more of the criteria for assessing compliance is not met.~~	
~~8.3 Result~~ ~~**8.3.1 Compliant TPAs and personnel**~~	

~~Compliant TPAs are accredited by an accreditation body and either recognised or retain recognition by NZFSA to provide assessment and verification services for the Official Organic Assurance Programme.~~ ~~Compliant individuals are either accredited or retain accreditation by NZFSA to provide assessment and verification services within a recognised TPA.~~	
~~8.3.2 Non-compliant TPAs and personnel~~ ~~Non-compliant TPAs and personnel are either not accredited by an accreditation body or not recognised or accredited by NZFSA, or have accreditation/recognition withdrawn, and are not able to provide assessment and verification services for the Official Organic Assurance Programme.~~ ~~NZFSA may choose to review any work and/or services previously performed by a TPA or an individual who has had recognition or accreditation withdrawn or conditions imposed on recognition or accreditation.~~	
	Part 4: Requirements relating to recognition suspension, reinstatement, termination
8.3.3 Suspension of a TPA's recognition Recognition of a TPA will be considered for suspension by the Director, in full or part, for a specified period, if: • an assessment by the accreditation body identifies a critical non-compliance; or • agreed corrective actions for occurrences of any non-compliance are not implemented; or • the TPA formally requests their recognition be suspended.	4.1 Suspension 4.1.1 Suspension of TPAs' recognition Guidance TPAs recognition will be considered for suspension by MPI, in full or part, for a specified period, if: • An assessment by the Accreditation Body in conjunction MPI Technical Expert identifies a critical non-conformity or • Agreed corrective actions for occurrences of any non-conformity are not implemented or • TPAs formally request their recognition to be suspended The TPA will be advised by MPI of the reasons for the suspension of the recognition and the effective date of the suspension. Such advice will be sent

Notification of suspension will be via a suspension notice delivered by facsimile followed by registered letter (or equivalent means). Where a TPA requests the Director to suspend their recognition it must provide the Director with a minimum of 30 days notice of such intent and must continue to provide all assessment and verification information up until the agreed date of suspension. A TPA must not provide any verification services for which the Director has suspended their recognition. Product, which has been verified by a suspended TPA, but not yet exported, will be eligible for official assurance only if it can be shown to meet the overseas market access requirements.	by email followed by a formal letter. (1) TPAs must not provide any evaluation or verification services for which MPI has suspended their recognition. (2) Where TPAs request MPI to suspend their recognition they must provide a minimum of 30 days notice of such intent and must continue to provide all evaluation and verification services up until the agreed date of suspension.
8.3.4 Termination of a TPA's recognition The TPA's recognition may be terminated at the request of the TPA or by the Director. Where a TPA requests the Director to terminate their recognition they must provide a minimum of 30 days notice of such intent and must continue to provide all assessment and verification information up until the agreed date of termination. The TPA's recognition may be terminated by the Director if the conditions for reinstatement in a suspension notice are not met within the specified time. The TPA will be advised by the Director of the reasons for the termination of the recognition and the effective date of the termination. Such advice will be sent by facsimile followed by registered letter (or equivalent means). The TPA must not provide any assessment or verification services for which their	4.3 Termination 4.3.1 Termination of TPAs' recognition Guidance The TPAs' recognition may be terminated at the request of the TPA or by MPI if the conditions for reinstatement in a suspension notice are not met within the specified time frame. The TPA will be advised by MPI of the reasons for the termination of the recognition and the effective date of the termination. Such advice will be sent by email followed by formal letter. (1) TPAs must not provide any evaluation or verification services for which their recognition has been terminated by MPI. (2) Where the TPAs' recognition is terminated, they must not identify as eligible

recognition has been terminated by the Director. Where the TPA's recognition is terminated, they must not identify as eligible for official assurance any produce being processed through their system. Product that has been verified by a terminated TPA, but not yet exported, will receive an official assurance only if it can be shown to meet the overseas market access requirements. Where the TPA's recognition is terminated, their notification of recognition must be returned to the Director within two working days of the recognition being terminated.	for Official Assurance any produce being processed through their system. (3) Where TPAs request MPI to terminate their recognition they must provide a minimum of 30 days notice of such intent. TPAs must continue to provide all evaluation and verification services up until the agreed date of termination. (4) Where TPAs' recognition is terminated, their notification of recognition must be returned to MPI within ten working days of the recognition being terminated.
8.5 Suspension or termination of accreditation for TPA personnel The Director may suspend or terminate accreditation of TPA personnel as a result of: • the recommendation of the TPA; • the recommendation of the accreditation body; • a critical non-compliance identified during an assessment; and/or • confirmation of non-compliance as notified by external sources. Where a TPA individual's accreditation is terminated, the TPA must return to the Director, within two working days of the accreditation being terminated, the individual's certificate of Accreditation.	4.1.2 Suspension of TPAs personnel recognition Guidance MPI may suspend the recognition of TPAs personnel as a result of: The recommendation of the TPA • The recommendation of the Accreditation Body in conjunction with MPI Technical Expert • A critical non-conformity identified during an assessment • Confirmation of non-conformity as notified by external sources • Corrective actions following issue of non-conformity not being implemented Notification of suspension will be via a suspension notice delivered by email followed by a formal letter. Where a recognised person is taking a break from work, for any reason (e.g. study leave, sabbatical, secondment, parental leave), their recognition may be put on hold. The TPA should contact MPI to discuss the TPA plans for re-integrating that person into the role(s) for which they are recognised. (1) TPA personnel must not provide any service for which MPI has suspended their recognition.

	(2) Where a TPA requests MPI to temporarily suspend a person's recognition, it must provide a minimum of 30 days notice of such intent. 4.3.2 Termination of TPAs personnel recognition Guidance MPI may terminate recognition of TPAs personnel as a result of: • TPAs request • a recommendation from the Accreditation Body in conjunction with MPI Technical Expert • The conditions for lifting a suspension not having been met (1) Where TPAs personnel recognition is terminated, TPAs must return the certificate of recognition to MPI, within 10 working days of the recognition being terminated. (2) Where TPAs personnel recognition is terminated at the request of the TPA, they must provide MPI with a notification of this intent.
8.6 Reinstatement of recognition Reinstatement of recognition for a TPA or accreditation for an individual following suspension will only occur when the Director is satisfied the TPA or the individual meets the conditions for reinstatement, as stated in the suspension notice. When a TPA or the individual has been confirmed as meeting the conditions for reinstatement they will be advised by the Director of the date from which recognition or accreditation will be reinstated. Such advice will be sent by facsimile followed by a registered letter (or equivalent means). NZFSA Standard OP1 Version Two August 2005 Page 10 of 22 Reinstatement of a TPA's recognition will only occur when the Director is satisfied	4.2 Reinstatement Guidance Reinstatement of a TPA or TPA personnel recognition following suspension will only occur when MPI is satisfied that the TPA or the recognised person meet the conditions for reinstatement, as stated in the suspension notice. When a TPA or a recognised person have been confirmed by MPI as meeting the conditions for reinstatement they will be advised of the date from which recognition will be reinstated. Such advice will be sent by email followed by a formal letter.

the TPA has successfully completed the recognition process.

Reinstatement of an individual's accreditation will only occur when the Director is satisfied the individual meets the relevant requirements of this Standard.

~~9.0 VERSION CONTROL~~

~~**Version**~~	~~**Date**~~	~~**Status**~~	~~**By**~~
~~Draft 000510~~	~~23 June 2000~~	~~Issued for internal comment~~	~~TA-OPP, NZFSA: Dairy & Plants~~
~~Draft 000711~~	~~11 July 2000~~	~~Issued for external comment~~	~~TA-OPP, NZFSA: Dairy & Plants~~
~~Draft 001013~~	~~13 October 2000~~	~~Issued for external comment~~	~~TA-OPP, NZFSA: Dairy & Plants~~
~~Draft 010215~~	~~15 February 2001~~	~~Issued for final comment~~	~~TA-OPP, NZFSA: Dairy & Plants~~
~~Version One~~	~~March 2001~~	~~Approved~~	~~Directors, NZFSA: Dairy & Plants and NZFSA: Animal Products~~

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Appendix One

CRITERIA FOR THIRD PARTY AGENCIES

Following are criteria by which a TPA may be judged to achieve satisfactorily

the requirements described in section 7 of this Standard. TPAs, which have demonstrated that they meet each of the criteria, will be recognised by NZFSA. Proposals for alternative criteria will be accepted by NZFSA, provided it can be demonstrated to NZFSA's satisfaction that the required outcomes will be achieved. A guide to the information required in these proposals and the procedures used to assess proposals can be obtained from NZFSA.	
1.0 TPA ACCREDITATION AND RECOGNITION 1.1 Accreditation criteria All TPAs providing services under the NZFSA Standards for organic products are accredited, by an accreditation body, ~~to ISO Standard 17020~~ and the requirements of this Standard. ~~The TPA specifies, in its quality system and application for accreditation, the category in Section 4 of ISO Standard 17020 against which it is to be assessed.~~ ~~An outline of the accreditation and recognition process is provided in Table A1.1.~~	1.3.1 Accreditation (1) TPAs must: a) be accredited to the most recent version of Standard ISO/IEC 17065 (Conformity assessment – Requirements for bodies certifying products, processes and services) or b) demonstrate that the outcomes of Standard ISO/IEC 17065 are achieved in an equivalent way. Guidance Proposals for alternative criteria outlined in 1.3.1 (1) b) may be accepted by MPI, if it can be demonstrated to MPI's satisfaction that the required outcomes will be achieved.
1.2 Contractual criteria A TPA providing NZFSA services to operators has systems in place which ensure the contractual conditions under which it provides those services to contracted parties are documented and agreed by both parties. These conditions include: • full access to records of the contracting party; • full access to the contracting party's personnel and facilities at any reasonable time;	*Covered in OOAP Standard 2 Clause 1.3*

• written authority from its clients, to report relevant information to NZFSA; • conditions of payment; • full access by the contracting party to all records concerning it held by the TPA; and • a statement clarifying ownership of all information relating to the contracted party.	

1.3 Management of confidentiality The recognised TPA may, in the course of their duties, receive information, such as market information, volume or value of production, which is of a confidential nature. This confidentiality is respected at all times and where applicable is subject to the provisions of the Privacy Act 1993. The distribution of confidential information is limited to those persons within the TPA whose job requires that they have such information. These persons/positions are documented within the TPA system. The TPA has a written statement, as part of the quality system, allowing the accreditation body to release information to NZFSA, as required. The TPA has systems to preserve the confidentiality of information from contracted parties.	*Covered in OOAP Standard 2 Clause 1.14*
1.4 Management of workload The TPA has documented policies and procedures that prevent and demonstrate the absence of commercial, financial and other pressures that may lead to a conflict of interest for all areas of work. These procedures ensure that all work is completed without time constraints, intimidation or other factors that would influence assessment results.	1.3.5 Management of workload (1) TPAs must have documented policies and procedures to ensure that all work is completed without time constraints, intimidation or other factors that could influence the ability to conform to their evaluation and verification activities.
The TPA has documented policies and procedures that prevent it from abusing its position for financial or other gain.	*Covered under ISO/IEC 17065 Accreditation (Clause 4.2.2)*
1.5 Management of potential conflicts of interest (independence, impartiality and integrity) The TPA has documented policies and procedures that ensure the effective separation of consultancy and assessment work for the same client.	*Covered under ISO/IEC 17065 Accreditation (Clause 4.2)*

1.6 Management of accredited individuals The TPA has adequate numbers of competent staff to provide routine services in the category or categories for which the TPA is recognised.	1.3.6 Management of recognised personnel (1) TPAs must have adequate numbers of competent staff to provide routine services in the categories for which they are recognised.
All personnel providing assessment services, including subcontracted staff, are assessed by the TPA and/or the accreditation body and accredited by NZFSA.	(2) All personnel providing evaluation and verification services, including subcontracted staff, must be recognised by MPI.
The TPA has systems to ensure that all individuals for whom accreditation is sought are appropriately trained, and assessed, in accordance with section 2 of this Appendix.	(3) TPAs must have systems to ensure and document that all recognised personnel maintain competency in the scopes for which they are recognised.
The TPA has documented systems to ensure that only accredited individuals provide assessment and verification services.	(2) All personnel providing evaluation and verification services, including subcontracted staff, must be recognised by MPI.
The TPA has documented systems to eliminate any potential conflict of interest between the initial assessment and the ongoing on-site verification of an organic management plan. (i.e. the initial assessment and ongoing on-site verification is undertaken by different individuals).	*Covered in OOAP Standard 2 Clause 1.5 (4)and 1.6 (3)*

The TPA has documented systems to ensure that the performance and competence of each accredited individual is determined, at least annually, by performance appraisal and internal peer review. Where internal peer review is not possible, peer review is by an accreditation body.	(4) TPAs must have documented systems to ensure that the performance of recognised personnel is assessed, at least annually, by performance appraisal and internal peer review.
The TPA has documented systems to check the consistency of work done by accredited individuals within the TPA, these checks to be conducted annually at least.	(6) TPAs must have documented systems to ensure that the work of all recognised personnel is consistent.
The TPA has documented systems to ensure that, when any individual is deemed to be non-compliant: the individual does not carry out assessment services; within 24 hours of the review, NZFSA is notified of any individual deemed to be non-compliant; a traceback is conducted on the work done by the non-compliant individual to determine the corrective actions required; and where there is any doubt about the quality of any work done by the individual, the client(s) involved are advised and the work is repeated by another approved individual.	(5) TPAs must have documented systems to ensure that, when a recognised person is found to be non-conforming: a) They do not carry out evaluation or verification services b) MPI is notified within the following working day c) A review is conducted of the work done by the non-conforming person to determine the corrective actions required and d) Where required, the affected operators are advised and the work is repeated by another recognised person
TPAs subcontracting the services of individuals to deliver specific functions have systems in place to manage those individuals in accordance with section 4.2 of ISO Standard 17020 and the requirements of this Standard.	1.4.4 Sub-contracted personnel (1) Individuals who sub-contract their services to TPAs must conform to the requirements stated in 1.4.1 and 1.4.2. Guidance If sub-contracted personnel are recognised to provide the same evaluation and verification services for more than one TPA, the Accreditation Body in conjunction with MPI Technical Expert may tailor their re-assessment to avoid unnecessary duplications.

