



Customs and Excise (Rules of Origin—Harmonised System) Amendment Regulations 2016

Patsy Reddy, Governor-General

Order in Council

At Wellington this 21st day of November 2016

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 65 and 287A of the Customs and Excise Act 1996—

- (a) on the advice and with the consent of the Executive Council; and
- (b) to the extent that these regulations, in accordance with section 65(a)(ii) of the Customs and Excise Act 1996, prescribe goods that are deemed to be the produce or manufacture of a country for the purposes of the Tariff Act 1988, on the recommendation of the Minister of Customs made after consultation with the Minister of Commerce.

Contents

	Page
1 Title	3
2 Commencement	3
3 Principal regulations	3
<i>Australia</i>	
4 Regulation 32 amended (Interpretation)	3
5 Regulation 32A revoked	3
<i>Malaysia</i>	
6 Regulation 41 amended (Originating goods)	3

<i>Thailand</i>		
7	Regulation 51G amended (Originating goods)	3
8	Regulation 51J amended (Packaging materials and containers)	4
9	Regulation 51L amended (Regional value content)	4
<i>Trans-Pacific Strategic Economic Partnership Agreement countries</i>		
10	Regulation 51O amended (Originating goods)	4
11	Regulation 51P amended (Regional value content)	4
12	Regulation 51R amended (Packaging materials and containers)	4
13	Regulation 51U amended (Outward processing)	4
<i>China</i>		
14	Regulation 51ZA amended (Originating goods)	4
15	Regulation 51ZC amended (Regional value content)	5
16	Regulation 51ZH amended (Packaging materials and containers for retail sale)	5
17	Regulation 51ZI amended (Accessories, spare parts, and tools)	5
18	Regulation 51ZL amended (De minimis)	5
<i>AANZFTA countries</i>		
19	Regulation 51ZM amended (Interpretation)	5
20	Regulation 51ZP amended (Calculation of regional value content)	5
21	Regulation 51ZS amended (De minimis)	5
<i>Hong Kong, China</i>		
22	Regulation 51ZZ amended (Originating goods)	6
<i>Chinese Taipei</i>		
23	Regulation 51ZZB amended (Originating goods)	6
<i>Republic of Korea</i>		
24	Regulation 51ZZC (Interpretation)	6
25	Regulation 51ZZD amended (Originating goods)	6
<i>Schedules</i>		
26	Schedule 3 revoked	6
27	Schedule 3A revoked	6
28	Schedule 5 revoked	7
29	Schedule 6 amended	7
30	Schedule 8 revoked	7
31	Schedule 9 revoked	7

Regulations

1 Title

These regulations are the Customs and Excise (Rules of Origin—Harmonised System) Amendment Regulations 2016.

2 Commencement

These regulations come into force on 1 January 2017.

3 Principal regulations

These regulations amend the Customs and Excise Regulations 1996 (the **principal regulations**).

Australia

4 Regulation 32 amended (Interpretation)

In regulation 32, replace the definition of **Annex G** with:

Annex G means Annex G of the ANZCERTA as set out in the document entitled *Annex G of the ANZCERTA (2017)*, as certified on 9 November 2016 by the chief executive under section 287C of the Act, and published by the chief executive on the Internet site of the Customs (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2017)

5 Regulation 32A revoked

Revoke regulation 32A.

Malaysia

6 Regulation 41 amended (Originating goods)

(1) Replace regulation 41(1)(b) to (d) with:

(b) the document entitled *Annex 2 Malaysia–New Zealand Product Specific Rules (2017)*, as certified on 9 November 2016 by the chief executive under section 287C of the Act, and published by the chief executive on the Internet site of the Customs (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2017); and

(2) Revoke regulation 41(2) and (3).

Thailand

7 Regulation 51G amended (Originating goods)

(1) In regulation 51G(1)(b)(i), replace “Schedule 3” with “the document entitled *Annex 2 Thailand–New Zealand Goods containing non-originating materials (2017)*, as certified on 9 November 2016 by the chief executive under section 287C of the Act, and published by the chief executive on the Internet site of the

Customs (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2017),”.

- (2) In regulation 51G(3) and (4), replace “Schedule 3” with “the document referred to in subclause (1)(b)(i)” in each place.

8 Regulation 51J amended (Packaging materials and containers)

In regulation 51J(1), replace “Schedule 3” with “the document referred to in regulation 51G(1)(b)(i)”.

9 Regulation 51L amended (Regional value content)

In regulation 51L(1), replace “Schedule 3” with “the document referred to in regulation 51G(1)(b)(i)”.

Trans-Pacific Strategic Economic Partnership Agreement countries

10 Regulation 51O amended (Originating goods)

- (1) In regulation 51O(1)(c)(i), replace “Schedule 5” with “the document entitled *Annex II Specific rules of origin for Trans-Pacific Strategic Economic Partnership Agreement goods (2017)*, as certified on 9 November 2016 by the chief executive under section 287C of the Act, and published by the chief executive on the Internet site of the Customs (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2017)”.
- (2) In regulation 51O(3) and (4), replace “Schedule 5” with “the document referred to in subclause (1)(c)(i)” in each place.

11 Regulation 51P amended (Regional value content)

In regulation 51P(1), replace “Schedule 5” with “the document referred to in regulation 51O(1)(c)(i)”.

12 Regulation 51R amended (Packaging materials and containers)

In regulation 51R(1), replace “Schedule 5” with “the document referred to in regulation 51O(1)(c)(i)”.

13 Regulation 51U amended (Outward processing)

In regulation 51U(4), replace “Schedule 5” with “the document referred to in regulation 51O(1)(c)(i)”.

