



NEW ZEALAND
CUSTOMS SERVICE
TE MANA ĀRAI O AOTEAROA

Under section 421(1) of the Customs and Excise Act 2018,

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

Customs (Secure Exports Schemes) Rules 2024

Signed at Wellington

This 25th day of September 2024

Christine Stevenson

Chief Executive, New Zealand Customs Service

Customs (Secure Exports Schemes) Rules 2024

Table of Contents

Part 1	Rules	3
Section 1	Preliminary provisions	3
1.1	Title	3
1.2	Commencement	3
1.3	Application and purpose	3
1.4	Interpretation	3
1.5	Revocation	3
Section 2	Applications relating to Secure Exports Schemes	4
2.1	Application to be approved as a Secure Exports Scheme	4
2.2	Application to be approved as an Approved Transport Operator	4
2.3	Application to amend a Secure Exports Scheme	4
2.4	Requirement to provide answers and make declaration	4
2.5	Approval of forms	5
2.6	Alterations to forms	5
Part 2	Schedules	6
Schedule 1	Prescribed Information for an application to be a Secure Exports Scheme, other than as an Approved Transport Operator	7
Schedule 2	Prescribed Information for an application to be an Approved Transport Operator	16
Schedule 3	Prescribed Information for an application to amend a Secure Exports Scheme	22
	Explanatory note	23

Part 1

Rules

Section 1 Preliminary provisions

1.1 Title

These rules are the Customs (Secure Exports Schemes) Rules 2024.

1.2 Commencement

These rules come into force on 4 November 2024.

1.3 Application and purpose

1.3(1) These rules apply to persons making—

- (a) an application for a scheme to be approved as a Secure Exports Scheme (including applications for approval as an Approved Transport Operator) under clause 1 of Schedule 6 of the Act; or
- (b) an application to amend an existing Secure Exports Scheme under clause 6 of Schedule 6 of the Act.

1.3(2) These rules prescribe the way in which applications are to be made for the purposes of clauses 1 and 6 of Schedule 6 of the Act.

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 that is approved by the chief executive or their delegate to operate a Secure Exports Scheme, as a transport partner for other Secure Exports Schemes

Secure Exports Scheme means a Customs-approved secure exports scheme approved by the chief executive or their delegate under section 281(1) of the Act and includes a scheme operated by an Approved Transport Operator

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 Revocation

The Customs (Applications for Secure Exports Schemes and Scheme Amendments) Rules 2022 are revoked.

Section 2 Applications relating to Secure Exports Schemes

2.1 Application to be approved as a Secure Exports Scheme

2.1(1) This clause applies to a person making an application for a scheme to be approved as a Secure Exports Scheme under clause 1 of Schedule 6 of the Act, other than applications for schemes by Approved Transport Operators.

2.1(2) A person must—

- (a) provide Customs with the information specified in Schedule 1; and
- (b) provide that information in a form or medium approved by the chief executive (*see* rule 2.5).

2.2 Application to be approved as an Approved Transport Operator

2.2(1) This clause applies to a person making an application to be approved as an Approved Transport Operator under clause 1 of Schedule 6 of the Act.

2.2(2) A person must—

- (a) provide Customs with the information specified in Schedule 2; and
- (b) provide that information in a form or medium approved by the chief executive (*see* rule 2.5).

2.3 Application to amend a Secure Exports Scheme

2.3(1) This clause applies to a person making an application to amend an existing Secure Exports Scheme (including applications to amend an approval as an Approved Transport Operator) under clause 6 of Schedule 6 of the Act.

2.3(2) A person must—

- (a) provide Customs with the information specified in Schedule 3; and
- (b) provide that information in a form or medium approved by the chief executive (*see* rule 2.5).

2.3(3) Despite rule 2.3(2), a person may alternatively—

- (a) update the information provided in their application under rule 2.1, in the approved form or medium under that rule, if they are a person to whom that rule applies; or
- (b) update the information provided in their application under rule 2.2, in the approved form or medium under that rule, if they are a person to whom that rule applies.

2.4 Requirement to provide answers and make declaration

2.4(1) The person making an application under these rules must provide the answers to all matters as are required in or by the applicable form.

2.4(2) Where a form requires a declaration to be made, the person must make any such declaration.

2.5 Approval of forms

The chief executive may approve the form or medium by which a person must supply the information specified in Schedules 1, 2, and 3.

Note: Approvals by the chief executive under this rule are published on Customs' website at www.customs.govt.nz.

