



NEW ZEALAND
CUSTOMS SERVICE
TE MANA ĀRAI O AOTEAROA

PURSUANT to section 421(1) of the Customs and Excise Act 2018

I, Christine Stevenson, Chief Executive, New Zealand Customs Service, make the following rules:

Customs (Applications for Secure Exports Schemes and Scheme Amendments) Rules 2022

Signed at Wellington

This 10th day of November 2022

Christine Stevenson

Comptroller of Customs

Customs (Applications for Secure Exports Schemes and Scheme Amendments) Rules 2022

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Part 1

Rules

Section 1 Title, application, commencement, interpretation, transition and revocation

1.1 Title

These rules are the Customs (Applications for Secure Exports Schemes and Scheme Amendments) Rules 2022.

1.2 Application and purpose of rules

1.2(1) These rules apply to all applications made from the date of commencement pursuant to Schedule 6 clause 1 of the Act to be approved as a secure exports scheme.

1.2(2) These rules also apply to applications made from the date of commencement to amend existing Customs-approved secure exports schemes pursuant to Schedule 6 clause 6(1) of the Act.

1.2(3) These rules are made for the purpose of prescribing the content of applications which may be made for approval or for amendment of a secured export scheme.

1.3 Commencement

These rules come into force on 12 December 2022.

1.4 Interpretation

1.4(1) In these rules, unless the context otherwise requires—

Act means the Customs and Excise Act 2018

Approved Transport Operator means a transport operator who has been approved by the Chief Executive or his or her delegate as a transport partner for Customs-approved secure exports schemes

Customs-approved secure exports scheme means any scheme approved by the Chief Executive or his or her delegate under section 281(1) of the Act, including a scheme operated by an approved transport operator

Date of commencement means 12 December 2022

Form means a form that –

- (a) contains the information prescribed in the applicable Schedule; and
- (b) is provided in a form or medium approved by the Chief Executive in accordance with rule 4.1(1)

Regulations means the Customs and Excise Regulations 1996

1.4(2) Unless the context otherwise requires, a term that is used in these Rules and defined in the Act but not defined in these Rules has the meaning given in the Act.

1.5 Transition

1.5(1) The Rules apply to all applications made from the date of commencement. Notwithstanding clause 1.6 below, the Customs and Excise (Applications for Secure Exports Schemes and Scheme Amendments) Rules 2018 (CR2018/SES1) continue to apply to any applications made prior to the date of commencement.

1.6 Revocation

1.6(1) The Customs and Excise (Applications for Secure Exports Schemes and Scheme Amendments) Rules 2018 (CR2018/SES1) are revoked from the date of commencement, subject to clause 1.5(1) above.

Section 2 Application for approval as a secure exports scheme

2.1 Application to be approved as a secure exports scheme

An applicant seeking approval as a Customs-approved secure exports scheme (including approval as an Approved Transport Operator) must provide the particulars required under these rules and as provided for in Schedule 6, clause 1 of the Act.

2.2 Content of application

2.2(1) Every application required under Schedule 6, clause 1 of the Act must:

- (a) contain the relevant particulars specified in Schedule 1; and
- (b) be provided in the form or medium approved by the Chief Executive in accordance with rule 4.1(1).

Section 3 Application to amend a secure exports scheme

3.1 Application to amend a Customs-approved secure exports scheme

3.1(1) An applicant seeking to amend a Customs-approved secure exports scheme (including an Approved Transport Operator) must provide the particulars required under these rules and as provided for in Schedule 6, clause 6 of the Act.

3.2 Content of application

3.2(1) Every application required under Schedule 6, clause 6 of the Act must:

- (a) contain the relevant particulars specified in Schedule 2; and
- (b) be provided in the form or medium approved by the Chief Executive in accordance with rule 4.1(1).

Section 4 Chief Executive may approve form and medium of application

4.1(1) The Chief Executive may approve the form and medium through which a person may supply the prescribed information required under rule 2.2 or 3.2.

Section 5 Miscellaneous provisions

5.1 Notes

Where a form contains any explanatory or other notes such notes do not form part of the prescription but are intended for the guidance of the person in the completion of an application.