The TPA has systems in place to maintain full records of training and experience of all accredited individuals providing assessment and verification services on behalf of the TPA.	*Covered under ISO/IEC 17065 Accreditation (Clause 8.4)*
To prevent over-familiarity with client systems and processes, the TPA ensures that whenever practicable accredited individuals do not provide the same assessment and/or verification services continuously to the same client.	*Covered in OOAP Standard 2 Clause 1.6 (5)*
1.7 Control of documents The TPA has documented systems to ensure adequate record keeping and document control. The TPA has systems to ensure access by relevant staff to the latest version of all relevant legislation and standards. The TPA specifies the retention time for all information required by NZFSA Standards.	*Covered under ISO/IEC 17065 Accreditation (Clause 8.3)*
1.8 Management of internal non-compliance The TPA has proactive systems for internal management review and the completion of corrective actions to rectify any non-compliance. These systems have provision for monitoring the agency's own performance, and for the anticipation, identification and prevention of problems. Any critical non-compliance is reported to NZFSA as an event report.	*Covered under ISO/IEC 17065 Accreditation (Clause 8.7)*
1.9 Management review The TPA has procedures to conduct an internal management review of its own quality system at least annually.	*Covered under ISO/IEC 17065 Accreditation (Clause 8.5)*
~~1.10 Post-verification security~~	

When a TPA verifies a certificate for a consignment that is at a site remote from the export point of departure from New Zealand (i.e. air or sea port), the TPA is able to demonstrate that all product remains intact and protected from substitution until export. Systems to control the post verification security of product are documented.	
1.11 Performance measurement of TPAs The TPA manager implements performance based assessment frequency as instructed by NZFSA, and ensures that the assessments required for the performance assessment category to which they have been assigned, are undertaken as specified.	
1.12 Demonstration of compliance The TPA demonstrates compliance at the level appropriate to the performance assessment category to which it has been assigned.	
Table A1.1 *Outline of the accreditation and recognition process* 1. The TPA applies to an accreditation body for approval, using appropriate documentation. 2. The accreditation body registers the application and requests a copy of the TPA's quality system documentation, including technical procedures. 3. The accreditation body appoints a Lead Assessor, who examines the TPA's quality system documentation. 4. The accreditation body contacts the NZFSA technical expert and forwards the TPA's quality system documentation for examination. 5. If any deficiencies are identified in the examination of documentation, the TPA	

~~is notified and requested to address them.~~ ~~6. Any deficiencies are signed off by either the Lead Assessor or technical expert.~~ ~~7. The Lead Assessor arranges a site assessment visit with the technical expert and the TPA.~~ ~~8. The assessment team conducts a site assessment, including observation of persons seeking approval performing relevant tasks, and the TPA is notified of any non-compliance.~~ ~~9. The TPA resolves any non-compliance.~~ ~~10. The assessment team signs off any non-compliance.~~ ~~11. The accreditation body grants accreditation to the TPA and forwards a recommendation for approval to NZFSA.~~ ~~12. NZFSA approves the TPA, and lists it on the register of approved TPAs on the NZFSA website.~~ ~~13. The completed application form (available on the NZFSA website) will form part of the TPA's system for providing contact and communication details.~~	
Appendix Two **CRITERIA FOR TPA PERSONNEL** Following are criteria by which an individual may be judged to satisfactorily achieve the requirements described in section 7 of this Standard. Individuals who have demonstrated that they meet each of the criteria will be accredited by NZFSA. Proposals for alternative criteria will be accepted by NZFSA, provided it can be	1.4 Third Party Agency Personnel

demonstrated to NZFSA's satisfaction that the required outcomes will be achieved.	
REQUIREMENTS FOR ACCREDITED INDIVIDUALS Accredited individuals: Are trained in the skills of assessment and have completed and passed an accredited training course (e.g. IRCA, IQA, JAS-ANZ or NZQA accredited) 5 day Lead Assessor course within the previous three years. If training was completed more than three years previously, active involvement in assessment over the intervening years is demonstrated. The person has carried out two or more assessments under the supervision of a recognised individual of the TPA. Have some formal technical training in the field for which recognition is sought, for example a tertiary qualification such as a degree or diploma, or other industry-recognised training programme, e.g. Diploma in Agriculture or Horticulture, Bachelor in: Agriculture Science, Horticulture Science, Environmental Science, Veterinary Science. Have a thorough understanding of the specific aspect of the organic industry in which recognition is sought. Normally, this would mean at least two years of recent involvement in a relevant area in the industry. Demonstrate an understanding of the requirements of the relevant NZFSA Standards and overseas market access requirements. Understand and effectively apply the quality system and procedures of the TPA(s) for which they have accredited status.	1.4.1 Competence (1) Recognised personnel providing evaluation and verification services for the MPI Official Organic Assurance Programme must: a) Be competent in the skills relevant to their role b) Have a satisfactory understanding of the technical aspects of the scope for which they are to be recognised c) Have an understanding of the organic industry appropriate to the scope of their recognition d) Demonstrate an understanding of the relevant OOAP Standards and OMARs and e) Effectively apply the quality system and procedures of the TPA for which they are recognised Guidance Recognised personnel should have had technical training in the field for which recognition is sought. This should preferably be formal training such as a tertiary qualification or other industry-recognised training programme, e.g. Diploma in Agriculture or Horticulture, Bachelor in: Agriculture Science, Horticulture Science, Environmental Science, or Veterinary Science. However, practical experience may be considered in lieu of formal training. Recognised personnel should have a thorough understanding of the specific aspect of the organic industry in which recognition is sought. Competence in the skills relevant to the role of OMP verification is demonstrated by completion of an appropriate Lead Assessor course (or equivalent). OMP verifiers should be able to evidence active involvement in verification activities since completing their formal training. Candidates for recognition renewal should have carried out at least two relevant tasks in each of the scopes for which recognition is sought within the previous 12 months unless they can demonstrate that they have maintained current technical training in each of the scope.

	(2) Candidates for initial recognition and/or scope extension must have carried out at least two relevant tasks under the supervision of a recognised person in each of the scopes for which recognition is sought within the previous 12 months.
The individual's technical competence is determined by review of training records, experience, and on-site assessment. A NZFSA technical expert in conjunction with the accreditation body assesses the technical competence of all accredited individuals.	1.4.2 Assessment of recognised personnel (1) TPAs have the option to choose between two different systems for the recognition of their personnel: a) Recognition based on a recommendation from the Accreditation Body in conjunction with MPI Technical Expert. Guidance Under this system a recognised person's competence is determined by a review of training records, experience and an on-site assessment by the Accreditation Body in conjunction with an MPI Technical Expert. b) Recognition based on a recommendation from the TPA's Key Technical Personnel (KTP). Guidance Under this system a recognised person's competence is assessed by: • An on-site assessment carried out by the KTP and • A desk-top documentary review by MPI as part of the recognition renewal process
2.0 ASSESSMENT OF ACCREDITED INDIVIDUALS In order to obtain accreditation and for accreditation to continue, the individual demonstrates continued competence in both internal and external assessments.	
2.1 Internal assessments The accredited individual's continued competence is internally assessed, by performance appraisals and peer review, at least annually, by the TPA by which the	*Covered under ISO/IEC 17065 Accreditation (Clauses 6.1.2 and 8.5)*

individual is employed or sub-contracted. Where internal peer review is not possible, peer review is by an accreditation body or an accredited individual working for another recognised TPA. TPAs have minimum criteria against which each individual's competence is internally assessed. The following areas are included in the criteria: knowledge of the relevant NZFSA Standards and overseas market access requirements; knowledge and demonstrated use of the TPA's quality system and procedures; appropriate technical background and current knowledge; ability to make judgement calls or recognise when a judgement call needs to be made; adequate experience in a relevant area of industry; demonstrated skills and competencies; adequacy of assessment and verification services carried out; and accurate, unbiased, uncensored and timely reporting of client details. Accredited individuals carry out at least one assessment in each accredited category each year, or they demonstrate continued competence in assessment in that category. As part of the management review, the TPA checks that the work done by all accredited individuals working for it is of a consistent standard.	

2.2 External assessment

To gain and maintain accreditation the individual's competence is assessed by the accreditation body and NZFSA, at a frequency assigned by NZFSA. Initially, this is a full assessment. The extent of re-assessment will be reviewed, based on performance, in accordance with this Standard. Subsequent assessments may be full or surveillance assessments. More frequent full assessment may be required if the accreditation body or NZFSA determines non-compliance.

As part of the external assessment, the accreditation body and NZFSA check that the work done by accredited individuals across all TPA's, is of a consistent standard.

Part 3: Conformity Assessment

Guidance

Recognised TPAs

Conformity with this Standard is assessed by the Accreditation Body in conjunction with MPI Technical Expert at a frequency assigned by the Accreditation Body and MPI. In general TPAs will be re-assessed annually. However the assessment frequency may be increased or decreased based on the level of conformity with the OOAP Standards. Additional surveillance assessments may be required, as needs arise.

Recognised Personnel

Depending on the recognition system agreed, assessment of conformity with this standard is undertaken by:

- MPI Technical Expert, at a frequency assigned by MPI or
- The TPA Key Technical Personnel, in accordance with the TPA's procedures

Regardless of the recognition system agreed, recognised personnel will be re-assessed annually. However the assessment frequency may be increased or decreased based on the level of conformity with the OOAP Standards.

KTP

Assessment of conformity with this Standard is undertaken by the Accreditation Body in conjunction with MPI Technical Expert at a frequency assigned by the Accreditation Body and MPI.

In general the KTP will be re-assessed annually. However the assessment frequency may be increased or decreased based on the level of conformity with the OOAP Standards. The Accreditation Body and MPI Technical Expert assess the KTPs conformity through an interview and an on-site assessment of a sample of recognised personnel supervised by the KTP.

Assessment Criteria

Criteria for assessing TPAs conformity:

- The procedures to meet the requirements of this Standard are

	documented in the TPA's quality system • No deficiencies are identified in the TPA's procedures • The TPA and recognised personnel undertake activities in accordance with the TPA's procedures • The TPA meets all the relevant requirements of this Standard • The TPA has paid its fees Criteria for assessing conformity of Recognised Personnel: • The recognised personnel meet all the relevant requirements of this Standard Criteria for assessing conformity of KTP: • The KTP meets all the relevant requirements of this Standard Listing of Recognised TPAs A list of recognised TPAs and their personnel is available on the MPI website.
3.0 SUBCONTRACTED ASSESSORS Individuals who subcontract their services to TPAs comply with all of the requirements listed in sections 1.0, 2.0, 2.1 and 2.2 above. Subcontracted individuals may be accredited to provide assessment and verification services for more than one TPA. In this case, their knowledge of the quality systems and procedures used by all the TPAs to which they subcontract, is assessed by the accreditation body. If they are supplying the same assessment services to all TPAs, a full re-assessment of their technical knowledge may not be necessary. When an individual has applied for accreditation in more than one category, their performance in all categories may be assessed at the same time, if appropriate.	1.4.4 Sub-contracted personnel (1) Individuals who sub-contract their services to TPAs must conform to the requirements stated in 1.4.1 and 1.4.2. Guidance If sub-contracted personnel are recognised to provide the same evaluation and verification services for more than one TPA, the Accreditation Body in conjunction with MPI Technical Expert may tailor their re-assessment to avoid unnecessary duplications.
~~4.0 DEMONSTRATION OF COMPLIANCE~~ ~~The individual demonstrates compliance at the level appropriate to the performance assessment category to which they have been assigned~~	

5.0 ~~ASSESSMENT REQUIREMENTS~~ ~~The manager of the TPA ensures that the assessments required for the performance assessment category to which the individual has been assigned are undertaken as specified.~~ ~~NZFSA Standard~~	
~~Annex A~~ ~~TEMPLATE FOR TPA RECORD OF AUDITS OF REGISTERED OPERATORS~~	
~~Annex B~~ ~~TEMPLATE FOR TPA RECORD FOR REGISTERED ORGANIC PRODUCE PACKHOUSE AUDIT~~	
Annex C ~~TEMPLATE FOR TPA RECORD OF LABORATORY ANALYSES OF RESIDUES IN ORGANIC PRODUCE (SUMMARY)~~	

APPENDIX 2 Side-by-side comparison of OOAP Standard OP2 (version 2) and OOAP Standard 2 (version 3)

OOAP Standard OP2 (version 2)	OOAP Standard 2 (version 3)
Third Party Agency Responsibilities – Organic Products (NZFSA Standard OP2) *August 2005 Version Two*	Official Organic Assurance Programme Standard 2 Third Party Agency Responsibilities
1 Background The NZFSA Standard on Third Party Agency Responsibilities – Organic Products was developed as part of the NZFSA system for official assurances for organic products. It describes acceptable criteria for the responsibilities of Third Party Agencies (TPAs) providing assessment and verification services to operators participating in the official organic assurance programme. Under this programme TPAs will assume responsibilities for registering operators, assessing and verifying registered operators' compliance with Organic Management Plans (OMPs), reporting on their assessments, and verifying consignment eligibility for an official assurance.	Background The MPI Standard on Third Party Agency Responsibilities is an integral part of the MPI system for Official Assurances for organic products. It describes the responsibilities of Third Party Agencies (TPAs) providing evaluation and verification services to operators participating in the Official Organic Assurance Programme (OOAP).
~~2 Summary~~ ~~This Standard specifies requirements relating to the responsibilities of TPAs providing assessment and verification services to the organic industry.~~ ~~Appendix One outlines criteria for demonstrating that the outcomes in the Standard are achieved, including:~~ ~~• operator registration;~~ • assessments and verification of operator compliance with regulatory standards,	

overseas market access requirements, and assessment frequency determinations; • management of resolution of operator non-compliance, including follow-up of corrective actions with persons accountable for organic management plans and notifications to NZFSA of any critical non-compliance; • chemical residue testing of product; and • verification of consignment eligibility for official assurance. ~~Proposals for alternative criteria may be approved by NZFSA, provided it can be demonstrated to NZFSA's satisfaction that the required outcomes will be achieved.~~ ~~Appendix Two provides the review process for assessment frequency reclassification for a registered operator participating in the official organic assurance programme.~~	