2.6 Alterations to forms

2.6(1) Without limiting the generality of section 52 of the Legislation Act 2019, the forms prescribed under these rules—

- (a) may be altered in design to suit Customs' business processes; and
- (b) may contain additional material not inconsistent with the prescribed information in these rules.

2.6(2) Where a prescribed form contains any explanatory or other notes, such notes do not form part of the prescription but are intended to assist the person in the completion of the form.

Part 2

Schedules

Schedule 1	Prescribed Information for an application to be a Secure Exports Scheme, other than as an Approved Transport Operator	7
Schedule 2	Prescribed Information for an application to be an Approved Transport Operator	16
Schedule 3	Prescribed Information for an application to amend a Secure Exports Scheme	22

Schedule 1

Prescribed Information for an application to be a Secure Exports Scheme, other than as an Approved Transport Operator

r 2.1

General requirements:

- (a) All relevant fields must be completed unless otherwise stated below.
- (b) The contents of the application must be true, correct, and complete in every particular.
- (c) The applicant must declare that 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.
- (d) The applicant will be required to declare, confirm or verify the accuracy of certain statements throughout the application. Some of these will form a part of the conditions of approval if the specified business application is approved.

Notes:

- (a) In this schedule, **SES** refers to a Secure Exports Scheme.
- (b) Following the application process, the New Zealand Customs Service will undertake a validation visit to confirm in person the details the applicant business has provided.
- (c) The applicant business will be required to provide details and associated documents of specified export entries for process validation following submission of this application.
- (d) Applications to be approved as a Secure Exports Scheme can be submitted if a business:
 - exports air freight; or
 - exports full container loads via sea freight; or
 - is a secure load site for export goods from other companies.
- (e) Guidance around the Secure Exports Scheme application process can be found at www.customs.govt.nz.

The following information in relation to the applicant business:

- Company name
- Company address

- NZBN or business name (if applicable) or, if the applicant business does not have an NZBN, business type
- Whether the application is:
 - for an applicant new to the SES; or
 - for a business adding another site to an existing SES (if so, the existing SES' application number); or
 - for an existing SES business transitioning to the Business Connect platform
- Applicant's type of business, including:
 - whether they are an exporter of goods
 - whether they pack and load their goods for export
 - whether they pack, load and store export goods for other businesses
 - their method of export of goods
- A list of countries that the business exports to (if applicable)
- NZ Customs Client Code will use for SES export entries (if applicable)
- Number of workers employed by the applicant's business
- Details of sites where export goods are packed and loaded, including operating business, site address, MPI site number, contact person and their contact details (if applicable)
- Details of other SES members the applicant business packs and loads goods for, including business name, SES number (optional), and types of products being packed, loaded, and/or stored (if applicable)
- Details of transport operators who transport the applicant business' goods from the packing location, including business name, a contact person and their details (if applicable)
- A description of the applicant business and the industry it operates in, including the goods produced, packed and/or loaded for export
- Whether the applicant business identifies as an indigenous Māori business.

The following information in relation to the applicant business' contact person:

- Full name
- Phone number
- Email address
- Preferred method for contact

The following information in relation to the application signatory (if different from contact person):

- Full name
- Position in applicant business
- Phone number
- Email address
- Preferred method for contact

The following information in relation to the nominated SES Manager within the applicant business, who will take responsibility for how SES is implemented and adhered to in the applicant business:

- Full name
- Position in applicant business
- Phone number
- Email address

Note: 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 that it is being adhered to;
- keep Customs updated with changes to the business (e.g. change of address).

The following in relation to each of the applicant business' exporting sites (i.e., sites that pack and load export goods):

- Site address
- Site contact details and contact person
- Overview of the applicant business' sites and what they do
- Number of workers per site
- Whether the site has any government accreditations that demonstrate supply chain security and, if so, a list of these accreditations.

The following in relation to worker security:

- In relation those responsible for oversight of export documentation, loading and packing of export goods, and issuing access to sites, at the applicant business:
 - Details of roles within the applicant business responsible for oversight of each of these aspects
 - Details of what identity, reference, and background checks are done for potential workers in these roles
 - Confirmation that the applicant business will provide workers in these roles with additional training to ensure that they understand the SES requirements that are specific to their role
- Confirmation that they have procedures to identify and investigate any behaviour or changes seen within a worker that are cause for suspicion or concern
- Confirmation that the applicant business' managers or security personnel only will issue site access cards, access codes and keys (and a record of issue is kept)
- Confirmation that the applicant business will keep a record of training workers receive
- Details of security methods in place to identify workers

<p>Note: This could include photo ID cards, uniforms, company issued clothing or PPE, visual recognition, or any other method.</p>

- Description of procedures for recovering business property when workers leave
- Details of personnel security measures not already outlined (optional)
- In relation to temporary or seasonal workers:
 - Whether the applicant business uses seasonal or temporary workers
 - How the applicant business ensures these seasonal or temporary workers do not compromise supply chain security
 - Assurance that seasonal and temporary workers will be made aware of relevant SES requirements and procedures.

