



Customs and Excise (Rules of Origin for Malaysia Free Trade Agreement Goods) Amendment Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of August 2020

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 or group of countries 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 Malaysia Free Trade Agreement Goods) Amendment Regulations 2020.

2 Commencement

These regulations come into force on 1 October 2020.

3 Principal regulations

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

4 Regulation 41 amended (Originating goods)

Replace regulation 41(1)(e) with:

- (e) Annex 3 (as amended with effect on and from 1 October 2020, done by an exchange of letters constituting an agreement between the Government of New Zealand and the Government of Malaysia to amend the Malaysia–New Zealand Free Trade Agreement).

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 amend the Customs and Excise Regulations 1996 (the **principal regulations**), which continue in force under the Customs and Excise Act 2018 (*see* clause 27 of Schedule 1 of that Act).

These regulations, which come into force on 1 October 2020, incorporate by reference an amendment to Annex 3 of the Malaysia–New Zealand Free Trade Agreement for the purpose of giving effect to that amendment. Annex 3 contains provisions for procedures in relation to, and verification of, goods traded under the Malaysia–New Zealand Free Trade Agreement. The amendment to Annex 3 replaces Article 1 (Declaration of Origin) of that Annex.

The text of the replaced Article 1 of Annex 3 was set out in a letter dated 20 July 2020 from the Minister for Trade and Export Growth of New Zealand to the Minister of International Trade and Industry of Malaysia. That letter is part of an exchange of letters constituting an agreement between the Government of New Zealand and the Government of Malaysia to amend Annex 3 of the Malaysia–New Zealand Free Trade Agreement.

At the time of making of these regulations, the text of the Malaysia–New Zealand Free Trade Agreement, including the amended Annex 3, is available at <https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-in-force/malaysia-fta/>

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*: 13 August 2020.

These regulations are administered by the New Zealand Customs Service.