3 Outcome All TPAs and their personnel providing assessment and verification services to organic operators on NZFSA's behalf operate in conformance with these requirements, and provide quality assessment and verification services consistently. That NZFSA is confident the official assurance programme for organic products ensures that all organic product covered by an official assurance for organic production has been produced in accordance with NZFSA Standards for this Programme, which are based on the overseas market access requirements.	Why is this important? (1) Operating other than in accordance with this document may result in the suspension of MPI recognition. Failure to address the agreed corrective actions to resolve a suspension will result in the termination of recognition
~~4 Effective changes~~ ~~This standard introduces requirements for Third Party Agencies providing assessment and verification services on behalf of NZFSA for the Official Assurance Programme for organic products. This is a new programme developed at the request of the New Zealand Organic Products Exporters Group.~~	
5 Implementation This Standard will apply from the date of its issue by Circular or other means of official promulgation by NZFSA.	COMMENCEMENT (1) This Organic Export requirement comes into force on...
NZFSA Standard OP2, "Third Party Agency Responsibilities - Organic Products"	

1.0 SCOPE This Standard contains the outcomes for Third Party Agencies (TPAs) providing assessment and verification services to the New Zealand organic export industry members who participate in the NZFSA Official Organic Assurance Programme. It also specifies the responsibilities of TPAs servicing the New Zealand organic export industry, and how these must be discharged to accord with the requirements of the NZFSA Official Organic Assurance Programme. The criteria outlined in Appendix One of this Standard were developed in consultation with industry to establish clear rules for TPAs when assessing organic management plans and verifying registered operators compliance with these plans. All Third Party Agencies recognised by NZFSA to provide assessment and verification services for organic products intended for export must comply with this Standard.	Who should read this Organic Export Requirement? (1) This document applies to TPAs performing verification and evaluation of organic operators' conformity with OOAP Standard 3 (Operators Responsibilities) and Overseas Market Access Requirements.
2.0 PURPOSE This standard provides a framework for the delivery of services by TPAs and their individuals, and ensures consistent service delivery by NZFSA accredited individuals.	Purpose (1) This document outlines the responsibilities of Third Party Agencies and their personnel providing verification and evaluation services for the MPI Official Organic Assurance Programme (OOAP).
3.0 OUTCOME All TPAs and their personnel providing assessment and verification services to organic operators on NZFSA's behalf operate in conformance with these requirements, and provide quality assessment and verification services consistently.	Why is this important? (1) Operating other than in accordance with this document may result in the suspension of MPI recognition. Failure to address the agreed corrective actions to resolve a suspension will result in the termination of recognition.
4.0 INTERRELATED REQUIREMENTS The following standards must be read in conjunction with this Standard. • AS/~~NZS ISO/IEC Standard 17020:2000, "General Criteria for the Operation of Various~~	Other information (1) The following Standards must be read in conjunction with this Standard.

~~Types of Bodies Performing Inspections" (EN 45004:1009)~~. • "NZFSA Technical Rules for Organic Production" (NZFSA Standard OP3, Appendix Two). . • NZFSA Standard OP1, "Accreditation, Recognition, and Performance Measurement Criteria for Third Party Agencies and their Personnel – Organic Products". NZFSA Standard OP3, "Registration and Performance Measurement Criteria for Operators – Organic Products." . • *Pesticide Residues in Food: Codex Alimentarius, volume two.* Codex Alimentarius Commission, 1993.	a) ISO/IEC Standard 17065:2012 Conformity Assessment – Requirements for bodies certifying products, processes and services. b) MPI OOAP Standard 1, "Recognition of Third Party Agencies and their Personnel" c) MPI OOAP Standard 3, "Operators Responsibilities" d) Organic Overseas Market Access Requirements (Organic OMARs)
~~5.0 ADDITIONAL RESOURCES~~ ~~The following documents are useful resources.~~ ~~• "Guide to the NZFSA Official Organic Assurance Programme".~~ ~~• "NZFSA Official Organic Assurance Programme, A Guide to the performance measurement of Third Party Agencies and their individuals".~~	
6.0 DEFINITIONS NZFSA definitions of terms can be found in their "Glossary of Terms", available on the NZFSA website (http://www.nzfsa.govt.nz/dairy/publications/information-	Part 1: General Requirements 1.2 Application

papers/glossary.htm). **Accreditation -** Formal granting of recognition of competency for specified categories, following assessment against a standard, by an accreditation body or NZFSA. **Accreditation body -** An internationally recognised, independent organisation which is authorised to accredit organisations to certain ISO standards in New Zealand. ~~**Accredited individual** - A person who has demonstrated that they meet NZFSA competency standards, and has subsequently been formally accredited by NZFSA to undertake prescribed activities.~~ **Assessment -** Systematic examination of an individual, organisation, plan, programme, or system against regulatory requirements. ~~**Assessor** - A person who carries out an examination to determine the degree of conformity with prescribed criteria (ie documents and procedures).~~ ~~**Conflict of interest** - Any circumstance that may undermine or detract from the impartiality and/or independence of an individual or organisation.~~ ~~**Contracting party** - An organisation which has contracted the TPA to provide specified services as detailed in a contract.~~ **Critical non-compliance -** Any identified non-compliance is defined as critical if it affects the system's ability to continue to provide confidence that the product meets the requirements of the relevant NZFSA Programme. e.g. An action, event or omission which may result in: • Failure of organic product to comply with the importing country requirements; • Failure to identify when organic product is not conforming;	(1) This Standard applies to Third Party Agencies recognised MPI to provide evaluation and verification services under the Official Organic Assurance Programme. 1.2 Definitions (1) *Accreditation* means formal endorsement of competency of Third Party Agencies (TPAs) for specified categories, following assessment against a standard, by an accreditation body. (2) *Accreditation body* means an independent organisation that is member of ILAC, APLAC, IAF or PAC which accredits TPAs to certain ISO standards as agreed with MPI. (3) *Assessment* means systematic examination of an individual, organisation, plan, programme, or system against a defined set of requirements. (4) *Assurance failure* means a situation where an Official Assurance has been issued for products which do not conform to the OOAP requirements. (5) *Assurance verifier* means a recognised person who verifies requests for Official Organic Assurances on behalf of a TPA. (6) *Control file* means all the documentation pertaining to an operator participating in the OOAP, for the purposes of the certification activities. (7) *Critical non-conformity* means any identified non-conformity which affects the system's ability to continue to provide confidence that the requirements of the Official Organic Assurance Programme are met. Guidance: The following are examples of critical non-conformities:

• Failure to identify or rectify a non-compliance; • Failure to keep accurate and complete records; • Failure to provide accurate, complete and timely reports; • Failure to identify and segregate non-conforming organic product in accordance with the requirements of the Official Organic Assurance Programme; • Failure to comply with an Organic Management Plan; • Failure to prevent recurrence of non-compliance; and/or • Failure to rectify non-compliance within the specified timeframe. **Critical situation –** Any situation which, in the professional judgement of the Assessor, places public health, animal welfare, market access, official assurances, national good, or NZFSA's credibility at risk, or where an offence is suspected. ~~**Director** - Director, Export Standards & Systems , NZFSA.~~ ~~**Facilities** - Machinery, equipment, premises, packaging and transport containers used during the production, harvesting, processing and handling of organic agricultural product and foodstuffs.~~ ~~**Full assessment** - An assessment to confirm that staff, facilities, operations and procedures comply with regulatory requirements and documented procedures are followed. Information gathered will include, but need not be limited to, records, discussions with management and personnel, and the observation of activities.~~ ~~**IANZ** - International Accreditation New Zealand. An accreditation body.~~	• Critical Situations (see definition) • Events (see definition) Critical non-conformity identified following assessments of registered operators • Failure to identify when a product is non-conforming • Failure to segregate non-conforming product • Failure to identify a non-conformity • Failure to rectify non-conformity within the specified timeframe • Failure to prevent reoccurrence of a non-conformity *(8) Critical situation* means any situation which places public health, animal welfare, market access, national good, or MPI's credibility at risk, or where an offence is suspected. *(9) Evaluation* means the determination of the validity of documented systems including OMP review and OMP certification. *(10) Event* means any of the following situations is classified as an "event": • Assurance failure • Critical non conformity identified by the TPA within the TPA's system • Critical situation identified during the TPA's work • Importing countries requirements obtained from sources other than MPI *(11) MPI* means Ministry for Primary Industries. *(12) Non-conformity* means any failure to conform to the requirements of the OOAP. *(13) Official Assurance* means a statement made by MPI to a foreign government, or an agent of a foreign government, attesting that, as appropriate, any one or more of the following conditions apply in respect of a product: • Any specified process has been completed with respect to the product concerned

~~**ILAC** - International Laboratory Accreditation Cooperation.~~

~~**JAS-ANZ** - Joint Accreditation System of Australia and New Zealand. An accreditation body.~~

~~**MAF** - Ministry of Agriculture and Forestry, New Zealand.~~

Non-compliance - Any failure to comply with the requirements of the Official Assurance Programme.

Operator - A natural or legal person or business entity who has completed the registration process with a TPA and has the day to day management and/or contractual control of an organic management plan.

Organic Management Plan (OMP) - ~~A programme of conditions, processes, procedures, measures, and standards to be complied with, performed, undertaken, taken or met in relation to:~~

~~any process or activity related to organic products, ingredients used in the processing of organic products, or both; and~~

~~• sampling, examination, inspection, and testing, or any of those actions relating to any such process or activity; and~~

~~• the recording and inspection of information relating to any such action;~~

~~and (without limiting the generality of the foregoing) may include conditions, processes, procedures, measures, or standards relating to the production, processing, storage, and/or transport of organic products.~~

Overseas market access requirement - official sanitary, truth of labelling, and/or related specifications set by the relevant competent authority for the importation of animal or plant products.

- The product concerned meets the standards set for the product
- Any market access requirements of the importing country, which New Zealand has agreed to meet, that are stated in the assurance, have been met by the system under which the product was produced or processed
- The situation in New Zealand, in relation to any matter concerning plant or animal product, is stated in the Official Assurance

(14) OMP Certification means the determination of an operator's eligibility to participate in the OOAP based on the findings of the OMP verification.

(15) OMP Certifier means a recognised person who reviews the OMP verification report and determines operator's eligibility to participate in the OOAP.

(16) OMP Review means the analysis of an OMP against OOAP Standard 3.

(17) OMP Reviewer means a recognised person who analyses an OMP against OOAP Standard 3

(18) OMP Verification means the examination of the evidence to determine operator's conformity with the OMP.

(19) OMP Verifier means a recognised person who examines the evidence to determine operator's conformity with the OMP.

(20) Operator means a natural or legal person or business entity who has completed the certification process with a TPA and has the day to day management and/or contractual control of an Organic Management Plan.

~~**Recognised** - Recognised by the Director General of MAF.~~ **Surveillance assessment -** A partial assessment to confirm selected components of a programme comply. **Third Party Agency (TPA) -** An organisation recognised by NZFSA to carry out assessment (evaluation and/or verification) services. ~~**Verification** - Application of methods, procedures, tests and other checks, in addition to monitoring, to determine compliance with NZFSA approved plans, programmes and systems, and to confirm the ongoing applicability of those~~.	Guidance Operators include primary producers, processors, handlers, importers and exporters. *(21) Organic Certification* means the certification process substantiating marketing claims referring to the method of organic production. *(22) Organic Management Plan (OMP)* means a plan for managing a certified organic operation that has been agreed to between the operator and the TPA and covers all aspects of organic production and / or handling. *(23) Overseas Market Access Requirements (OMARs)* means official sanitary, truth of labelling, and/or related specifications set by the relevant competent authority for the importation of animal or plant products. *(24) Programme* means set of rules that applies to a certain export market. *(25) Recognised person* means TPA personnel who have been formally recognised by MPI as being competent to undertake one or more roles defined in this standard. *(26) Risk Analysis Procedure* means a procedure for assessing and identifying the factors that may jeopardize the integrity of the organic products for which MPI Assurance is sought. *(27) Scope* means the type of activities verified as part of the OMP. These include: horticultural production, livestock production, apiary production, wine making and food processing. *(28) Surveillance verification* means a partial verification performed by

	the OMP Verifier to determine operator's conformity with selected components of the OMP. Surveillance verifications may be targeted, random, announced or unannounced. *(29) Third Party Agency (TPA)* means an organisation recognised by MPI to carry out evaluation and verification services on behalf of MPI.
7.0 REQUIREMENTS Recognised TPAs must:	Part 1: General Requirements
	1.3 Contractual Criteria TPAs providing evaluation and verification services to operators on behalf of MPI must have systems in place which ensure that the contractual conditions under which they provide those services are documented and agreed by both parties. These conditions cover: a) Full access to the operator's records, personnel and facilities at any reasonable time. b) Full access of MPI representatives and importing country officials to operator's premises, land, accounts and other relevant documentation to enable assessment of the OOAP. c) Access to the product or production site for the purpose of sampling for testing as deemed necessary by the TPA. d) Exchange of information between TPAs in cases where an operator is certified by different TPAs. e) Transmission of the OMP verification reports between TPAs where the operator changes their TPA. f) Written authority from operators, to report relevant information to MPI. g) Storage of control files for a period of at least five years in cases where the operators withdraw from the OOAP. h) A statement clarifying ownership of the data contributing to the

	OOAP. i) Full access by the operators to all records concerning their certification held by the TPA. j) Payments of all fees related to the Operator participation in the OOAP. k) Management of Operator's non-conformity.