5.2 Requirement to provide answers

The person making an application for approval in accordance with rule 2.2(1) or for amendment of a scheme in accordance with rule 3.2(1) must provide the answers to all matters as are required in or by any form.

Part 2

Schedules

Schedule 1 –Particulars to be provided for application to be approved as a Customs secure exports scheme

Ref r2.2(1)(a)

Notes

1. Applications to be approved as a secure exports scheme can be submitted if a business does any of the following:
 - Exports air freight
 - Exports full container loads via sea freight
 - is a transport operator for shipping containers
 - is a secure load site for export goods from other companies
2. Guidance around the secure exports scheme application process can be found at www.customs.govt.nz
3. Following the application process, the New Zealand Customs Service will undertake a validation visit to check the details the applicant business has provided.
4. The applicant business will be required to provide details of specified export entries for process validation following submission of this application.
5. Part A sets out all possible information fields required from applicant businesses, including without limitation, businesses who manufacture, pack or load export goods, for themselves or on behalf of other businesses and excluding transport operators. Applicant businesses must fill in all of the fields that apply to their application.
6. Part B sets out all possible information fields required from a transport operator seeking to become an Approved Transport Operator. An Approved Transport Operator's Part B declarations will form part of the conditions of approval for any successful applicant business partnering with said Approved Transport Operator.

General requirements

1. The contents of the application must be true, correct and complete in every particular.
2. The applicant will be required to declare they are authorised to make an application as a person with legal authority for the specified business and that the information supplied in this application is truthful and accurate to the best of the applicant's knowledge.
3. The applicant will be required to declare, confirm or verify the accuracy of certain statements throughout the application. These declarations will form a part of the conditions of approval if the specified business application is approved.
4. All relevant fields for an application must be completed, unless stated below.

PART A Particulars to be provided for a Customs secure exports scheme application (excluding transport operators):

Every application to become a Customs secure exports scheme must include the following particulars (as applicable to the applicant business):

Applicant business Site Map

Notes

An applicant business must submit a site map to Customs. A site map must contain the following (if applicable to the applicant business):

- Buildings & their access points
- Cargo storage and packing areas
- Container loading area
- Empty container storage area
- Sealed container storage area
- Security lighting
- Security locations
- Vehicle parking areas
- Transport operator traffic flows
- Other traffic flows
- Perimeter fencing
- Perimeter access points
- Emergency evacuation assembly point
- External perimeter features e.g. roads, environment

Standard Operation Procedures

Notes

There is an opportunity at the end of the application to upload copies of any Standard Operating Procedures (SOPs) that the applicant business references. It is not compulsory to include SOPs in the initial application submission, however if they are not provided in this application the SES officer who visits the applicant business site will ask to view them.

NZBN (New Zealand Business Number)

Notes

Not compulsory

Company Contact information

Notes

This must include name and address of the applicant business/company

Company Contact person information

Notes

This includes the name, position in company, phone and email of contact person for the applicant business

Countries that the applicant business exports to

NZ Customs Client Code

Number of workers employed by the applicant business

Details of sites owned and operated by the applicant's business where export goods are packed and loaded, including address, contact person and Site address and MPI Site number (if applicable).

Details of third party businesses that pack and load goods on the applicant business' behalf, including a contact person (if applicable)

Notes

Security checks for any transport operators or third party secure load sites used by the applicant business will be undertaken if and when this application proceeds.

Details of other SES members the applicant business packs and loads goods for (if applicable)

Details of transport operators who transport the applicant business' goods from the packing location, including a contact person

A description of the applicant business and the industry it operates in, including the goods produced, packed and/or loaded for export.

Does the applicant business identify as an indigenous Māori business?

Name, contact details and position of application signatory (if different to contact person)

Notes

The person who will be approving the application to join SES

Details of nominated SES Manager within the applicant business who will take responsibility for how SES is implemented and adhered to in the applicant business.