The following in relation to site security:

- Name and services provided by any external security company used for site security (if applicable)
- Confirmation of written agreements with external security companies that outline services provided and incident reporting procedures
- Details of site fencing and accessways, or other methods of preventing unauthorised access to property

- Details of maintenance and upkeep of site and its security measures
- Details of site's security lighting and visibility
- Details of how access is limited to authorised personnel, including access to:
 - Offices containing export documentation
 - Buildings and areas where export goods are stored
 - Areas used for packing and loading goods
 - Areas used for storing loaded containers (if applicable)
- Confirmation of whether physical copies of export documentation are kept off-site and, if so, details of where these are located
- Confirmation that alarm codes are individually assigned and restricted to those who need to have access
- Details of site-specific security measures not already outlined (optional).

The following in relation to site visitors:

- Details of suitable contractor, visitor and transport operator site access and identification processes
- Confirmation that contractor site inductions will cover relevant SES processes and security practices
- 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.

The following in relation to packing and loading of goods (as applicable):

- Type of packing (air or sea freight)
- Details of how the packing and loading area is secured, including risk mitigation practices between secure and non-secure areas
- Confirmation that only personnel involved in container-loading will be present in load out areas, unless otherwise specifically authorised
- Details of how containers are secured if they are left unattended while partially loaded
- Details of container inspections conducted prior to loading, including any document or system for recording checks
- Confirmation that the applicant business will follow Customs processes for checking containers prior to loading

- Details of the methods and documentation used to ensure the correct goods and quantity of goods are packed, loaded, and recorded
- Details of internal reporting process when errors are identified
- Details of export goods stock-take process
- Other security procedures and practices for ensuring goods loaded match corresponding documentation and nothing else is added to the container (optional).
- Description of air freight packing and sealing methods
- Details of any differences in loading processes for goods if the applicant business site packs for multiple SES members
- Other security procedures and practices for ensuring goods packed match corresponding documentation (optional).

The following in relation to seals:

- Type(s) of seals the applicant business will use
- For air freight:
 - Confirmation that an approved air freight seal label will be attached to each export package, in such a way that if the package is opened the seal label will be disturbed
 - Confirmation that air freight seal labels will be attached to packages as soon as the goods are packed
 - Confirmation that the applicant business will use Regulated Air Cargo Agents (**RACAs**) to transport their goods
 - 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
 - Details of how air freight seal labels will be kept secure, administered by an appropriate person, and stored in an appropriate manner
- For sea freight:
 - Details around how the container seals will be kept secure, stored in an appropriate manner, and administered by appropriate workers
 - Confirmation that the applicant business will provide workers with relevant training
 - Confirmation that VVTT checks will be conducted and a record will be kept detailing completion of the check, personnel who conducted the check and the seal number
 - Confirmation the seals on containers stored on site will be checked daily

- Details of any differences in procedures related to seals if the applicant site packs for multiple SES members.

Note: VVTT 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.

- Document used to record transport operator drivers have verified container seals are securely applied.
- Details of which positions in the applicant business will be responsible for maintaining a seals register and how access will be limited to these positions
- Details as to how seals will be stored, where, and how access will be limited to authorised individuals
- Details for process differences in seal use procedures if the applicant business site packs for multiple SES members.
- For businesses that do not handle their own seals, confirmation that the applicant business will work with their supply chain partners to ensure correct SES seal procedures and security measures are implemented

The following in relation to contingency planning:

- Confirmation that the applicant business has contingency/business continuity plans in relation to security of areas involved in production, storage, packing and loading of export goods and office areas where export documentation is stored.
- 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
- Confirmation that the applicant business will create written contingency plans for securing SES shipments in the event that these shipments need to be stored longer than expected.

The following in relation to IT security:

- Details of appropriate digital security measures, practices, systems, and IT personnel, in place to protect trade data, as applicable

- Confirmation that staff will be provided basic digital security training, including not sharing computer access and protecting passwords, and that a record will be kept of who has received this training
- Details of security camera systems on site, what they are used for, how they record footage, how they are secured, and what procedures are in place to check they function correctly
- Details of how security camera footage is used, stored, monitored, and kept secure
- Confirmation that the applicant business will provide relevant recordings to Customs on request
- Details of any other surveillance systems in place (optional).