• register operators for participation in the NZFSA official organic assurance programme;	1.4 Operator's Registration (1) TPAs must register operators participating in the OOAP. (2) TPAs must maintain an up to date and publicly available list of operators participating in the OOAP. (3) The list of operators must include at least the following information: a) Name of the operator b) Address c) Scope of certification (4) If an operator is suspended or terminated from the OOAP, TPAs must include the date of suspension or termination on the list of operators participating in the OOAP.

• assess organic management plans (OMPs) against NZFSA Standard OP3, "Registration and Performance Measurement of Operators – Organic Products"; • verify operator compliance with OMPs and criteria specified in NZFSA Standard OP3;	1.5 OMP Review (1) TPAs must review OMPs against OOAP Standard 3 prior to the OMP verification. (2) The OMP review must be carried out by an OMP reviewer recognised by MPI. (3) If an OMP reviewer is also recognised as an OMP certifier, they must not certify the OMPs that they have reviewed. (4) If an OMP reviewer is also recognised as an OMP verifier, they must not verify the OMPs that they have reviewed. 1.6 OMP Verification (1) OMP verification must be undertaken by an OMP verifier recognised by MPI (2) OMP verification must be undertaken only if the OMP review has determined that the OMP conforms to the requirements of OOAP Standard 3. (3) If an OMP verifier is also recognised as OMP reviewer, they must not review the OMPs that they will verify. (4) If an OMP verifier is also recognised as OMP certifier, they must not certify the OMPs that they have verified. (5) TPAs must ensure that, wherever practicable, a recognised person does not provide verification services continuously to the same operator for more than three years. (6) OMP verifiers must ensure that all sites of a geographically spread out operation are visited within a reasonable time frame. The time frame must be based on a risk assessment of the operation. Guidance

	TPAs should be able to demonstrate a process that ensures all sites are visited over tim sites should be visited more frequently and other sites should be selected on the basis o last visited. (7) OMP verification frequency must be at least annual.
• assign assessment frequency categories to operators;	1.7 Risk Analysis (1) TPAs must have a risk analysis procedure designed in such a way that: a) Operators are classified according to different risk categories b) The result of the risk analysis provides the basis for

	determining: i. The frequency of the announced and unannounced verification
• conduct regular and surveillance assessments of operators at frequency assigned;	1.7. (1) c) In addition to the normal annual OMP verification, random OMP verifications must be carried out of at least 10 % of registered operators in accordance with the risk category Guidance Operators should be classified into different categories based on the level of risk identified for their operation (for example operators could be classified as low risk, medium risk, high risk). The size of random samples of additional verifications should reflect the risk levels. For example if according to 1.7.1 c) a TPA is required to carry out 50 random verifications and assuming that each risk category includes a similar number of operators, they might allocate 5 random verifications from the pool of low risk operators, 15 random verifications from the pool of medium risk operators, and 30 from the pool of high risk operators. d) Unannounced verification must be carried out of at least 10% of all registered operators. Guidance A verification is considered un-announced if the verifier either makes no contact with the operator prior to visiting the operator premises or contacts the operator no earlier than one day before the on-site verification and only to ensure that someone is on site. e) The selection of operators to be submitted to unannounced verification is determined according to the level of risk

• collect samples and arrange chemical residue testing of soil, water, ingredients and/or organic products produced or used by operators participating in this programme;	1.11 Residue Testing for Prohibited Substances and Methods 1.11.1 Testing Criteria (1) TPAs must undertake regular testing to: a) Determine the base level of any prohibited substances that may be present in an operator's system at the time of entry into the programme b) Detect the presence of substances not authorised under the OOAP c) Detect production techniques not in conformity with the OOAP 1.11.2 Minimum testing (1) TPAs must annually test samples from at least 5 % of the operators under their control. 1.11.3 Samples selection (1) The selection of the operators from whom samples are taken must be based on: a) The result of the risk analysis as outlined in 2.5 and /or b) Any case where the use of products or practices not authorised for organic production is suspected 1.11.4 Sampling and testing requirements (1) Samples must be taken by the TPA or by an independent party following the laboratory sampling procedure. (2) TPAs or the independent party who takes the samples must have

	documented procedures in place that ensure integrity of the sample is maintained and protected from substitution or tampering. (3) Samples must be analysed by a laboratory which is MPI approved to perform the required tests. 1.11.5 Test Results (1) TPAs must retain the test results for at least five years. (2) If tests results show the presence of prohibited substances or suggest the use of prohibited practices TPAs must: a) Immediately notify the operator of the test results and indicate that the product is not eligible for Official Assurance b) Carry out an investigation to determine why the residue is present and the degree of operator conformity with the OOAP Guidance If the operator is participating in any other residue programmes, results from these programmes may be presented to the TPA for consideration and acceptance by the TPA. Acceptance of such results is dependent on determining that the testing is carried out in accordance with clause 1.11.4. 1.11.6 Test costs (1) When the tests are carried out to determine evidence of fraud, TPAs must cover the cost of testing. Guidance TPAs may charge the operators for the cost of routine testing.

• manage resolution of operator non-compliance and critical non-compliance, including follow-up of corrective actions with persons accountable for OMPs;	## 1.12 Management of Operator Non-Conformity 1.12.1 Classifying non-conformity (1) Where non-conformity is identified, TPAs must report it and establish the degree of breach by: a) Assessing the intent of the operator to deviate from the OMP b) Determining the extent of the non-conformity c) Determining the root cause of the system breakdown 1.12.2 Consequences of non- conformity (1) Where non-conformity affects the eligibility of any products for an Official Assurance, TPAs must work with the operator to ensure that these products are not exported with an Official Assurance. (2) Any critical non-conformity identified within the operator system must result in the reassessment of the verification frequency. 1.12.3 Corrective action plan (1) Corrective actions must outline: a) What is to be done b) The person responsible for ensuring that action is taken and is effective c) The time frame for implementation d) The verification activities to be undertaken to ensure that corrective actions have been successfully implemented (2) The OMP verifier and the operator must agree to an appropriate corrective action plan including a time frame for its implementation.

	(3) OMP verifiers must determine whether the corrective actions have been implemented within the agreed time frame. (4) TPAs must assess the effectiveness of the corrective action plan.
• manage de-registration of operators;	1.13.3 Termination (1) TPAs must terminate operators' eligibility for the OOAP if: a) The conditions for reinstatement stated in the suspension notice are not met within the specified time frame b) The operator formally requests their certification to be terminated (2) The TPA must advise the operator of the reasons for the termination and the effective date of the termination. Notification of termination must be via termination notice delivered by email followed by a formal letter. (3) TPAs must remove terminated operators from the publicly available list of operators participating in the OOAP.
• verify consignment eligibility for official assurance; and	1.10 Assurance Verification (1) TPAs must verify consignment eligibility for Official Assurance. (2) Assurance Verification must be undertaken by MPI recognised personnel. (3) Assurance Verifiers must follow the communication procedure set

	by MPI. (4) The TPA procedures for verification of assurances must include: a) Verification that the products in the consignment meet the requirements of the OOAP b) Verification that the products in the consignment meet the requirements of the relevant OMAR(s) for the destination markets c) As required, communication with other TPAs regarding the verification of consignments that are controlled by multiple TPAs d) Verification that the information provided is accurate
• make available to NZFSA registration details of operators to facilitate the issue of official assurances, in order to give NZFSA confidence that the NZFSA Official Organic Assurance Programme is providing the truth of labelling outcomes required by the overseas market.	Standard 1 Clause 1.3.4 (3) TPAs are required to provide MPI with an annual report for the year ending on the 31 December before 31 January. The annual report must include: a) Name, address and phone number of the operator b) ID code of the operator c) Programme d) Scope e) Number of annual OMP verifications f) Number of surveillance verifications g) Number of non-conformities issued h) Number of non-conformities not closed out within the agreed time frame i) Number of tests for prohibited substances j) Number of tests showing residues of prohibited substances k) Number of event reports submitted to MPI

	(4) TPAs are required to provide any other report upon MPI request.
8.0 VERIFICATION Verification of compliance of TPAs with this Standard is undertaken annually by the accreditation body in conjunction with a technical expert appointed by NZFSA.	*Covered in OOAP Standard 1 Part 3*
~~8.1 Criteria~~ ~~The criteria for assessing TPA compliance with the Standard are as follows.~~ The TPA operates in accordance with the requirements of ISO Standard 17020, NZFSA Standard OP1, "Accreditation, Recognition and Performance Measurement Criteria for Third Party Agencies & Personnel – Organic Products", and this NZFSA Standard. The TPA does not misuse or abuse its accreditation status.	
~~8.2 Decision~~ ~~The TPA is non compliant if one or more of the criteria for assessing compliance is not met.~~	
~~8.3 Result~~ ~~**8.3.1 Compliant TPAs**~~ ~~Compliant TPAs continue to be recognised by NZFSA to provide assessment and verification services to the New Zealand organic export industry if they also comply with the requirements of NZFSA Standard OP1, "Accreditation, Recognition and Performance Measurement Criteria for Third Party Agencies and their Personnel – Organic Products".~~	

~~**8.3.2 Non-compliant TPAs**~~

Non-compliant TPAs have recognition to provide assessment and verification services for the official organic assurance programme withdrawn until the issue has been resolved to the satisfaction of NZFSA.

The reports from non-compliant TPAs are not accepted by NZFSA.

~~9.0 VERSION CONTROL~~

~~**Version**~~	~~**Date**~~	~~**Status**~~	~~**By**~~
~~Draft 000510~~	~~23 June 2000~~	~~Issued for internal comment~~	~~TA-OPP, NZFSA: Dairy & Plants~~
~~Draft 000711~~	~~11 July 2000~~	~~Issued for external comment~~	~~TA-OPP, NZFSA: Dairy & Plants~~
~~Draft 001016~~	~~16 October 2000~~		~~TA-OPP, NZFSA: Dairy & Plants~~
~~Draft 010216~~	~~16 February 2001~~		~~TA-OPP, NZFSA: Dairy & Plants~~
~~Version One~~	~~March 2001~~	~~Approved~~	~~Directors, NZFSA: Dairy & Plants and NZFSA: Animal Products~~

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Appendix One

CRITERIA FOR THIRD PARTY AGENCIES

Following are criteria by which a TPA may be judged to achieve satisfactorily the requirements described in section 7 of this Standard. TPAs that have demonstrated that they meet each of the criteria will be recognised by NZFSA. Proposals for alternative criteria will be accepted by NZFSA, provided it can be demonstrated to NZFSA's satisfaction that the required outcomes will be achieved. A guide to the information required in these proposals and the procedures used by NZFSA to assess proposals can be obtained from NZFSA.	
1.0 ASSESSMENT OF OMPS The TPA assesses and verifies operators' OMPs for compliance with NZFSA Standard OP3, "Registration and Performance Measurement Criteria for Operators – Organic Products" prior to registering operators for participation in this programme. The assessment is undertaken by an individual accredited by NZFSA. An individual that has undertaken the initial assessment and verification of an organic management plan does not undertake the on-going on-site verification of operator compliance with that plan.	1.6 OMP Verification (1) OMP verification must be undertaken by an OMP verifier recognised by MPI (2) OMP verification must be undertaken only if the OMP review has determined that the OMP conforms to the requirements of OOAP Standard 3. (3) If an OMP verifier is also recognised as OMP reviewer, they must not review the OMPs that they will verify. (4) If an OMP verifier is also recognised as OMP certifier, they must not certify the OMPs that they have verified. (5) TPAs must ensure that, wherever practicable, a recognised person does not provide verification services continuously to the same operator for more than three years. (6) OMP verifiers must ensure that all sites of a geographically spread out operation are visited within a reasonable time frame. The time frame must be based on a risk assessment of the operation. Guidance TPAs should be able to demonstrate a process that ensures all sites are sites should be visited more frequently and other sites should be selecte

	visited. (7) OMP verification frequency must be at least annual.

2.0 OPERATOR REGISTRATION The TPA registers an operator when there is no unresolved critical non-compliance. De-registration of operators, or registration with conditions (eg time limit) is undertaken when appropriate (e.g. operator or NZFSA request). The TPA maintains an up to date register of operators participating in the programme and provides NZFSA with on-line access to the register.	1.4 Operators' Registration (1) TPAs must register operators participating in the OOAP. (2) TPAs must maintain an up to date and publicly available list of operators participating in the OOAP. (3) The list of operators must include at least the following information: a) Name of the operator b) Address c) Scope of certification (4) If an operator is suspended or terminated from the OOAP, TPAs must include the date of suspension or termination on the list of operators participating in the OOAP.
3.0 ON-GOING VERIFICATION OF OPERATOR COMPLIANCE WITH OMPS The TPA continues to verify the operator's compliance with the OMP at the assigned frequency. The verification is undertaken by an individual accredited by NZFSA.	1.6 OMP Verification (1) OMP verification must be undertaken by an OMP verifier recognised by MPI (2) OMP verification must be undertaken only if the OMP review has determined that the OMP conforms to the requirements of OOAP. (3) If an OMP verifier is also recognised as OMP reviewer, they must not review the OMPs that they will verify. (4) If an OMP verifier is also recognised as OMP certifier, they must not certify the OMPs that they have verified. (5)TPAs must ensure that, wherever practicable, a recognised person does not provide verification services continuously to the same operator

	for more than three years. (6) OMP verifiers must ensure that all sites of a geographically spread out operation are visited within a reasonable time frame. The time frame must be based on a risk assessment of the operation. Guidance TPAs should be able to demonstrate a process that ensures all sites are sites should be visited more frequently and other sites should be selecte visited. (7) OMP verification frequency must be at least annual.