Notes

The SES manager will be expected to:

- be the main point of contact with Customs for all SES enquiries
- take responsibility for ensuring all incidents are reported to Customs
- understand the business' commitments as a SES partner
- be responsible for maintaining the security plan and ensuring it is being adhered to
- keep Customs updated with changes to business, for example, change of address

An overview of the applicant business export packing and loading sites and what they do

Number of workers per export packing and loading site

Government accreditations that demonstrate supply chain security (if applicable)

Details of roles within the applicant business responsible for oversight of export documentation, loading and packing export goods and issuing access to site.

Details of what identity, reference and background checks are done for potential workers in key positions

Confirmation that a record will be kept of training completed by staff members

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of procedures to identify and investigate any behaviour or changes seen within a worker that are cause for suspicion or concern

Confirmation that site access will be managed securely, and a record will be kept of who has access

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation or details of security methods in place to identify workers

Notes:

This could include the following

- Photo ID cards
- Uniforms
- Company issued clothing or PPE
- Visual recognition
- Other

Description of procedures for recovering business property when workers leave

Name and services provided by any external security company used for site security

Confirmation of written agreements with external security companies (if applicable)

Details of site fencing and accessways, or other methods of preventing unauthorised access to property

Details of site maintenance and upkeep

Details of site security lighting

Description of how access is limited to key areas; document storage, export goods storage and loaded container storage

Confirmation that alarm codes are individually assigned and restricted to those who need to have access

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of site specific security measures not already outlined

Details of suitable contractor, visitor and transport operator site access and identification processes

Description and details of how the business maintains site integrity including details of employee and visitor identity verification, contractor, transport operator and other worker verification, access and supervision

Confirmation that contractor site inductions will cover relevant SES processes and security practices

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation that the applicant business will ensure that contractors involved in packing and loading goods are aware of the SES requirements that apply to the site and follow the relevant processes.

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of suitable parking arrangements on site, including risk mitigation practices between secure and non secure areas

Confirmation that only personnel involved container loading will be present in the load out area, unless specifically authorised

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of how containers are secured if they are left unattended while partially loaded

Details of seven point (or eight point for refrigerated containers) container inspection including system for recording checks secure exports scheme

Confirmation that a 7 or 8 point container check and the associated documentation will be completed each time a container is loaded.

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Description of the methods and documentation used to ensure the correct goods and quantity of goods are packed and loaded

Details of internal reporting process when errors are identified

Details of export goods stock-take process

Loading processes for other SES members' goods (if applicable, and if different to the applicant business own goods)

Details of process if containers are partially loaded across multiple sites including how containers are secured between sites, and what happens when they arrive at next sites

Description of air freight packing and sealing methods

Packing processes for other SES members' goods (if applicable, and if different to the applicant business' own goods)

Confirmation that an appropriate shipping seal will be used, this is to be decided in conjunction with Customs

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation that only authorised personnel will manage, apply and check seals, and they will receive appropriate training.

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of how the applicant business secures loaded container doors if the containers cannot be sealed straight away

Confirmation of VVTT checks being completed when sealing and transporting shipping containers including how the process is documented

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

V.V.T.T. checks include:

view seal and container locking mechanism for damage

verify seal number against documentation

tug on seal to ensure it is affixed properly

twist bolt seal to ensure its components do not unscrew or separate

Confirmation that sealed containers that are stored on site will be visually checked daily

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation and details of how a shipping container seal register will be kept, secured, and administered by an appropriate person and stored in an appropriate manner.

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation and details of how shipping container seals will be kept, secured, and administered by an appropriate person and stored in an appropriate manner.

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of any difference in seal use procedures if the applicant business site packs for multiple SES members

Confirmation that the applicant business agrees to immediately attach an approved Air Cargo Seal Label to each package, and check the seal before the package is shipped

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of how Air Cargo Seals will be kept, secured, administered by an appropriate person, and stored in an appropriate manner.

Describe difference in seal use procedures if the applicant business site packs for multiple SES members

Confirmation that for Air cargo only regulated Air Cargo Agents will be used to transport SES goods

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation that sealed packages will be kept in a secure location while waiting to be transported and physically checked that the seals on the packages have not been tampered with at the time they are uplifted by a RACA.

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation that correct SES procedures are to be implemented in the supply chain partners of businesses without physical sites

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation of contingency plans for securing export cargo export documentation in emergency situations.