The following in relation to quality assurance and reporting:

- Confirmation that the applicant business' security plan will be reviewed at least once a year to ensure accuracy and that such reviews are recorded on completion
- Confirmation that accuracy of export documentation will be checked at least once a year through an audit and that records will be kept of these checks
- Confirmation that training and instructions for reporting and investigating security incidents will be clear and provided to staff
- 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
 - any documented procedure which has not been followed
 - any unauthorised entry to the site
 - any suspicious or unusual documentation requests
 - any unauthorised goods within a container
 - any missing seals
 - any seal tampering (apart from seals replaced on site)
 - any digital security breaches that may impact the security of your supply chain.

A copy of the applicant business' site map, including whether the following features are shown on the site map (if applicable):

- Cargo storage and packing areas
- Container loading area

- Empty container storage area
- Sealed container storage area
- Security lighting
- Security camera 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.

Copies of additional documentation that support the applicant business' application (optional).

Declaration that the information provided in the application is true and correct, and that the terms and conditions of the application are understood, by an authorised representative of the applicant business along with their name and position in the applicant business.

Schedule 2

Prescribed Information for an application to be an Approved Transport Operator

r 2.2

General requirements:

- (a) All relevant fields must be completed unless otherwise stated below.
- (b) The contents of the application must be true, correct, and complete in every particular.
- (c) The applicant must declare that 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.
- (d) 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. Some of these items may not be compulsory as part of the application, but if not provided in the application the SES officer who visits the applicant's business site will ask to view them.

Notes:

- (a) In this schedule, **SES** refers to a Secure Exports Scheme.
- (b) Following the application process, the New Zealand Customs Service will undertake a validation visit to check the details the applicant business has provided.
- (c) The applicant business will be required to provide details of specified export entries for process validation following submission of this application.
- (d) Guidance around the secure exports scheme application process can be found at www.customs.govt.nz.

The following information in relation to the applicant business:

- Company name
- Company address
- NZBN (if applicable)
- Whether the applicant business is part of a franchise
- List of depots that the applicant business will be operating out of for transporting SES containers and the contact information for each of these depots

- Total number of trucks that the applicant business uses for transporting containers.
- Whether the applicant business identifies as an indigenous Māori business
- Details providing an overview of the applicant business
- Whether applicant business has already identified and arranged to transport goods for other SES partners and, if so, who these partners are
- Details of roles within the applicant business responsible for oversight of carters notes, export documentation and issuing access to site

The following information in relation to the applicant business' contact person:

- Full name
- Phone number
- Email address
- Preferred method for contact

The following information in relation to the application signatory:

- Full name
- Position in applicant business
- Phone number
- Email address
- Preferred method for contact

If different to the application contact person, the following information in relation to the nominated SES Manager:

- Full name
- Position in applicant business
- Phone number
- Email address

Note: 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 that it is being adhered to
- keep Customs updated with changes to the business (e.g. change of address).

The following in relation to transport processes:

- Confirmation that the applicant business will agree to follow Customs' processes for checking containers prior to loading, if business is contracted to conduct any part of the container inspection
- Confirmation that the applicant business will conduct and keep a record of the following checks:
 - before uplifting a loaded container from a load site, the applicant business must check, document, and sign or electronically acknowledge that the container seal is securely applied, using the VVTT method, and that the container number and seal number matches the documentation provided (this confirmation must be provided to the load site)
 - if any stops are made enroute, or at the final delivery point, the container seal will be visually checked and a record kept of this check (this must be done before the journey resumes in the case of stops made enroute).

Note: VVTT 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.

- Details in relation to applicant business' contingency plans for securing SES containers during disruption to business
- If the applicant business confirms that it uses independent contractors or subcontractors to transport SES containers on its behalf, the following in relation to the contractor or subcontractor as applicable:

- Business name
- Regions of operation
- Contact person name and phone number
- Details as to when the contractor is used for business
- Details as to how applicant business will ensure contractor's compliance with SES requirements.

The following in relation to the applicant business' workers:

- Confirmation or details of security methods in place to identify workers

Note: This could include photo ID cards, uniforms, company issued clothing or PPE, visual recognition, or any other method.