China

14 Regulation 51ZA amended (Originating goods)

In regulation 51ZA(a)(iii)(D), replace “Schedule 3A” with “the document entitled *Annex 5 Product Specific Rules of Origin for Chinese Goods (2017)*, as certified on 9 November 2016 by the chief executive under section 287C of the Act, and published by the chief executive on the Internet site of the Customs

(to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2017)”.

15 Regulation 51ZC amended (Regional value content)

In regulation 51ZC(1), replace “Schedule 3A” with “the document referred to in regulation 51ZA(a)(iii)(D)”.

16 Regulation 51ZH amended (Packaging materials and containers for retail sale)

In regulation 51ZH(1), replace “Schedule 3A” with “the document referred to in regulation 51ZA(a)(iii)(D)”.

17 Regulation 51ZI amended (Accessories, spare parts, and tools)

In regulation 51ZI(1), replace “Schedule 3A” with “the document referred to in regulation 51ZA(a)(iii)(D)”.

18 Regulation 51ZL amended (De minimis)

In regulation 51ZL, replace “Schedule 3A” with “the document referred to in regulation 51ZA(a)(iii)(D)”.

AANZFTA countries

19 Regulation 51ZM amended (Interpretation)

In regulation 51ZM, replace the definition of **product specific rule** with:

product specific rule means a rule in the document entitled *Product Specific Rules of Origin for AANZFTA goods (2017)*, as certified on 9 November 2016 by the chief executive under section 287C of the Act, and published by the chief executive on the Internet site of the Customs (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2017), that specifies that goods used to produce goods have undergone a change in tariff classification or a specific manufacturing or processing operation, or that requires that goods satisfy a regional value content criterion, or that requires any combination of these requirements to be fulfilled

20 Regulation 51ZP amended (Calculation of regional value content)

In regulation 51ZP, replace “Schedule 8” with “the document referred to in the definition of product specific rule in regulation 51ZM”.

21 Regulation 51ZS amended (De minimis)

In regulation 51ZS, replace “Schedule 8” with “the document referred to in the definition of product specific rule in regulation 51ZM”.

*Hong Kong, China***22 Regulation 51ZZ amended (Originating goods)**

- (1) Replace regulation 51ZZ(1)(b) and (c) with:
 - (b) the document entitled *Annex 1 Product Specific Rules of Origin for Hong-Kong–China Goods (2017)*, as certified on 9 November 2016 by the chief executive under section 287C of the Act, and published by the chief executive on the Internet site of the Customs (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2017).
- (2) Revoke regulation 51ZZ(3) to (5).

*Chinese Taipei***23 Regulation 51ZZB amended (Originating goods)**

Replace regulation 51ZZB(b) and (c) with:

- (b) the document entitled *Product Specific Rules (PSR) Schedule Chinese–Taipei (2017)*, as certified on 9 November 2016 by the chief executive under section 287C of the Act, and published by the chief executive on the Internet site of the Customs (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2017).

*Republic of Korea***24 Regulation 51ZZC (Interpretation)**

In regulation 51ZZC, revoke the definitions of **HS 2007** and **HS 2012**.

25 Regulation 51ZZD amended (Originating goods)

Replace regulation 51ZZD(b) with:

- (b) the document entitled *Annex 3A, Product Specific Rules Korea–New Zealand (2017)*, as certified on 9 November 2016 by the chief executive under section 287C of the Act, and published by the chief executive on the Internet site of the Customs (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2017).

*Schedules***26 Schedule 3 revoked**

Revoke Schedule 3 (which relates to Thailand).

27 Schedule 3A revoked

Revoke Schedule 3A (which relates to China).

28 Schedule 5 revoked

Revoke Schedule 5 (which relates to Trans-Pacific Strategic Economic Partnership Agreement countries).

29 Schedule 6 amended

- (1) In Schedule 6 (which relates to Trans-Pacific Strategic Economic Partnership Agreement countries), delete “8540.79,” “9006.10,” “9008.30,” and “9403.81,”.
- (2) In Schedule 6, insert in their appropriate numerical order “8540.79 (klystrons only),”, “9006.59 (optical fibres, optical fibre bundles and cables only),”, “9008.50 (projectors other than slide projectors and microfilm, microfiche or other microform readers and excluding cinematographic),”, “9403.82,” and “9403.83,”.

30 Schedule 8 revoked

Revoke Schedule 8 (which relates to AANZFTA countries).

31 Schedule 9 revoked

Revoke Schedule 9 (which relates to Korea).

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 January 2017, amend the Customs and Excise Regulations 1996 (the **principal regulations**). The main effect of the amendments is to update product-specific rules of origin relating to certain parties with which New Zealand has free trade agreements.

The relevant product-specific rules of origin need updating to reflect the technical changes to the product-specific rules as agreed between New Zealand and its trading partners, taking account of the 1 January 2017 updates to the International Convention on the Harmonised Commodity Description and Coding System.

Currently, the rules of origin are set out and updated differently for different countries or groups of countries.

These regulations incorporate by reference, under section 287A of the Customs and Excise Act 1996, updated rules set out in documents that are published by the chief executive of the New Zealand Customs Service on the Customs website.

Access to the provisions incorporated by reference is also facilitated by the chief executive of the New Zealand Customs Service in the other ways required by section 287D of the Customs and Excise Act 1996.

Obsolete schedules of the principal regulations are revoked. For example, Schedule 3, Thai goods containing non-originating materials is not available on the New Zealand Legislation website (<http://www.legislation.govt.nz>). That website refers readers to the New Zealand Customs Service website (<http://www.customs.govt.nz>) for the latest version of Schedule 3.

In addition, these regulations make 2 amendments to Schedule 6 of the principal regulations.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 24 November 2016.

These regulations are administered by the New Zealand Customs Service.