



Customs and Excise (Rules of Origin for CPTPP Goods) Amendment Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 12th day of November 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 403(1), 407, and 412 of the Customs and Excise Act 2018—

- (a) on the advice and with the consent of the Executive Council; and
- (b) to the extent that these regulations, in accordance with section 407(1)(b) of the Customs and Excise Act 2018, prescribe goods that are treated as being the produce or manufacture of any 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 and Consumer Affairs.

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Regulations

1 Title

These regulations are the Customs and Excise (Rules of Origin for CPTPP Goods) Amendment Regulations 2018.

2 Commencement

These regulations come into force on 30 December 2018.

3 Principal regulations

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

4 New regulations 51ZZE and 51ZZF and cross-heading inserted

After regulation 51ZZD, insert:

Provisions relating to Comprehensive and Progressive Agreement for Trans-Pacific Partnership parties

51ZZE Interpretation

In regulation 51ZZF, unless the context otherwise requires,—

CPTPP Agreement means the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, done at Santiago, Chile, on 8 March 2018

CPTPP party means a country that is declared by Order in Council under section 7A(1)(baa) of the Tariff Act 1988 to be a specified CPTPP party for the purposes of that Act.

51ZZF Originating goods

- (1) Particular goods are treated for the purposes of the Act and the Tariff Act 1988 as being the produce or manufacture of a CPTPP party if the goods meet all applicable requirements set out in the following provisions of the CPTPP Agreement:
 - (a) Chapter 3: Rules of Origin and Origin Procedures:
 - (b) Chapter 4: Textile and Apparel Goods:
 - (c) Annex 3-D: Product-Specific Rules of Origin:
 - (d) Appendix 1 to Annex 3-D: Provisions Related to the Product-Specific Rules of Origin for Certain Vehicles and Parts of Vehicles:
 - (e) Annex 4-A: Textiles and Apparel Product-Specific Rules of Origin:
 - (f) Appendix 1 to Annex 4-A: Short Supply List of Products.
- (2) In the case of Chilean textiles exported to New Zealand under the CPTPP Agreement,—

- (a) the de minimis exclusion for elastomeric yarns in Article 4.2.4 of the CPTPP Agreement does not apply:
- (b) the Chapter Notes in Annex 4-A (Chapters 61 to 63) of the CPTPP Agreement regarding sewing thread and narrow elastic bands do not apply:
- (c) the product-specific rules set out in Annex 4-A (Chapters 50 to 62) of the CPTPP Agreement are replaced by—
 - (i) the CTH rule for yarns:
 - (ii) the CTH rule for fabric:
 - (iii) the CC rule for apparel (cut and sew rule).

Rachel Hayward,
for the 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 come into force on 30 December 2018, which is the date on which the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the **CPTPP**), done at Santiago, Chile, on 8 March 2018, enters into force for New Zealand.

These regulations amend the Customs and Excise Regulations 1996 (the **principal regulations**). The principal regulations were made under the Customs and Excise Act 1996 but are continued by the Customs and Excise Act 2018. *See* clause 27 of Schedule 1 of the Customs and Excise Act 2018.

These regulations prescribe rules of origin, including product-specific rules and other applicable requirements, for goods imported to New Zealand from parties to the CPTPP for the purpose of giving effect to the CPTPP.

The rules of origin in the CPTPP are incorporated into the principal regulations by reference. A side instrument that New Zealand has agreed with Chile in the context of the CPTPP Agreement, containing an understanding on textiles trade, is implemented by *new regulation 51ZZF(2)*.

At the time of the making of these regulations, the text of the CPTPP is available at <https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-concluded-but-not-in-force/cptpp/comprehensive-and-progressive-agreement-for-trans-pacific-partnership-text/>

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

52 of the Legislation Act 2012 (as applied by section 412(3) of the Customs and Excise Act 2018).

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 15 November 2018.

These regulations are administered by the New Zealand Customs Service.