NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** NEW ZEALAND  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Ministry for Primary Industries  Charles Fergusson Building  34 – 38 Bowen Street  PO Box 2526  Wellington 6140  New Zealand  Tel: +64 4 830 1574  Email: [food.policy@mpi.govt.nz](mailto:food.policy@mpi.govt.nz)  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  Standards New Zealand,  Phone: +64 4 498 5990  Email: [wto@standards.co.nz](mailto:wto@standards.co.nz)  Website: [www.standards.govt.nz](http://www.standards.govt.nz) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** 46 inhibitor substances (as listed in the interim Order in Council). You can see the Order [here](https://www.legislation.govt.nz/regulation/public/2022/0191/latest/LMS701265.html). |
| **5.** | **Title, number of pages and language(s) of the notified document:** Agricultural Compounds and Veterinary Medicines (Inhibitor Substances) Order 2022. Four pages in English.  Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Amendment Regulations 2022. Two pages in English.; (2 page(s), in English) |
| **6.** | **Description of content:**  This is an interim Order in Council that declares 46 inhibitor substances as 'agricultural compounds' and enables these substances to be registered under the Agricultural Compounds and Veterinary Medicines Act 1997 (ACVM Act). The Order in Council also provides a definition for what an inhibitor is. In early 2022, the 46 listed inhibitor substances were identified with help from agrichemical companies as being used under this definition.  The ACVM Act does not currently provide a pathway for inhibitors to be registered under the Act, because they are considered 'out of scope'. This interim measure responds to requests by agrichemical companies that inhibitors are able to be registered under the ACVM Act. Consultation with farming groups indicate broad support for inhibitors to be registered under the AVCM Act to increase certainty regarding the use of the substances for inhibiting purposes. Proposed legislation to amend the scope of the ACVM Act to include inhibitors is expected to be introduced to Parliament in late 2022. New Zealand will issue a further TBT notification at that time with an opportunity to comment on the regulatory changes. Any comments received on the interim measure will also be considered as part of this process.  Inhibitors that are not listed on the interim Order in Council can continue to be sold and used in New Zealand (subject to them meeting other relevant regulatory requirements such as under the Hazardous Substances and New Organisms Act 1996).  Both the interim Order in Council and Regulations came into force on 18 July 2022. The Regulations provide a transition period of 2 years for the 46 inhibitor substances on the Order in Council. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:**  Inhibitors can be used as a mitigation tool to help meet climate change and other environment goals. The current overall regulatory framework for inhibitors has a health and safety and environmental focus. The objective is to also appropriately manage potential risks of residues in food, or risks to animal and plant health. These risks are managed under the ACVM Act, but inhibitors are currently 'out of scope'. The interim Order in Council and Regulations are needed to bring the listed inhibitor substances 'within scope'. This will complement the Food Act which requires all food sold (including exported) to be safe and suitable.  Agrichemical companies also advised that they sought wider regulatory oversight regarding the use of inhibitors that they sell in New Zealand. These factors led to the farming and agrichemical industries seeking for inhibitors to be regulated under the ACVM Act. As inhibitors were not previously within the scope of the ACVM Act, the ACVM Act will need to be amended in the long-term.; Protection of human health or safety; Protection of animal or plant life or health; Protection of the environment |
| **8.** | **Relevant documents:**  Agricultural Compounds and Veterinary Medicines (Inhibitor Substances) Order 2022. You can see the Order [here](https://www.legislation.govt.nz/regulation/public/2022/0191/latest/LMS701265.html).  Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011. You can see the Regulations [here](https://www.legislation.govt.nz/regulation/public/2022/0192/latest/LMS701207.html) |
| **9.** | **Proposed date of adoption:** 18 July 2022;  The interim Order in Council and Amendment Regulations were passed on 13 June and came into effect on 18 July 2022.  A further notification will be issued in late 2022 when proposed legislation to amend the ACVM Act is expected to introduced to Parliament. Any comments received on the interim measure will also be considered as part of this process.  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [****X]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  Enquiries, email: [food.policy@mpi.govt.nz](mailto:food.policy@mpi.govt.nz) |