4.0 CATEGORISATION OF OPERATOR ASSESSMENT FREQUENCY

Following the verification and operator registration, the TPA assigns the assessment frequency category to the operator in accordance with the criteria specified in NZFSA Standard OP3.

The TPA advises the accountable person of the category to which they have been assigned, the frequency of assessments and the date of effect.

Reclassification of operator assessment frequency is undertaken in instances as described in NZFSA Standard OP3. Information to support operator reclassification is recorded (Appendix Two to this standard contains an example of a report format for operator reclassification).

1.7 Risk Analysis

(1) TPAs must have a risk analysis procedure designed in such a way that:

a) Operators are classified according to different risk categories

b) The result of the risk analysis provides the basis for determining:

i) The frequency of the announced and unannounced verification

ii) The selection of operations to be sampled for residue testing according to 1.11.

Guidance

Testing should be required in the following cases:

- When evidence indicates that prohibited substances have been purchased by the operator
- When an operator conducts both conventional and organic production (i.e. parallel production) or
- Where the operation is under conversion to organic production

c) In addition to the normal annual OMP verification, random OMP verifications must be carried out of at least 10% of registered operators in accordance with the risk category.

Guidance

Operators should be classified into different categories based on the level of risk identified for their operation. For example operators could be classified as low risk, medium risk, high risk. The size of random samples of additional verifications should reflect the risk levels. For example, if according to 1.7.1 (c), a TPA is required to

	carry out 50 random verifications and assuming that each risk category includes a similar number of operators, they might allocate five random verifications from the pool of low risk operators, 15 random verifications from the pool of medium risk operators, and 30 from the pool of high risk operators. d) Unannounced verification must be carried out on at least 10% of all registered operators. Guidance A verification is considered un-announced if the verifier either makes no visiting the operator premises or contacts the operator no earlier than or and only to ensure that someone is on site. Random and unannounced verifications are generally partial verification selected components of the OOAP. e) The selection of operators to be submitted to unannounced verification is determined according to the level of risk

	1.9 Documentary Evidence (1) TPAs must provide documentary evidence to the operators who are subject to their control and meet the requirements of the OOAP. The documentary evidence must at least permit the identification of the operator, the scope of their certification, the specific export eligibility and the period of validity. (2) Documentary evidence must be produced in a tamper-proof format.
5.0 ARRANGEMENT OF CHEMICAL RESIDUE TESTS Testing for residues to determine the use of prohibited substances is undertaken in accordance with the following.	1.11 Residue Testing for Prohibited Substances and Methods 1.11.1 Testing Criteria (1) TPAs must undertake regular testing to: a) Determine the base level of any prohibited substances that may be present in an operator's system at the time of entry into the programme b) Detect the presence of substances not authorised under the OOAP c) Detect production techniques not in conformity with the OOAP 1.11.2 Minimum testing (1) TPAs must annually test samples from at least 5 % of the operators under their control. 1.11.3 Sample selection (1) The selection of the operators from whom samples are taken must

	be based on: a) The result of the risk analysis as outlined in 1.7 and /or b) Any case where the use of products or practices not authorised for organic production is suspected
5.1 Random testing It is intended that a requirement for random testing will be incorporated once the programme has been implemented. The scope of random testing is restricted to prohibited pesticide and veterinary drugs. If the operator is participating in any other residue programmes, results from these programmes may be presented to the TPA for consideration and acceptance by the TPA in place of the random test. Acceptance of such results is dependent on determining that the samples were collected by a third party and tested in accordance with point 5.4 below.	1.7.1. c) In addition to the normal annual OMP verification, random OMP verifications must be carried out of at least 10 % of registered operators in accordance with the risk category. Guidance Operators should be classified into different categories based on the level of risk identified for their operation (for example operators could be classified as low risk, medium risk, high risk). The size of random samples of additional verifications should reflect the risk levels. For example if according to 1.7.1 c) a TPA is required to carry out 50 random verifications and assuming that each risk category includes a similar number of operators, they might allocate 5 random verifications from the pool of low risk operators, 15 random verifications from the pool of medium risk operators, and 30 from the pool of high risk operators.
5.2 Testing as required by the TPA Testing is undertaken at the initial on-site assessment to establish a base level of any prohibited substances that may be present in the system at the time of entry into the programme. Testing is also undertaken when the TPA has reason to believe that unauthorised substances may have been used in the production of the product(s). Examples of such	1.11.1 Testing Criteria (1) TPAs must undertake regular testing to: a) Determine the base level of any prohibited substances that may be present in an operator's system at the time of entry into the programme b) Detect the presence of substances not authorised under the OOAP

instances are: • when evidence indicates prohibited substances have been purchased by the operator; • when an operator conducts both conventional and organic production (i.e. parallel production); or • where the operation is under conversion to organic production.	c) Detect production techniques not in conformity with the OOAP
5.3 Sampling The sampling methods and sample sizes adopted by the TPA are in accordance with CODEX recommended methods of sampling products for the determination of pesticide residues.	1.11.4 Sampling and testing requirements (1) Samples must be taken by the TPA or by an independent party following the laboratory sampling procedure. (2) TPAs or the independent party who takes the samples must have documented procedures in place that ensure integrity of the sample is maintained and protected from substitution or tampering.
5.4 Testing Samples are analysed by a laboratory holding ISO Guide 25 accreditation from an ILAC member for the scope of the proposed tests, using screening methods appropriate for the product, and the prohibited substances likely to be found on or associated with that product.	1.11.4 (3) Samples must be analysed by a laboratory which is MPI approved to perform the required tests.
5.5 Results The production system associated with any residue test result indicating a prohibited substance has been used is investigated and an investigation report documented by the TPA. The investigation determines: • Why the residue is present;	1.11.5 Test Results (1) TPAs must retain the test results for at least five years. (2) If tests results show the presence of prohibited substances or suggest the use of prohibited practices TPAs must: a) Immediately notify the operator of the test results and indicate that the product is not eligible for Official Assurance

• Degree of operator compliance with OMP; • Product status/eligibility for official assurance. Records of test results and investigation reports are kept for 2 years.	b) Carry out an investigation to determine why the residue is present and the degree of operator conformity with the OOAP Guidance If the operator is participating in any other residue programmes, results from these programmes may be presented to the TPA for consideration and acceptance by the TPA. Acceptance of such results is dependent on determining that the testing is carried out in accordance with clause 1.11.4.

5.6 Test costs Test costs are the responsibility of the operator participating in the programme.	1.11.6 Test costs (1) When the tests are carried out to determine evidence of fraud, TPAs must cover the cost of testing. Guidance TPAs may charge the operators for the cost of routine testing.
6.0 MANAGEMENT OF RESOLUTION OF OPERATOR NON-COMPLIANCE When managing resolution of operator non-compliance, the TPA also follows-up on corrective actions with persons accountable for OMPs. The TPA: reports all observed non-compliance to the operator; agrees corrective actions and date for resolution for all instances of non-compliance (except critical situations); takes the action necessary to obtain resolution; confirms resolution; reports all critical non-compliance and critical situations to NZFSA; in all critical situations, fully briefs and hands control over to NZFSA; and ensures all non-conforming product is managed in accordance with NZFSA Standard OP3 and the Operator's OMP.	1.12 Management of Operator Non-Conformance 1.12.2 Consequences of non-conformance (1) Where non-conformance affects the eligibility of any products for an Official Assurance, TPAs must work with the operator to ensure that these products are not exported with an Official Assurance. (2) Any critical non-conformance identified within the operator system must result in the reassessment of the verification frequency. 1.12.3 Corrective action plan (1) Corrective actions must outline: a) What is to be done b) The person responsible for ensuring that action is taken and is effective c) The time frame for implementation d) The verification activities to be undertaken to ensure that corrective actions have been successfully implemented (2) The OMP verifier and the operator must agree to an appropriate corrective action plan including a time frame for its implementation. (3) OMP verifiers must determine whether the corrective actions have

Any identified non-compliance is defined as critical if it affects the system's ability to continue to provide confidence that the product meets the requirements of the NZFSA Programme.	been implemented within the agreed time frame. (4) TPAs must assess the effectiveness of the corrective action plan.
6.1 Classifying non-compliance Where non-compliance is identified the TPA establishes the degree of non-compliance, e.g. by assessing: • the intent of the operator to deviate from the organic management plan , • the extent of the system breakdown, or • whether it was a one-off error and classifies the non-compliance as critical or non-critical accordingly. The impact of the non-compliance on products and production areas/premises is considered.	1.12.1 Classifying non-conformance (1) Where non-conformity is identified, TPAs must report it and establish the degree of breach by: a) Assessing the intent of the operator to deviate from the OMP b) Determining the extent of the non-conformance c) Determining the root cause of the system breakdown
6.2 Reaction to non-compliance Where the non-compliance has an impact on the eligibility of any products for an official assurance, the TPA ensures such product is not verified as eligible for an official assurance. Instances of non-compliance identified during any audit results in reclassification to a category with higher levels of assessment.	1.12.2 Consequences of non-conformance (1) Where non-conformance affects the eligibility of any products for an Official Assurance, TPAs must work with the operator to ensure that these products are not exported with an Official Assurance.
6.3 Corrective action timeframe A corrective action and time frame for its implementation are agreed between the TPA assessor and the operator for each instance of non-compliance. The TPA verifies that the corrective action has been implemented and is operating effectively within the agreed time	1.12.3 Corrective action plan (1) Corrective actions must outline: a) What is to be done b) The person responsible for ensuring that action is taken and is

frame. The TPA records all agreed corrective actions taken to correct identified operator non-compliance. Corrective actions outline: • what is to be done; • person responsible for ensuring action is taken and is effective; • the time frame for implementation of the corrective action; and • the verification activities to be undertaken to ensure that corrective action has been successfully implemented. All corrective actions shall be reviewed and their effectiveness in addressing non-compliance and its root cause verified.	effective c) The time frame for implementation d) The verification activities to be undertaken to ensure that corrective actions have been successfully implemented (2) The OMP verifier and the operator must agree to an appropriate corrective action plan including a time frame for its implementation. (3) OMP verifiers must determine whether the corrective actions have been implemented within the agreed time frame. (4) TPAs must assess the effectiveness of the corrective action plan.
~~7.0 ELIGIBILITY FOR OFFICIAL ASSURANCE~~ ~~7.1 Production and control~~ ~~NZFSA assurances for organic products are produced and controlled by the systems currently operating for the issue of NZFSA assurances for plant, animal and dairy products.~~	
~~7.1.1 Plant products~~ ~~Assurances are produced and controlled in accordance with the requirements in the MAF Plants Biosecurity Standard, PEO.MMR: "Design, Production, Distribution and use of MAF Plants Marks – Certificates and Seals".~~	
~~7.1.2 Dairy products~~ ~~Assurances are produced and controlled by the Export Standards & Systems Group of~~	

~~NZFSA.~~	
~~7.1.3 Animal products~~ ~~Assurances are produced and controlled by the Export Standards & Systems Group of NZFSA.~~	
~~7.2 Completion of assurances~~ ~~Where a TPA has been authorised by NZFSA to prepare official assurances for submission to NZFSA for endorsement, all materials submitted accordingly are:~~ • completed in accordance with the overseas market access requirements; • legible; • typed; • traceable to the TPA individual verifying the assurance; and • presented on the approved certificate format (refer to the example in the "Guide to the NZFSA Official Organic Assurance Programme"); ~~Completed assurances contain all the information required on the assurance certificate including a unique reference number.~~	
7.3 Verification of assurances The TPA procedures for verification of assurances include: • communication of the assessment information required for the verification of assurances, including transfer of information to other TPAs and NZFSA;	1.10 (4) The TPA procedures for verification of assurances must include: a) Verification that the products in the consignment meet the requirements of the OOAP b) Verification that the products in the consignment meet the requirements of the relevant OMAR(s) for the destination markets

• confirmation that the products in the consignment meets the requirements of the official organic assurance programme; confirmation that the overseas market access requirements stated on the certificate are those which have been validated by NZFSA; and • confirmation that the certificate has been produced and completed in accordance with the requirements in this NZFSA Standard. Verification notices are supplied in either a manual or electronic form as required by NZFSA.	c) Verification that the information provided is accurate

~~Annex A~~

~~RECLASSIFICATION OF A~~

~~REGISTERED OPERATOR PARTIPATING IN THE~~

~~OFFICIAL ORGANIC ASSURANCE PROGRAMME~~

~~Registered operator:~~

~~Accountable person:~~

~~Street address:~~

~~Postal address:~~

~~Telephone number: Fax number:~~

~~Current category~~: ~~(Please circle current category)~~ **~~Reduced~~** **~~Standard/Entry~~** **~~Assessment~~** **~~Increased~~** **~~Assessment~~**

Describe current performance by ticking the appropriate boxes in the table below:

Area	~~Reduced Assessment~~	~~Standard/Entry Assessment~~	Increased Assessment
Production Unit/Premises	~~Production units/premises operating in accordance with the OMP assessed and verified by~~	~~All production units/premises operating under an OMP assessed and verified by the TPA and all significant changes assessed and verified by~~	Production units/premises conditionally operating under an OMP, or OMP assessed and verified by the TPA subject to certain conditions.

1.8 OMP Certification

(1) The OMP certification must be undertaken by an OMP certifier recognised by MPI.

(2) If an OMP certifier is also recognised as an OMP reviewer, they must not certify the OMPs that they have reviewed.

(3) If an OMP certifier is also recognised as an OMP verifier, they must not certify the OMP that they have verified.

(4) Based on the findings of the OMP verification, the OMP certifier must determine the operator's eligibility to participate in the OOAP.

(5)The OMP certifier must increase OMP verification frequency in instances whereby the operator has:

a) Failed to demonstrate conformity with the OMP.
b) Failed to complete the corrective action required by the OMP verifier.
c) Failed to identify and / or manage a critical non-conformity.
d) Shown regular or persistent non-conformity.