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation that partially loaded containers/packages left unattended during an evacuation will be repacked unless the container was under observation during the evacuation, or security camera recording of the container can be reviewed.

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation of written contingency plans for securing SES shipments if they need to be stored on site longer than expected

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of appropriate digital security practises, systems and training in place to protect trade data

Confirmation that staff will be provided basic digital security training, including not sharing computer access and protecting passwords

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of security cameras or other surveillance methods on site, what they are used for and what procedures are in place to check they function correctly.

Details of how security camera footage is used, stored, and kept secure

Confirmation that recordings of security incidents will be provided to NZ Customs upon request

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation that the SES security plan will be reviewed at least once a year

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation that accuracy of export documentation will be checked at least once a year

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation that clear training and instructions for reporting security incidents will be provided to staff

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of where reporting incidents information poster will be displayed

Confirmation that the following will be reported to Customs:

- any container which has been tampered with
- documented procedure has not been followed
- unauthorised entry to the site
- suspicious or unusual documentation requests
- unauthorised goods within the container
- missing seals
- seal tampering (apart from seals replaced on site)
- Digital security breaches that may impact the security of your supply chain

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation that the applicant is authorised to make this application as the person with legal authority for the specified business and the information supplied in this application is truthful and accurate to the best of their knowledge

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Part B – Application to become an Approved Transport Operator

Notes

Part B sets out all possible information fields required from a transport operator seeking to become an Customs Approved Transport Operator. An Approved Transport Operator's Part B declarations will form part of the conditions of approval for any successful applicant business partnering with said Approved Transport Operator.

Every application to become a secure exports scheme Approved Transport Operator must include the following particulars (as applicable to the applicant business):

Applicant business Site Map

Notes

An applicant business must submit a site map to Customs. A site map must contain the following (if applicable to the applicant business):

- Buildings & their access points
- Cargo storage and packing areas
- Container loading area
- Empty container storage area
- Sealed container storage area
- Security lighting
- Security locations
- Vehicle parking areas
- Transport operator traffic flows
- Other traffic flows
- Perimeter fencing
- Perimeter access points
- Emergency evacuation assembly point
- External perimeter features e.g. roads, environment

Standard Operation Procedures

Notes

There is an opportunity at the end of the application to upload copies of any Standard Operating Procedures (SOPs) that the applicant business references. It is not compulsory to include SOPs in the initial application submission, however if they are not provided in this application the SES officer who visits the applicant business site will ask to view them.

NZBN (New Zealand Business Number)

Notes

Not compulsory

Company Contact information

Notes

This must include name and address of the applicant business/company

Company Contact person information*Notes*

This includes the name, position in company, phone and email of contact person for the applicant business

Number of workers employed by the applicant business

Does the applicant business identify as an indigenous Māori business?

Name, contact details and position of application signatory (if different to contact person)*Notes*

The person who will be approving the application to join SES

Details of nominated SES Manager within the applicant business who will take responsibility for how SES is implemented and adhered to in the applicant business.*Notes*

The SES manager will be expected to:

- be the main point of contact with Customs for all SES enquiries
- take responsibility for ensuring all incidents are reported to Customs
- understand the business's commitments as a SES partner
- be responsible for maintaining the security plan and ensuring it is being adhered to
- keep customs updated with changes to business, for example, change of address

Government accreditations that demonstrate supply chain security (if applicable)

Details of roles within the applicant business responsible for oversight of carters notes, export documentation and issuing access to site.