- Confirmation that procedures are in place for recovering business property when workers leave
- Details of what identity, reference and background checks are done for potential workers in key positions
- Confirmation that procedures are in place to identify and investigate any behaviour or changes seen within a worker that are cause for suspicion or concern
- Confirmation that the applicant business will provide training and refresher information to its staff relating to relevant SES obligations and procedures, including in relation to:
 - how to conduct container seal checks using the VVTT method
 - how to check shipping containers for concealments or tampering
 - the staff member's role in a secure supply chain
 - any requirements specific to the SES exporters that they transport for (if applicable)
 - investigating and reporting incidents or suspicious activity to a manager or supervisor
 - reporting security incidents to Customs
- Confirmation that the applicant business will maintain a record of which staff have received training specified above.

The following in relation to digital security and reporting:

- Confirmation that the applicant business has policies to protect digital information relating to the export goods that they transport
- Confirmation that the applicant business will report any compromise of security to goods subject to the SES that they are responsible for.

Confirmation of whether the applicant business intends to provide overnight container storage for SES clients. If the applicant business provides this storage service, the following information:

- For each relevant site, site address, company that operates the site, whether the site is already an SES, and the SES number or MPI site ID number
- Confirmation that the applicant business will ensure container seals are checked at least daily and will inform the exporter of any tampering or damage identified
- Confirmation that the container seals are checked using the VVTT method when removed from the relevant site.

If the site has not already been SES approved, additional information required:

- Details of security measures to prevent unauthorised site access
- Number of people with key access to the site during business hours and after business hours
- Confirmation that any site access cards, codes and keys will be issued by a manager or security personnel and that a record is kept of who they have been issued to
- Confirmation as to whether other companies use the site and, if so, their names
- Confirmation on whether the container storage area can be limited to authorised people:
 - If no, details on how containers are kept secure
 - If yes, a list of roles that have access to the container storage areas and details as to how access is limited to people in these roles
- Details around processes for identifying and monitoring visitors and contractors on site.

If applicable, a copy of the applicant business' site map, which may include the following:

- Perimeter fencing
- Perimeter access points
- External perimeter features
- Buildings and entry points
- Where SES containers are stored

- Where other containers are stored
- Visitors and contractor parking areas
- Traffic flow on site.

Any additional information or documentation the applicant business wishes to provide to support their application.

Declaration that the information provided in the application is true and correct, and that the terms and conditions of the application are understood, by an authorised representative of the applicant business along with the name and role of that representative.

Schedule 3

Prescribed Information for an application to amend a Secure Exports Scheme

r 2.3

The following information in relation to the application:

- Applicant business name
- Applicant business partner ID
- Name and contact details of contact person
- Description of proposed amendments to approved secure exports scheme.

Note: 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 their 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).

Explanatory Note

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

These rules, which come into force on 4 November 2024, are the Customs (Secure Exports Schemes) 2024. They replace the Customs (Applications for Secure Exports Schemes and Scheme Amendments) Rules 2022 (the **Former Rules**).

These rules prescribe the way in which a person may apply to:

- Become a Customs-approved secure exports scheme (a **Secure Exports Scheme**), under clause 1 of Schedule 6 of the Customs and Excise Act 2018 (the **Act**);
- Become an Approved Transport Operator (a type of Secure Exports Scheme), under clause 1 of Schedule 6 of the Act;
- Amend an existing Secure Exports Scheme, under clause 6 of Schedule 6 of the Act.

Schedules 1 to 3 set out the information required in each of the different forms required by Customs for parties to make these applications.

These rules do not substantially alter the effect of the Former Rules, but instead modernise the drafting and structure of them. However, these rules differ from the Former Rules to reflect changes to the Secure Exports Scheme application forms, via the schedules, and to reflect the ability to amend an existing Secure Exports Scheme by other methods.

Reliance on section 53 of the Legislation Act 2019

These rules are made under clauses 1(a) and 6(2)(a) of Schedule 6 and section 421(1) of the Act, as extended by section 53(2)(c) of the Legislation Act 2019. Section 53(2) of the Legislation Act 2019 provides that a power in legislation to approve or prescribe a form includes a power to authorise a prescribed person to approve or prescribe a form or medium for supplying information or making information available.

Rule 2.5 therefore provides for the chief executive of the New Zealand Customs Service to approve the form or medium in which the information in the schedules must be provided.

This is consistent with section 53(2)(c) of the Legislation Act 2019: that a power in legislation to prescribe a form includes a power to authorise a prescribed person to approve or prescribe a form or medium for supplying information or making information available.

These rules are secondary legislation, under the Legislation Act 2019. They are published on the New Zealand Customs Service's website: www.customs.govt.nz.

These rules are administered by the New Zealand Customs Service.

Date of notification in the *Gazette*: 4 October 2024.