(6) Where OOAP Standard 3 provides for granting a dispensation to the standard requirements, TPAs must have appropriate procedures in place for assessing dispensation applications.

	~~the TPA for two (2) or more seasons and all significant changes assessed and verified by the TPA prior to the change.~~	~~the TPA.~~	
Organic Management Plan	~~The OMP is assessed and verified by the TPA, is current and is reviewed by the operator.~~	~~The OMP is assessed and verified by the TPA, and is current.~~	- The OMP is deficient, - the OMP is not fully implemented, - the OMP is not current, - the OMP requires assessment or verification, or - the OMP is in the process of assessment or verification.
Verification of compliance with OMP	~~Full compliance with OMP demonstrated for two years.~~	~~Isolated non-compliance with OMP, corrected by operator as required by TPA.~~	- Regular or persistent non-compliance with OMP, or - failure to complete corrective action required by TPA.
Reporting	~~- Regular and exception reports complete, accurate and on time for at least two years, and~~ ~~- proactively advises the TPA~~	~~- Regular and exception reports complete, accurate and on time for at least one year, or~~ ~~- regular reports occasionally incomplete or late and exception reports are complete accurate and~~	- Regular or exception reports contain incomplete information or factual errors or are persistently late; or - exceptions are not reported.

	~~of any non-compliance identified and corrected.~~	~~on time.~~			
Management of critical non-compliance	~~- Critical non-compliance identified,~~ ~~- full traceback completed to identify root causes,~~ ~~- corrective actions completed in a timely manner,~~ ~~- full analysis of the risk to the operation from this type of non-compliance completed, and~~ ~~- actions taken to eliminate the risk of potential non-compliance or monitoring systems implemented to identify potential non-compliance in the operation.~~	~~Critical non-compliance identified and managed according with NZFSA requirements.~~	- Critical non-compliance not identified, or - critical non-compliance are identified and inadequately managed.		

Control of non-conforming product	~~All non-conforming product disposed of in accordance with the OMP.~~	~~All non-conforming product disposed of in accordance with the OMP.~~	Non-conforming product not disposed of in accordance with the OMP.	

~~Information considered by TPA in the review:~~ ~~(Please attach reports or any other relevant information)~~

~~TPA:~~

~~Contact person:~~

~~Signed:~~ _____

~~Date:~~ _____

Ministry for Primary Industries
Manatū Ahu Matua

Organic Export Requirement

Official Organic Assurance Programme Standard 1

Recognition of Third Party Agencies and their Personnel

.

New Zealand Government

TITLE

Organic Export Requirement: Official Organic Assurance Programme Standard 1

COMMENCEMENT

This Organic Export Requirement comes into force on ..

REVOCATION

This Organic Export Requirement revokes and replaces the MPI Official Organic Assurance Programme Standard OP1, Accreditation, Recognition, and Performance Measurement Criteria for Third Party Agencies and their Personnel - Organic Products December 2012 Version 2.1

ISSUING AUTHORITY

This Organic Export Requirement is issued by Peter Thomson Director, Plants, Food & Environment under delegated authority.

Dated at Wellington this ... day of 2014

Peter Thomson
Director, Plants, Food & Environment
Ministry for Primary Industries
(acting under delegated authority of the Director General)
A copy of the instrument of delegation may be inspected at the Director General's office.

Contact for further information
Ministry for Primary Industries (MPI)
Regulation and Assurance Branch
Plants, Food and Environment Directorate
PO Box 2526,
Wellington 6140
Email: standards@mpi.govt.nz

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Introduction

This introduction is not part of the Organic Export Requirement, but is intended to indicate its general effect.

Purpose

(1) This document outlines the requirements for recognition of Third Party Agencies and their personnel providing evaluation and verification services for the Official Organic Assurance Programme (OOAP).

Background

(1) The MPI Standard on Recognition of Third Party Agencies (TPAs) and their personnel is an integral part of the MPI system for Official Assurances for organic products. MPI recognition is based on the TPA accreditation to ISO/IEC 17065 performed against OOAP Standards 1 and OOAP Standard 2 as the reference standards. An auditor appointed by MPI participates in the accreditation process in the role of Technical Expert.

(2) The Accreditation Body and the MPI Technical Expert work in conjunction in the initial assessment and ongoing performance measurement of TPAs and their personnel.

(3) Ongoing performance measurement is undertaken at a frequency determined in accordance with Part 3.

(4) This Standard is administered by the Food Production and Processing Team, Plants, Food and Environment Directorate, Regulation and Assurance Branch.

Who should read this Organic Export Requirement?

(1) This document applies to TPAs and their personnel who apply for recognition or are recognised by MPI to provide evaluation and verification services under the OOAP.

Why is this important?

(1) The OOAP is a voluntary programme. MPI recognition of TPAs is conditional on their agreement to the conditions set down in the OOAP Standards.

(2) Operating other than in accordance with this document may result in the refusal or suspension of MPI recognition. Failure to address the corrective actions to resolve a suspension may result in the termination of recognition.

Other information

(1) The following Standards should be read in conjunction with this Standard:

- ISO/IEC Standard 17065:2012 Conformity assessment – Requirements for bodies certifying products, processes and services.
- MPI OOAP Standard 2, “Third Party Agency Responsibilities”.
- MPI OOAP Standard 3, “Operators Responsibilities”.
- Organic Overseas Market Access Requirements (Organic OMARs).

Part 1: General Requirements

1.1 Application

(1) This Standard applies to Third Party Agencies recognised by MPI, or in the process of being recognised by MPI, to provide evaluation and verification services under the Official Organic Assurance Programme.

1.2 Definitions

(1) *Accreditation* means formal endorsement of competency of Third Party Agencies (TPAs) for specified categories, following assessment against a Standard, by an accreditation body.

(2) *Accreditation body* means an independent organisation that is member of ILAC, APLAC, IAF or PAC which accredits TPAs to certain ISO Standards as agreed with MPI.

(3) *Assessment* means systematic examination of an individual, organisation, plan, programme or system against a defined set of requirements.

(4) *Assurance failure* means a situation where an Official Assurance has been issued for product which does not conform to the OOAP requirements.

(5) *Assurance verifier* means a recognised person who verifies requests for Official Organic Assurances on behalf of a TPA.

(6) *Calibration* means a comparison exercise to determine that decision making processes are reaching the same, consistent outcomes.

(7) *Critical non-conformity* means any identified non-conformity which affects the system's ability to continue to provide confidence that the requirements of the OOAP are met.

Guidance
The following are examples of *critical non-conformities*:
- Events.
- Critical non-conformity identified following assessments of registered operators.
- Failure to identify when a product is non-conforming.
- Failure to segregate non-conforming product.
- Failure to identify non-conformity.
- Failure to rectify non-conformity within the specified timeframe.
- Failure to prevent reoccurrence of non-conformity.

(8) *Critical situation* means any situation which places public health, animal welfare, market access, national good, or MPI's credibility at risk, or where an offence is suspected.

(9) *Evaluation* means the determination of the validity of documented systems including OMP review and OMP certification.

(10) *Event* means any of the following situations is classified as an "event":

a) Assurance failure.
b) Critical non-conformity identified by the TPA within the TPA's system.
c) Critical situation identified during the TPA's work.
d) Importing countries requirements obtained from sources other than MPI.

Guidance
For example, the situation whereby an overseas authority has issued a new requirement and not notified MPI through normal channels.

(11) *Key Technical Personnel (KTP)* means recognised TPAs personnel who has been assessed, and formally recognised by MPI, as being competent to accept responsibility for the assessment of the competence of recognised persons within a TPA.

(12) *MPI* means Ministry for Primary Industries.

(13) *MPI Technical Expert* means an MPI auditor who has been assigned to assess the competence of TPAs and their personnel in conjunction with the Accreditation Body as part of the Accreditation process.

(14) *Non-conformity* means any failure to conform to the requirements of the OOAP.

(15) *Official Assurance* means a statement made by MPI to a foreign government, or an agent of a foreign government, attesting that, as appropriate, any one or more of the following conditions apply in respect of a product:

a) Any specified process has been completed with respect to the product concerned.
b) The product concerned meets the Standards set for the product.
c) Any market access requirements of the importing country, which New Zealand has agreed to meet, that are stated in the Official Assurance, have been met by the system under which the product was produced or processed.
d) The situation in New Zealand, in relation to any matter concerning plant or animal product, is stated in the Official Assurance.

(16) *OMP Certification* means the determination of an operator's eligibility to participate in the OOAP based on the findings of the OMP verification.

(17) *OMP Certifier* means a recognised person who reviews the OMP verification report and determines operator's eligibility to participate in the OOAP.

(18) *OMP Review* means the review of an OMP against OOAP Standard 3.

(19) OMP Reviewer means a recognised person who reviews the OMP against OOAP Standard 3.

(20) *OMP Verification* means the examination of the evidence to determine operator's conformity with the OMP.

(21) *OMP Verifier* means a recognised person who examines the evidence to determine operator's conformity with the OMP.

(22) *Operator* means a natural or legal person or business entity who has completed the registration process with a TPA and has the day to day management and/or contractual control of an Organic Management Plan.

Guidance
Operators include primary producers, processors, handlers, importers and exporters.

(23) *Organic certification* means the certification process substantiating marketing claims referring to the method of organic production.

(24) *Organic Management Plan (OMP)* means a plan for managing a certified organic operation that has been agreed to between the operator and the TPA and covers all aspects of organic production and / or handling.

(25) *Overseas Market Access Requirements (OMARs)* means official sanitary, truth of labelling, and/or related specifications set by the relevant competent authority for the importation of animal or plant products.

(26) *Programme* means a set of rules that applies to a certain export market.

(27) *Recognised person* means TPA personnel who have been formally recognised by MPI as being competent to undertake one or more roles defined in this Standard.

(28) *Scope* means the type of activities verified as part of the OMP. These include: horticultural production, livestock production, food processing, wine making and apiary production.

(29) *Subcontractor* means an organisation or person who has been contracted by the TPA to provide specified services as detailed in a contract.

(30) *Surveillance assessment* means a partial assessment performed by the Accreditation body and or MPI Technical Expert to determine TPA conformance with selected components of the OOAP.

(31) *Surveillance verification* means a partial verification performed by the OMP Verifier to determine operator's conformance with multiple selected components of the OMP. Surveillance verifications can be targeted, random, announced or unannounced.

(32) *Third Party Agency (TPA)* means an organisation recognised by MPI to carry out evaluation and verification services on behalf of MPI.

1.3 Recognised Third Party Agencies

1.3.1 Accreditation

(1) TPAs must:

a) be accredited to the most recent version of Standard ISO/IEC 17065 (Conformity assessment – Requirements for bodies certifying products, processes and services) or,
b) demonstrate that the outcomes of Standard ISO/IEC 17065 are achieved in an equivalent way.

Guidance
Proposals for alternative criteria outlined in 1.3.1 (1) b) may be accepted by MPI, if it can be demonstrated to MPI's satisfaction that the required outcomes will be achieved.

1.3.2 Conformity with other OOAP Standards

(1) TPAs must fulfil the requirements of MPI OOAP Standard 2.

1.3.3 Stakeholders engagement

(1) TPAs must participate in stakeholder standardisation sessions organised by MPI.

1.3.4 Reporting to MPI

(1) TPAs are required to submit event reports to MPI the following working day after becoming aware of situations such as:

a) Assurance failure.
b) Critical non-conformity identified within the TPA's system.
c) Any other critical situation.
d) Importing countries requirements obtained from sources other than MPI.

(2) TPAs are required to provide MPI with quarterly reports by the 23rd day of the month following the three month report period. The report period starts from January of each year. Quarterly reports must cover the following topics:

a) A summary of any events that have been notified to MPI.
b) A summary of critical non-conformities identified following assessments of registered operators.
c) A summary of actual and proposed changes to the TPAs system that may impact on the TPAs ability to meet the requirements of OOAP Standards 1 and 2.
d) Disputes including background, outcomes, legal action and settlements.
e) TPA management and staff changes.

(3) TPAs are required to provide MPI with an annual report for the year ending on the 31 December before 31 January the following year. The annual report must include:

a) Name, address and phone number of the operator.
b) ID code of the operator.
c) Programme.
d) Scope.
e) Number of annual OMP verifications.
f) Number of surveillance verifications.
g) Number of non-conformities issued.
h) Number of non- conformities not closed out within the agreed time frame.
i) Number of tests for prohibited substances.
j) Number of tests showing residues of prohibited substances.
k) Number of event reports submitted to MPI.

(4) TPAs are required to provide any other relevant report upon MPI request.

1.3.5 Management of workload

(1) TPAs must have documented policies and procedures to ensure that all work is completed without time constraints, intimidation or other factors that could influence the ability to comply with their evaluation and verification activities.

1.3.6 Management of recognised personnel

(1) TPAs must have adequate numbers of competent staff to provide routine services in the categories for which they are recognised.

(2) All personnel providing evaluation and verification services, including subcontracted staff, must be recognised by MPI.

(3) TPAs must have systems to ensure and document that all recognised personnel maintain competency in the scopes for which they are recognised.

(4) TPAs must have documented systems to ensure that the performance of recognised personnel is assessed, at least annually, by performance appraisal and internal peer review.

(5) TPAs must have documented systems to ensure that, when a recognised person is found to be non-compliant:

a) they do not carry out verification or evaluation services,
b) MPI is notified by the following working day,
c) a review is conducted of the work done by the non-conforming person to determine the corrective actions required and
d) where required, the affected operators are advised and the work is repeated by another recognised person.

(6) TPAs must have documented systems to ensure that the work of all recognised personnel is consistent.

