

Australia – New Zealand Closer Economic Trade Relations Agreement

Supporting A Claim Of Origin

The following text is an extract from Article 3 of the Australia-New Zealand Closer Economic Trade Agreement (ANZCERTA). It details the requirements necessary to verify the origin of goods imported under ANZCERTA.

Article 3

Section B : Supporting Information and Verification

16. Claims for Preference:

Each Member State shall provide that an Importer may make a claim for preferential treatment under this Agreement based on a Declaration by the exporter.

17. Provision of information:

Each Member State may require that an importer submit or Arrange for the exporter to submit, on request, a declaration setting forth the reasons that the good qualifies as an originating good, including pertinent cost and production information. The Member States shall not require that the declaration be in a prescribed format and shall provide for electronic submission, where feasible.

18. Each Member State shall grant a claim for preferential treatment under this Agreement, made in accordance with this Article, unless the Member State possesses information that the claim is invalid or unsubstantiated.

19. Denial Of Preference:

A Member State may deny preferential treatment under this Agreement to an imported good if the importer fails to comply with any requirement of this Article.

20. If a Member State denies a claim for preferential treatment under this Agreement, it shall issue a written determination outlining the reasons for that determination within 20 working days of the date of denial of preference.

21. Maintenance of Records:

Each Member State may require that importers, exporters, producers and principal manufacturers maintain, for at least 5 years after the date of importation, records relating to the importation, exportation and production of the good, and may require, as set out in paragraph 17, records necessary to demonstrate that a good qualifies as an originating good.

22. **Verification:**
 For the purpose of determining whether a good imported into its Territory from the territory of the other Member State qualifies As an originating good, a Member State may conduct a Verification by means of one or more of the following:
- (a) requests for information from the importer;
 - (b) requests for information from the exporter, the producer or principal manufacturer in the territory of the other Member State;
 - (c) requests for the importer to arrange for the exporter, producer or principal manufacturer to provide information directly to the Member State conducting the verification;
 - (d) information received directly by the importing Member State from an importer as a result of a request described in paragraph 17;
 - (e) visits to the premises of an exporter, producer or principal manufacturer in the territory of the other Member State, in accordance with any procedures that the Member States jointly adopt to review records and observe the facilities; or
 - (f) such other procedures as the Member States may agree.
23. A Member State may deny preferential treatment to a good where the importer, exporter, producer or principal manufacturer fails to provide information that the Member State requests in a verification conducted in accordance with paragraph 22 demonstrating that the good is an originating good.

Australian Customs Entry

Customs operates in a self-assessment environment, where information provided to it by importers is treated in the first instance as true and correct. Underpinning this self-assessment environment are risk management strategies to identify cargo most likely to require further attention, as well as a number of compliance management tools including real time checking of entries and audits. When a customs entry states that a New Zealand preference rate of duty applies, this will be taken to indicate that the importer of the goods possesses information, or knowledge that the claims made on the declaration are correct.

Criteria for eligibility for preference rates of duty

The criteria for eligibility for New Zealand preference rates of duty are detailed in Article 3, Rules of Origin to ANZCERTA and are set out in Division 1 E of Part V111 to the *Customs Act 1901*.

Verification of Preference eligibility

Customs' compliance monitoring may take place at the time of entry, or after the goods are delivered into home consumption. Customs may require an importer to produce supporting information to confirm that the criteria for eligibility for preference rates of duty have been met.

Information required

The information required to determine correct eligibility for preference should be requested from the manufacturer in New Zealand.

The information should confirm that the goods meets one of the requirements listed in the document titled "[New Zealand Originating Goods – Sample Manufacturer Declarations](#)".

If a good meets a product specific rule in [Annex G to Article 3 of ANZCERTA](#), then the information should detail exactly which product specific rule has been met and why it has been met.

Is a certificate of origin required?

No.

Article 3.16 of ANZCERTA does not require a certificate of origin. An importer may make a claim based on a declaration by the exporter, and it is recommended the required declaration is held at the time of importation.

How is the information used by Customs?

The information helps Customs to verify that goods for which New Zealand origin is claimed, do in fact meet the conditions set out in the *Customs Act 1901*.

If Customs subsequently finds that the goods do not meet the relevant terms and conditions, Customs will demand any duty short-paid and may impose penalties. Additional action may be taken where fraud is involved.

Please see the [Customs Infringement Notice Guidelines](#) on the Customs Internet site for more information.

Note: This information is provided as a guide for importers of goods into Australia from New Zealand. For exporters of goods to New Zealand, details of the New Zealand requirements should be obtained from New Zealand Customs.

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