Details of what identity, reference and background checks are done for potential workers in key positions

Confirmation that a record will be kept of training completed by staff members*Notes*

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Details of procedures to identify and investigate any behaviour or changes seen within a worker that are cause for suspicion or concern

Confirmation that site access will be managed securely, and a record will be kept of who has access*Notes*

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation that a record will be kept of worker training*Notes*

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation or details of security methods in place to identify workers*Notes:*

This could include the following

- Photo ID cards
- Uniforms
- Company issued clothing or PPE
- Visual recognition
- Other

Description of procedures for recovering business property when workers leave

Name and services provided by any external security company used for site security

Confirmation of written agreements with external security companies (if applicable)

Details on site fencing and accessways, or other methods of preventing unauthorised access to property

Details of site maintenance and upkeep

Details of site security lighting

Description of how access is limited to key areas; document storage and loaded container storage

Confirmation that alarm codes are individually assigned and restricted to those who need to have access*Notes*

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Details of site specific security measures not already outlined

Details of contractor and visitor site access and identification processes

Description and details of how the applicant business maintains site integrity including details of employee and visitor identity verification, contractor and other worker verification, access and supervision

Confirmation that sealed containers that are stored on site will be visually checked daily as well as immediately prior to uplift for delivery, and a record of this check kept*Notes*

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation of written contingency plans for securing SES shipments in the event they need to be stored on site longer than expected*Notes*

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Details of appropriate digital security practises and training in place to protect data

Confirmation that staff will be provided basic digital security training, including not sharing computer access and protecting passwords

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Details of security cameras or other surveillance methods on site, what they are used for and what procedures are in place to check they function correctly.

Details of how security camera footage is used, stored, and kept secure

Confirmation that recordings of security incidents will be provided to NZ Customs upon request

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation that the SES security plan will be reviewed at least once a year

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation that clear training and instructions for reporting security incidents will be provided to staff

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Details of where reporting incidents information poster will be displayed

Confirmation that the following will be reported to Customs:

- any container which has been tampered with
- documented procedure has not been followed
- unauthorised entry to the site (when it effects sealed containers)
- suspicious or unusual documentation requests
- missing seals
- seal tampering
- Digital security breaches that may impact the security of your supply chain

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation that the applicant is authorised to make this application as the person with legal authority for the specified business and the information supplied in this application is truthful and accurate to the best of their knowledge

Notes

This will form part of your conditions of approval if your application to become an approved secure exports scheme is approved.

Confirmation that transport operator will undertake ID and reference checks when employing drivers and dispatchers.

Confirmation that employee/driver inductions will include:

- **View, Verify, Tug and Twist (VVTT) container seal checks**
- **Any relevant parts of 7/8 point container checks**
- **The driver's role in a secure supply chain**
- **Any requirements specific to the SES exporters that they transport for.**

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation when an SES exporter/load site has arranged for the transport operator to undertake part of the 7/8 step container inspection, the inspection will be completed by the transport operator prior to loading.

Confirmation that this check will be completed, documented, signed/electronically acknowledged by the transport operator and a record of the inspection retained by the site.

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation that before uplifting a loaded container from a load site, or when handing a container to another driver the transport operator must:

- **Check seal securely applied, using the V.V.T.T. method**
- **Check container number matches documentation**

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation that if any stops are made enroute, or at the final delivery point, the container seal will be visually checked following the stop and a record kept of this check.

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation that drivers will contact their dispatcher about any incidents that may compromise the security of the container

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation that the company will have contingency plans for securing sealed containers during disruption to business

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Confirmation that all SES containers will be transported by SES approved transport operators, including if any work is contracted out to third parties.

Notes

This will form part of your conditions of approval if your application to become an Approved Transport Operator is approved.

Schedule 2 –Application to amend a Customs-approved secure exports scheme

Ref r.3.2(1)(a)

Content of application to amend a Customs-approved secure exports scheme

To amend an approved secure exports scheme, (including an Approved Transport Operator scheme) an applicant must provide to the New Zealand Customs Service the following particulars:

- a) Applicant business name
- b) Applicant business partner ID
- c) Name and contact details of contact person
- d) Description of proposed amendments to approved secure exports scheme

Notes

Following submission of the prescribed information in the application to amend, the New Zealand Customs Service may require such additional information that the Chief Executive or his or her delegate considers necessary for the change to be approved.

Changes to a Secure Exports Scheme need to be approved by Customs, and the scale and impact of any proposed change will be taken into consideration as a part of the re-approval process. An applicant's approval as a secure exports scheme partner may be suspended or revoked while the change is being reviewed (for example, if the change has already occurred and materially affects the conditions of approval).