1.4 Third Party Agency Personnel

1.4.1 Competence

(1) Recognised personnel providing evaluation and verification services for the MPI Official Organic Assurance Programme must:

a) be competent in the skills relevant to their role,
b) have a satisfactory understanding of the technical aspects of the scope for which they are to be recognised,
c) have an understanding of the organic industry appropriate to the scope of their recognition,
d) demonstrate an understanding of the relevant OOAP Standards and OMARs, and
e) effectively apply the quality system and procedures of the TPA for which they are recognised.

Guidance
Recognised personnel should have had technical training in the field for which recognition is sought. This should preferably be formal training such as a tertiary qualification or other industry-recognised training programme, for example: Diploma in Agriculture or Horticulture, Bachelor in: Agriculture Science, Horticulture Science, Environmental Science, or Veterinary Science.

However, practical experience may be considered in lieu of formal training.

Recognised personnel should have a thorough understanding of the specific aspects of the organic industry in which recognition is sought. Competence in the skills relevant to the role of OMP verification is demonstrated by completion of an appropriate Lead Assessor course (or equivalent).

OMP verifiers should be able to evidence active involvement in verification activities since completing their formal training.

Candidates for recognition renewal should have carried out at least two relevant tasks in each of the scopes for which recognition is sought within the previous 12 months unless they can demonstrate that they have maintained current technical training in each of the scope.

(2) Candidates for initial recognition and/or scope extension must have carried out at least two relevant tasks under the supervision of a recognised person in each of the scopes for which recognition is sought within the previous 12 months.

1.4.2 Assessment of recognised personnel

(1) TPAs have the option to choose between two different systems for the recognition of their personnel:

a) Recognition based on a recommendation from the Accreditation Body in conjunction with the MPI Technical Expert.

Guidance
Under this system a recognised person's competence is determined by a review of training records, experience and an on-site assessment by the Accreditation Body in conjunction with MPI Technical Expert.

b) Recognition based on a recommendation from the TPA's Key Technical Personnel (KTP).

Guidance
Under this system a recognised person's competence is assessed by:
- An on-site assessment carried out by the KTP and
- A desk-top documentary review by MPI as part of the recognition renewal process.

1.4.3 Key Technical Personnel (KTP)

(1) Personnel who carry out the role of KTP must comply with the requirements stated in 1.4.1 and 1.4.2 (1) a).

Guidance
The recognition of the KTP is based on a recommendation from the Accreditation Body in conjunction with MPI Technical Expert. The assessment of the KTP includes the appraisal of their competence and the assessment of a sample of recognised personnel that are under their supervision.

1.4.4 Sub-contracted personnel

(1) Individuals who sub-contract their services to TPAs must comply with the requirements stated in 1.4.1 and 1.4.2.

Guidance
If sub-contracted personnel are recognised to provide the same evaluation and verification services for more than one TPA, the Accreditation Body in conjunction with MPI Technical Expert may tailor their re-assessment to avoid unnecessary duplications.

1.5 Data pertaining to Official Assurances

(1) All data collected by the TPAs in the course of activities undertaken on behalf of MPI, under the OOAP, is official information and is subject to the requirements of the Official Information Act 1982.

1.6 Publication of TPA recognition status

(1) In making reference to recognition status in communication media, TPAs must use only the following phrase (or an equivalent phrase approved by MPI), “Recognised by MPI to provide verification and/or evaluation services to support MPI Official Assurances for organic products”.

Part 2: Application Requirements

2.1 Third Party Agencies

(1) Any organisation wishing to be recognised as a Third Party Agency under the OOAP must apply to MPI.

(2) The application for Third Party Agency recognition must include:

a) A complete application form.
b) The application fee.

2.2 Third Party Agency Personnel

Guidance
The recognition of personnel is available in one or more of the following roles:

- OMP Reviewer.
- OMP Verifier.
- OMP Certifier.
- Assurance Verifier.
- Key Technical Personnel.

OMP Reviewers, OMP Verifiers and OMP Certifiers may be recognised in one or more of the following scopes:

- Horticultural production.
- Livestock production.
- Food processing.
- Wine making.
- Apiary production.

(1) Recognised TPAs seeking recognition for their personnel, or amending the roles and scopes for which a person is recognised, must apply to MPI.

(2) The application must include a letter outlining the competences of the personnel for which recognition is applied for.

2.3 Key Technical Personnel (KTP)

(1) TPAs wishing to operate under a KTP system must apply to MPI as under 2.1 and develop a proposal outlining how their organisation will operate.

(2) The proposal must include the following information:

a) Organisational chart including the TPA management team, the KTP and the makeup of the evaluation and verification team.
b) Internal procedures for assessing recognised personnel and making recommendations to MPI.
c) KTP calibration including peer review and training.

Guidance
After an acceptable proposal has been submitted, MPI will arrange a meeting with the TPA to discuss the proposal. The meeting is an opportunity for:

- The agency to present how their organisation will operate under the KTP system and to answer any questions or concerns that MPI may have.
- MPI to work through areas of interest and to document any agreed outcomes of the meeting.

2.4 Renewal applications

(1) Renewal applications must be sent to MPI at least one month before the recognition expiry date.

Part 3: Conformity Assessment

Guidance

Recognised TPAs

Conformity with this Standard is assessed by the Accreditation Body in conjunction with an MPI Technical Expert at a frequency assigned by the Accreditation Body and MPI. In general, TPAs will be re-assessed annually. However, the assessment frequency may be increased or decreased based on the level of conformity with the OOAP Standards. Additional surveillance assessments may be required, as needs arise.

Recognised Personnel

Depending on the recognition system agreed, assessment of conformity with this Standard is undertaken by:

- MPI Technical Expert, at a frequency assigned by MPI or
- The TPA Key Technical Personnel, in accordance with the TPA's procedures.

Regardless of the recognition system agreed, recognised personnel will be re-assessed annually. However, the assessment frequency may be increased or decreased based on the level of conformity with the OOAP Standards.

KTP

Assessment of conformity with this Standard is undertaken by the Accreditation Body in conjunction with MPI Technical Expert at a frequency assigned by the Accreditation Body and MPI.
In general the KTP will be re-assessed annually. However, the assessment frequency may be increased or decreased based on the level of conformity with the OOAP Standards. The Accreditation Body and MPI Technical Expert assess the KTP's conformity through an interview and an on-site assessment of a sample of recognised personnel supervised by the KTP.

Assessment Criteria

Criteria for assessing TPAs conformity:

- The procedures to meet the requirements of this Standard are documented in the TPA's quality system.
- No deficiencies are identified in the TPA's procedures.
- The TPA and recognised personnel undertake activities in accordance with the TPA's procedures.
- The TPA meets all the relevant requirements of this Standard.
- The TPA has paid its fees.

Criteria for assessing conformity of Recognised Personnel:

- The recognised personnel meet all the relevant requirements of this Standard.

Criteria for assessing conformity of KTP:

- The KTP meets all the relevant requirements of this Standard.

Listing of Recognised TPAs

A list of recognised TPAs and their personnel is available on the MPI website.

Part 4: Requirements relating to recognition suspension, reinstatement, termination

4.1 Suspension

4.1.1 Suspension of TPA's recognition

Guidance
TPAs recognition will be considered for suspension by MPI, in full or part, for a specified period, if:

- an assessment by the Accreditation Body in conjunction with MPI Technical Expert identifies a critical non-conformity, or
- agreed corrective actions for occurrences of any non-conformity are not implemented, or
- TPAs formally request their recognition to be suspended.

The TPA will be advised by MPI of the reasons for the suspension of the recognition and the effective date of the suspension. Such advice will be sent by email followed by a formal letter.

(1) TPAs must not provide any verification or evaluation services for which MPI has suspended their recognition.

(2) Where TPAs request MPI to suspend their recognition they must provide a minimum of 30 days notice of such intent and must continue to provide all evaluation and verification services up until the agreed date of suspension.

4.1.2 Suspension of TPAs personnel recognition

Guidance
MPI may suspend the recognition of TPAs personnel as a result of:

- the recommendation of the TPA,
- the recommendation of the Accreditation Body in conjunction with MPI Technical Expert,
- a critical non-conformity identified during an assessment,
- confirmation of non-conformity as notified by external sources,
- corrective actions following issue of non-conformity not being implemented,

Notification of suspension will be via a suspension notice delivered by email followed by a formal letter.

Where a recognised person is taking a break from work, for any reason (e.g. study leave, sabbatical, secondment, parental leave), their recognition may be put on hold. The TPA should contact MPI to discuss the TPA plans for re-integrating that person into the role(s) for which they are recognised.

(1) TPA personnel must not provide any service for which MPI has suspended their recognition.

(2) Where a TPA requests MPI to temporarily suspend a person's recognition, it must provide a minimum of 30 days notice of such intent.

4.2 Reinstatement

Guidance
Reinstatement of a TPA or TPA personnel recognition following suspension will only occur when MPI is satisfied that the TPA or the recognised person meet the conditions for reinstatement, as stated in the suspension notice.
When a TPA or a recognised person have been confirmed by MPI as meeting the conditions for

reinstatement they will be advised of the date from which recognition will be reinstated. Such advice will be sent by email followed by a formal letter.

4.3 Termination

4.3.1 Termination of TPA's recognition

Guidance
The TPAs' recognition may be terminated at the request of the TPA or by MPI if the conditions for reinstatement in a suspension notice are not met within the specified time frame.

The TPA will be advised by MPI of the reasons for the termination of the recognition and the effective date of the termination. Such advice will be sent by email followed by formal letter.

(1) TPAs must not provide any verification or evaluation services for which their recognition has been terminated by MPI.

(2) Where the TPAs' recognition is terminated, they must not identify as eligible for Official Assurance any produce being processed through their system.

(3) Where TPAs request MPI to terminate their recognition they must provide a minimum of 30 days notice of such intent. TPAs must continue to provide all evaluation and verification services up until the agreed date of termination.

(4) Where TPAs' recognition is terminated, their notification of recognition must be returned to MPI within ten working days of the recognition being terminated.

4.3.2 Termination of TPA's personnel recognition

Guidance
MPI may terminate recognition of TPAs personnel as a result of:
- TPAs request.
- A recommendation from the Accreditation Body in conjunction with the MPI Technical Expert.
- The conditions for lifting a suspension not having been met.

(1) Where TPAs personnel recognition is terminated, TPAs must return the certificate of recognition to MPI, within 10 working days of the recognition being terminated.

(2) Where TPAs personnel recognition is terminated at the request of the TPA, they must provide MPI with a notification of this intent.

Ministry for Primary Industries
Manatū Ahu Matua

Organic Export Requirement

Official Organic Assurance Programme Standard 2

Third Party Agency Responsibilities

.

New Zealand Government

TITLE

Organic Export Requirement: Official Organic Assurance Programme Standard 2

COMMENCEMENT

This Organic Export Requirement comes into force on ..

REVOCATION

This Organic Export Requirement revokes and replaces ..

ISSUING AUTHORITY

This Organic Export Requirement is issued

Dated at Wellington this ... day of 2014

Peter Thomson
Director, Plants, Food & Environment
Ministry for Primary Industries
(acting under delegated authority of the Director General)
A copy of the instrument of delegation may be inspected at the Director General's office.

Contact for further information
Ministry for Primary Industries (MPI)
Regulation and Assurance Branch
Plants, Food and Environment Directorate
PO Box 2526,
Wellington 6140
Email: standards@mpi.govt.nz

Contents

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Introduction

This introduction is not part of the Organic Export Requirement, but is intended to indicate its general effect.

Purpose

(1) This document outlines the responsibilities of Third Party Agencies and their personnel providing evaluation and verification services for the MPI Official Organic Assurance Programme (OOAP).

Background

(1) The MPI Standard on Third Party Agency Responsibilities is an integral part of the MPI system for Official Assurances for organic products. It describes the responsibilities of Third Party Agencies (TPAs) providing evaluation and verification services to operators participating in the Official Organic Assurance Programme (OOAP).

Who should read this Organic Export Requirement?

(1) This document applies to TPAs performing evaluation and verification of organic operators' conformity with OOAP Standard 3 (Operator Responsibilities) and Overseas Market Access Requirements (OMARs).

Why is this important?

(1) Operating other than in accordance with this document may result in the suspension of MPI recognition. Failure to address the agreed corrective actions to resolve a suspension will result in the termination of recognition.

Other information

(1) The following Standards must be read in conjunction with this Standard:

- ISO/IEC Standard 17065:2012 Conformity Assessment – Requirements for bodies certifying products, processes and services.
- MPI OOAP Standard 1, "Recognition of Third Party Agencies and their Personnel".
- MPI OOAP Standard 3, "Operators Responsibilities".
- Organic Overseas Market Access Requirements (Organic OMARs).

Part 1: Requirements

1.1 Application

(1) This Standard applies to Third Party Agencies recognised by MPI to provide evaluation and verification services under the Official Organic Assurance Programme.

1.2 Definitions

(1) *Accreditation* means formal endorsement of competency of Third Party Agencies (TPAs) for specified categories, following assessment against a standard, by an accreditation body.

(2) *Accreditation body* means an independent organisation member of ILAC, APLAC, IAF or PAC which accredits TPAs to certain ISO standards as agreed with MPI.

(3) *Assessment* means systematic examination of an individual, organisation, plan, programme, or system against a defined set of requirements.

(4) *Assurance failure* means a situation where an Official Assurance has been issued for products which do not conform to the OOAP requirements.

(5) *Assurance verifier* means a recognised person who verifies requests for Official Organic Assurances on behalf of a TPA.

(6) *Control file* means all the documentation pertaining to an operator participating in the OOAP, for the purposes of the certification activities.

(7) *Critical non-conformity* means any identified non-conformity which affects the system's ability to continue to provide confidence that the requirements of the Official Organic Assurance Programme are met.

Guidance
The following are examples of *critical non-conformities:*
- Critical Situations (see definition).
- Events (see definition).
- Critical non-conformity identified following assessments of registered operators.
- Failure to identify when a product is non-conforming.
- Failure to segregate non-conforming product.
- Failure to identify non-conformity.
- Failure to rectify non-conformity within the specified timeframe.
- Failure to prevent reoccurrence of non-conformity.

