



## **Customs and Excise (Rules of Origin for New Zealand–Hong Kong, China Closer Economic Partnership Agreement Goods) Amendment Regulations 2010**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 22nd day of November 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 65 of the Customs and Excise Act 1996, His Excellency the Governor-General makes the following regulations acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) to the extent that these regulations prescribe goods deemed to be the produce or manufacture of a 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.

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## Regulations

- 1 Title**

These regulations are the Customs and Excise (Rules of Origin for New Zealand–Hong Kong, China Closer Economic Partnership Agreement Goods) Amendment Regulations 2010.
- 2 Commencement**

These regulations come into force on 1 January 2011.
- 3 Principal regulations amended**

These regulations amend the Customs and Excise Regulations 1996.
- 4 Interpretation**

Regulation 2(1) is amended by inserting the following definition in its appropriate alphabetical order:  
“**Harmonised System** means the Harmonized Commodity Description and Coding System set out in the Annex to the International Convention on the Harmonized Commodity Description and Coding System (the **Convention**), signed at Brussels on 14 June 1983, as amended from time to time by any amendment to the Convention that is accepted and in force in respect of New Zealand in accordance with Article 16 of the Convention”.

**5 Interpretation**

The definition of **HS Code** in regulation 51ZM is repealed.

**6 De minimis**

Regulation 51ZS(a) and (b) are amended by omitting “HS Code” and substituting in each case “Harmonised System”.

**7 New heading and regulations 51ZY and 51ZZ inserted**

The following heading and regulations are inserted after regulation 51ZX:

*“Provisions relating to Hong Kong, China*

**“51ZY Interpretation**

In this regulation and regulation 51ZZ, unless the context otherwise requires,—

“**CEP Agreement** means the New Zealand–Hong Kong, China Closer Economic Partnership Agreement done at Hong Kong on 29 March 2010

“**operational certification procedures** means the operational certification procedures set out in the following documents (which were made in accordance with paragraph 4 of Article 17 of Chapter 4 of the CEP Agreement):

“(a) the letter from the Customs to the Trade and Industry Department of Hong Kong, China dated 22 September 2010; and

“(b) the Annex (including its Appendix) to the letter described in paragraph (a); and

“(c) the letter from the Trade and Industry Department of Hong Kong, China to the Customs dated 21 October 2010.

**“51ZZ Originating goods**

“(1) Particular goods are deemed for the purposes of the Act and the Tariff Act 1988 to be the produce or manufacture of Hong Kong, China if the goods meet all applicable requirements set out in the following provisions of the CEP Agreement:

“(a) Chapter 4; and

“(b) Annex 5 (which is Annex I to Chapter 4, and deals with product specific rules of origin); and

- “(c) the headnote to Annex 5.
- “(2) However, goods that are classified within Chapter 61 or 62 of the Harmonised System are deemed for the purposes of the Tariff Act 1988 to be the produce or manufacture of Hong Kong, China only if—
- “(a) the goods meet all applicable requirements set out in the provisions specified in subclause (1); and
- “(b) the importer of the goods obtains, before the goods are entered by the importer, a certificate of origin for the goods that complies with—
- “(i) Article 17 of Chapter 4 of the CEP Agreement; and
- “(ii) the operational certification procedures.”

#### **8 Schedule 8 amended**

Paragraph 1 of the headnote to Schedule 8 is amended by omitting “HS Code” in each place where it appears and substituting in each case “Harmonised System”.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### **Explanatory note**

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

These regulations, which come into force on 1 January 2011, amend the Customs and Excise Regulations 1996 (the **principal regulations**) to—

- prescribe rules of origin for goods imported from Hong Kong, China. The rules of origin give effect to the New Zealand–Hong Kong, China Closer Economic Partnership Agreement done at Hong Kong on 29 March 2010 (the **CEP Agreement**) and are those set out in the CEP Agreement;
- require, for certain imported goods, a certificate of origin that complies with the operational certification procedures. The operational certification procedures are those set out in certain

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documents exchanged between the Customs and the Trade and Industry Department of Hong Kong, China to give effect to the CEP Agreement:

- update nomenclature in regulations 51ZM and 51ZS and Schedule 8 of the principal regulations.

The rules of origin in the CEP Agreement and the operational certification procedures are incorporated into the regulations by reference. At the time of the making of these regulations, the text of the CEP Agreement and the operational certification procedures are available at—

- <http://www.mfat.govt.nz/Trade-and-Economic-Relations/Trade-Relationships-and-Agreements/Hong-Kong/>

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 287D of the Customs and Excise Act 1996.

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These regulations are administered by the New Zealand Customs Service.

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