



Customs and Excise (Rules of Origin—Harmonised System and Other Matters) Amendment Regulations 2021

Cindy Kiro, Governor-General

Order in Council

At Wellington this 13th day of December 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under sections 403, 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 or any type or class of 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—Harmonised System and Other Matters) Amendment Regulations 2021.

2 Commencement

These regulations come into force on 1 January 2022.

3 Principal regulations

These regulations amend the Customs and Excise Regulations 1996.

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 *Product Specific Rules for Australian goods—Annex G (2022)*, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs' Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022)

Malaysia

5 Regulation 41 amended (Originating goods)

Replace regulation 41(1)(b) with:

- (b) the document entitled *Malaysia–New Zealand Product Specific Rules—Annex 2 (2022)*, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs' Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022); and

Singapore

6 Regulation 51A amended (Originating goods)

Replace regulation 51A(1) with:

- (1) For the purposes of the Act and the Tariff Act 1988, particular goods are treated as the produce or manufacture of Singapore if the goods satisfy all applicable requirements set out in the following provisions of the Singapore CEP Agreement:
 - (a) Chapter 3; and
 - (b) the document entitled *ANZSCEP Product Specific Rules of Origin—Annex 3.1 (2022)*, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs' Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022).

Thailand

7 Regulation 51G amended (Originating goods)

Replace regulation 51G(1)(b)(i) with:

- (i) satisfy the requirements of the document entitled *Thailand–New Zealand Goods containing non-originating materials—Annex 2 (2022)*, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs’ Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022); and

Trans-Pacific Strategic Economic Partnership Agreement countries

8 Regulation 51O amended (Originating goods)

Replace regulation 51O(1)(c)(i) with:

- (i) the non-originating materials satisfy the requirements of the document entitled *Specific rules of origin for Trans-Pacific Strategic Economic Partnership Agreement goods—Annex II (2022)*, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on Customs’ Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022); and

China

9 Regulation 51ZA amended (Originating goods)

Replace regulation 51ZA(a)(iii) with:

- (iii) are goods produced entirely in New Zealand or in China or in both countries using non-originating materials, provided that the goods satisfy the requirements of the document entitled *Product Specific Rules of Origin for Chinese goods—Annex 5 (2022)*, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs’ Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022); and

10 Regulation 51ZC amended (Regional value content)

In regulation 51ZC(1), replace “regulation 51ZA(a)(iii)(D)” with “regulation 51ZA(a)(iii)”.

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

In regulation 51ZH(1), replace “regulation 51ZA(a)(iii)(D)” with “regulation 51ZA(a)(iii)”.

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

In regulation 51ZI(1), replace “regulation 51ZA(a)(iii)(D)” with “regulation 51ZA(a)(iii)”.

13 Regulation 51ZL amended (De minimis)

In regulation 51ZL, replace “regulation 51ZA(a)(iii)(D)” with “regulation 51ZA(a)(iii)”.

AANZFTA countries

14 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 (2022)*, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs’ Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022), 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

Hong Kong, China

15 Regulation 51ZZ amended (Originating goods)

Replace regulation 51ZZ(1)(b) with:

(b) the document entitled *Product Specific Rules of Origin for Hong-Kong-China Goods—Annex 1 (2022)*, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs’ Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022).

Chinese Taipei

16 Regulation 51ZZB amended (Originating goods)

Replace regulation 51ZZB(b) with:

(b) the document entitled *Product Specific Rules (PSR) Schedule Chinese-Taipei (2022)*, as certified on 9 November 2021 by the chief executive

under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs' Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022).

Republic of Korea

17 Regulation 51ZZD amended (Originating goods)

Replace regulation 51ZZD(b) with:

- (b) the document entitled *Product Specific Rules Korea–New Zealand—Annex 3-A (2022)*, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs' Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022).

Comprehensive and Progressive Agreement for Trans-Pacific Partnership parties

18 Regulation 51ZZF amended (Originating goods)

Replace regulation 51ZZF(1)(c) to (f) with:

- (c) the following documents, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs' Internet site (to align with the Harmonised System as in force in respect of New Zealand as at 1 January 2022):
 - (i) *CPTPP Annex 3-D—Product-specific rules of origin (2022)*; and
 - (ii) *CPTPP Annex 3-D—Appendix 1: Provisions Related to the Product-Specific Rules of Origin for Certain Vehicles and Parts of Vehicles (2022)*; and
 - (iii) *CPTPP Annex 4-A—Textiles and Apparel Product Specific Rules of Origin (2022)*; and
 - (iv) *CPTPP Annex 4-A—Appendix 1: Short Supply List of Products (2022)*.

PACER Plus parties

19 Regulation 51ZZH amended (Originating goods)

Replace regulation 51ZZH(d) with:

- (d) the document entitled *PACER Plus Schedule of Product Specific Rules—Annex 3-B (2022)*, as certified on 9 November 2021 by the chief executive under clause 4 of Schedule 2 of the Legislation Act 2019 and published by the chief executive on the Customs' Internet site (to align with

the Harmonised System as in force in respect of New Zealand as at 1 January 2022).

Schedules

20 Schedule 4 amended

In Schedule 4,—

- (a) after “8704.32,” insert “8704.41, 8704.51, 8704.52,”; and
- (b) after “8414.30,” insert “8414.70.”

21 Schedule 6 amended

In Schedule 6,—

- (a) replace “8462.31, 8462.99” with “8462.32, 8462.33, 8462.51, 8462.61, 8462.62, 8462.63, 8462.69, 8462.90”; and
- (b) after “8473.30,” insert “8479.83,”; and
- (c) after “8484.20,” insert “8485.30,”; and
- (d) after “8501.62,” insert “8501.71, 8501.72, 8501.80,”; and
- (e) replace “8507.40” with “8507.80 (nickel iron accumulators only)”; and
- (f) replace “8514.10, 8514.30” with “8514.11, 8514.19, 8514.31, 8514.32, 8514.39”; and
- (g) replace “8525.80” with “8525.81, 8525.82, 8525.83, and 8525.89”; and
- (h) after “8539.49,” insert “8539.51,”; and
- (i) replace “8540.72” with “8540.71”; and
- (j) replace “8543.39” with “8542.39”; and
- (k) replace “8548.10” with “8549.11, 8549.12, 8549.13, 8549.14, 8549.19”; and
- (l) replace “8803.30” with “8807.30”.

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 are in force under the Customs and Excise Act 2018. They come into force on 1 January 2022. Their main effect is to update product-specific rules of origin relating to certain parties with which New Zealand has free trade agreements.

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Explanatory note

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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 2022 updates to the International Convention on the Harmonised Commodity Description and Coding System.

These regulations incorporate by reference, under section 412 of the Customs and Excise Act 2018, 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 Schedule 2 of the Legislation Act 2019.

In addition, these regulations—

- amend regulation 51ZA(a)(iii) of the principal regulations to ensure alignment with Article 19(c) of the New Zealand–China Free Trade Agreement (and make consequential amendments to principal regulations 51ZC, 51ZH, 51ZI, and 51ZL):
- amend Schedules 4 and 6 of the principal regulations.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 16 December 2021.

These regulations are administered by the New Zealand Customs Service.