(8) *Critical situation* means any situation which places public health, animal welfare, market access, national good, or MPI's credibility at risk, or where an offence is suspected.

(9) *Evaluation* means the determination of the validity of documented systems including OMP review and OMP certification.

(10) *Event* means any of the following situations is classified as an "event":

a) Assurance failure.
b) Critical non-conformity identified by the TPA within the TPA's system.
c) Critical situation identified during the TPA's work.
d) Importing countries requirements obtained from sources other than MPI.

(11) *MPI* means Ministry for Primary Industries.

(12) *Non-conformity* means any failure to conform to the requirements of the OOAP.

(13) *Official Assurance* means a statement made by MPI to a foreign government, or an agent of a foreign government, attesting that, as appropriate, any one or more of the following conditions apply in respect of a product:

a) Any specified process has been completed with respect to the product concerned.
b) The product concerned meets the standards set for the product.
c) Any market access requirements of the importing country, which New Zealand has agreed to meet, that are stated in the assurance, have been met by the system under which the product was produced or processed.
d) The situation in New Zealand, in relation to any matter concerning plant or animal product, is stated in the Official Assurance.

(14) *OMP Certification* means the determination of an operator's eligibility to participate in the OOAP based on the findings of the OMP verification.

(15) *OMP Certifier* means a recognised person who reviews the OMP verification report and determines operator's eligibility to participate in the OOAP.

(16) *OMP Review* means the analysis of an OMP against OOAP Standard 3.

(17) *OMP Reviewer* means a recognised person who analyses an OMP against OOAP Standard 3.

(18) *OMP Verification* means the examination of the evidence to determine operator's conformity with the OMP.

(19) *OMP Verifier* means a recognised person who examines the evidence to determine operator's conformity with the OMP.

(20) *Operator* means a natural or legal person or business entity who has completed the certification process with a TPA and has the day to day management and/or contractual control of an Organic Management Plan.

Guidance
Operators include primary producers, processors, handlers, importers and exporters.

(21) *Organic Certification* means the certification process substantiating marketing claims referring to the method of organic production.

(22) *Organic Management Plan (OMP)* means a plan for managing a certified organic operation that has been agreed to between the operator and the TPA and covers all aspects of organic production and / or handling.

(23) *Overseas Market Access Requirements (OMARs)* means official sanitary, truth of labelling, and/or related specifications set by the relevant competent authority for the importation of animal or plant products.

(24) *Programme* means a set of rules that applies to a certain export market.

(25) *Recognised person* means TPA personnel who have been formally recognised by MPI as being competent to undertake one or more roles defined in this standard.

(26) *Risk Analysis Procedure* means a procedure for assessing and identifying the factors that may jeopardize the integrity of the organic products for which MPI Assurance is sought.

(27) *Scope* means the type of activities verified as part of the OMP. These include: horticultural production, livestock production, apiary and food processing.

(28) *Surveillance verification* means a partial verification performed by the OMP Verifier to determine operator's conformity with multiple selected components of the OMP. Surveillance verifications may be targeted, random, announced or unannounced.

(29) *Third Party Agency (TPA)* means an organisation recognised by MPI to carry out evaluation and verification services on behalf of MPI.

1.3 Contractual Criteria between the TPA and the Operator

(1) TPAs providing evaluation and verification services to operators on behalf of MPI must have systems in place which ensure that the contractual conditions under which they provide those services are documented and agreed by both parties. These conditions cover:

a) Full access to the operator's records, personnel and facilities at any reasonable time.
b) Full access of MPI representatives and importing country officials to operator's premises, land, accounts and other relevant documentation to enable assessment of the OOAP.
c) Access to the product or production site for the purpose of sampling for testing as deemed necessary by the TPA.
d) Exchange of information between TPAs in cases where an operator is certified by different TPAs.
e) Transmission of the OMP verification reports between TPAs where the operator changes their TPA.
f) Written authority from operators, to report relevant information to MPI.
g) Storage of control files for a period of at least five years in cases where the operators withdraw from the OOAP.
h) A statement clarifying ownership of the data contributing to the OOAP.
i) Full access by the operators to all records concerning their certification held by the TPA.
j) Payments of all fees related to the Operator participation in the OOAP.
k) Management of Operator's non-conformity.

1.4 Operator's Registration

(1) TPAs must register operators participating in the OOAP.

(2) TPAs must maintain an up to date and publicly available list of operators participating in the OOAP.

(3) The list of operators must include at least the following information:

a) Name of the operator.
b) Address.
c) Scope of certification.

(4) If an operator is suspended or terminated from the OOAP, TPAs must include the date of suspension or termination on the list of operators participating in the OOAP.

1.5 OMP Review

(1) TPAs must review OMPs against OOAP Standard 3 prior to the OMP verification.

(2) The OMP review must be carried out by an OMP reviewer recognised by MPI.

(3) If an OMP reviewer is also recognised as an OMP certifier, they must not certify the OMPs that they have reviewed.

(4) If an OMP reviewer is also recognised as an OMP verifier, they must not verify the OMPs that they have reviewed.

1.6 OMP Verification

(1) OMP verification must be undertaken by an OMP verifier recognised by MPI.

(2) OMP verification must be undertaken only if the OMP review has determined that the OMP conforms with the requirements of OOAP Standard 3.

(3) If an OMP verifier is also recognised as OMP reviewer, they must not review the OMPs that they will verify.

(4) If an OMP verifier is also recognised as OMP certifier, they must not certify the OMPs that they have verified.

(5) TPAs must ensure that, wherever practicable, a recognised person does not provide verification services continuously to the same operator for more than three years.

(6) OMP verifiers must ensure that all sites of a geographically spread out operation are visited within a reasonable time frame. The time frame must be based on a risk assessment of the operation.

Guidance
TPAs should be able to demonstrate a process that ensures all sites are visited over time. Ideally high risk sites should be visited more frequently and other sites should be selected on the basis of when they were last visited.

(7) OMP verification frequency must be at least annual.

1.7 Risk Analysis

(1) TPAs must have a risk analysis procedure designed in such a way that:

a) Operators are classified according to different risk categories.
b) The result of the risk analysis provides the basis for determining:

i) The frequency of the announced and unannounced verification.
ii) The selection of operations to be sampled for residue testing according to section 1.11.

Guidance
Testing should be required in the following cases:
- when evidence indicates that prohibited substances have been purchased by the operator,
- when an operator conducts both conventional and organic production (i.e. parallel production), or
- where the operation is under conversion to organic production.

c) In addition to the normal annual OMP verification, random OMP verifications must be carried out of at least 10% of registered operators in accordance with the risk category.

Guidance
Operators should be classified into different categories based on the level of risk identified for their operation (for example operators could be classified as low risk, medium risk, high risk). The size of random samples of additional verifications should reflect the risk levels. For example, if according to 1.7.1 (c), a TPA is required to carry out 50 random verifications and assuming that each risk category includes a similar number of operators, they might allocate five random verifications from the pool of low risk operators, 15 random verifications from the pool of medium risk operators, and 30 from the pool of high risk operators.

d) Unannounced verification must be carried out on at least 10% of all registered operators.

Guidance
A verification is considered un-announced if the verifier either makes no contact with the operator prior to visiting the operator premises or contacts the operator no earlier than one day before the on-site verification and only to ensure that someone is on site.

e) The selection of operators to be submitted to unannounced verification is determined according to the level of risk.

1.8 OMP Certification

(1) The OMP certification must be undertaken by an OMP certifier recognised by MPI.

(2) If an OMP certifier is also recognised as an OMP reviewer, they must not certify the OMPs that they have reviewed.

(3) If an OMP certifier is also recognised as an OMP verifier, they must not certify the OMP that they have verified.

(4) Based on the findings of the OMP verification, the OMP certifier must determine the operator's eligibility to participate in the OOAP.

(5) The OMP certifier must increase OMP verification frequency in instances whereby the operator has:

a) Failed to demonstrate conformity with the OMP.
b) Failed to complete the corrective action required by the OMP verifier.
c) Failed to identify and / or manage a critical non-conformity.
d) Shown regular or persistent non-conformity.

(6) Where OOAP Standard 3 provides for granting a dispensation to the standard requirements, TPAs must have appropriate procedures in place for assessing dispensation applications.

1.9 Documentary Evidence

(1) TPAs must provide documentary evidence to the operators who are subject to their control and meet the requirements of the OOAP. The documentary evidence must at least permit the identification of the operator, the scope of their certification, the specific export eligibility and the period of validity.

(2) Documentary evidence must be produced in a tamper-proof format.

1.10 Assurance Verification

(1) TPAs must verify consignment eligibility for Official Assurance.

(2) Assurance verification must be undertaken by MPI recognised personnel.

(3) Assurance verifiers must follow the communication procedure set by MPI.

(4) The TPA procedures for verification of assurances must include:

a) Verification that the products in the consignment meet the requirements of the OOAP.
b) Verification that the products in the consignment meet the requirements of the relevant OMAR(s) for the destination markets.
c) Verification that the information provided is accurate.

1.11 Residue Testing for Prohibited Substances and Methods

1.11.1 Testing criteria

(1) TPAs must undertake regular testing to:

a) determine the base level of any prohibited substances that may be present in an operator's system at the time of entry into the programme,
b) detect the presence of substances not authorised under the OOAP, and
c) detect production techniques not in conformity with the OOAP.

1.11.2 Minimum testing

(1) TPAs must annually test samples from at least 5 % of the operators under their control.

1.11.3 Sample selection

(1) The selection of the operators from whom samples are taken must be based on:

a) the result of the risk analysis as outlined in 1.7 and /or,
b) any case where the use of products or practices not authorised for organic production is suspected.

1.11.4 Sampling and testing requirements

(1) Samples must be taken by the TPA or by an independent party following the laboratory sampling procedure.

(2) TPAs or the independent party who takes the samples must have documented procedures in place that ensure integrity of the sample is maintained and protected from substitution or tampering.

(3) Samples must be analysed by a laboratory which is MPI recognised to perform the required tests.

1.11.5 Test results

(1) TPAs must retain the test results for at least five years.

(2) If test results show the presence of prohibited substances or suggest the use of prohibited practices TPAs must:

a) immediately notify the operator of the test results and indicate that the product is not eligible for Official Assurance, and
b) carry out an investigation to determine why the residue is present and the degree of operator conformity with the OOAP.

Guidance
If the operator is participating in any other residue programmes, results from these programmes may be presented to the TPA for consideration and acceptance by the TPA. Acceptance of such results is dependent on determining that the testing is carried out in accordance with clause 1.11.4.

1.11.6 Test costs

(1) When the tests are carried out to determine evidence of fraud, TPAs must cover the cost of testing.

Guidance
TPAs may charge the operators for the cost of routine testing.

1.12 Management of Operator Non-Conformity

1.12.1 Classifying non-conformity

(1) Where non-conformity is identified, TPAs must report it and establish the degree of breach by:

a) Assessing the intent of the operator to deviate from the OMP.
b) Determining the extent of the non-conformity.
c) Determining the root cause of the system breakdown.

1.12.2 Consequences of non-conformity

(1) Where non-conformity affects the eligibility of any products for an Official Assurance, TPAs must work with the operator to ensure that these products are not exported with an Official Assurance.

(2) Any critical non-conformity identified within the operator system must result in the reassessment of the verification frequency.

1.12.3 Corrective action plan

(1) Corrective actions must outline:

a) What is to be done.
b) The person responsible for ensuring that action is taken and is effective.
c) The time frame for implementation.
d) The verification activities to be undertaken to ensure that corrective actions have been successfully implemented.

(2) The OMP verifier and the operator must agree to an appropriate corrective action plan including a time frame for its implementation.

(3) OMP verifiers must determine whether the corrective actions have been implemented within the agreed time frame.

(4) TPAs must assess the effectiveness of the corrective action plan.

1.13 Operators Suspension, Reinstatement, Termination

1.13.1 Suspension

(1) TPAs must suspend operators' eligibility for the OOAP, for a specified period, if:

a) they identify a critical non-conformity within the operator's system or,
b) the agreed corrective action plan is not implemented or,
c) the operator formally requests their certification to be suspended.

(2) Notification of suspension must include:

a) The reason for the suspension.
b) The scope of the suspension.
c) The terms and conditions for reinstatement.
d) The date from which the suspension takes place.

(3) If an operator is suspended from the OOAP, TPAs must include the date of suspension or termination on the list of operators participating in the OOAP.

1.13.2 Reinstatement

(1) TPAs must not reinstate operators' eligibility for the OOAP until they are satisfied that conditions for the reinstatement stated in the suspension note have been met.

(2) When an operator has been confirmed as meeting the conditions for reinstatement, the TPA must advise them of the date from which their eligibility will be reinstated.

1.13.3 Termination

(1) TPAs must terminate operators' eligibility for the OOAP if:

a) The conditions for reinstatement stated in the suspension notice are not met within the specified time frame.
b) The operator formally requests their certification to be terminated.

(2) The TPA must advise the operator of the reasons for the termination and the effective date of the termination.

(3) TPAs must either remove terminated operators from the list of operators participating in the OOAP or include the date of termination in the listing.

1.14 Management of Confidentiality

(1) The recognised TPA may, in the course of their duties, receive information which is of a confidential nature. This confidentiality must be respected at all times and where applicable is subject to the provisions of the Privacy Act 1993.

1.15 Exchange of Information between TPAs

(1) Where operators are certified by different TPAs, TPAs must exchange the relevant information on the operations under their control as necessary.

(2) Where the operators change their TPA:

a) The previous TPA must hand over to the subsequent TPA, within a reasonable timeframe a copy of the OMP verification reports produced during the time when the operator was under their control, including confirmation relating to the closure of non conformities.
b) The subsequent TPA must ensure that non conformities identified by the previous TPA have been or are being addressed in accordance with the agreed corrective action plan.