



AUSTRALIAN CUSTOMS NOTICE NO. 2003/59

Amendment to the *Customs Regulations 1926* – Australian Exports under the Singapore-Australia Free Trade Agreement

The Singapore-Australia Free Trade Agreement (SAFTA), which entered into force on 28 July 2003, imposes certain obligations on exporters of Australian goods to Singapore for which a tariff preference is to be claimed, as well as obligations on producers and manufacturers of those goods.

The obligations are, in effect, limited to Australian exporters and manufacturers of beer and stout as these are the only goods subject to customs duty in Singapore.

The obligations are contained in amendments to the *Customs Regulations 1926* made by *Customs Amendment Regulation 2003 (No. 5)* which were notified in Special Gazette No. 286 of 24 July 2003. They are summarised below.

Legislation

The *Customs Amendment Act (No.1) 2003* inserts a new Division 4A into Part VI of the *Customs Act 1901*. Division 4A provides for a head of power to make regulations placing certain obligations on producers, manufacturers and exporters wishing to take advantage of SAFTA.

New regulations 105A, 105B and 105C of the *Customs Regulations 1926* have been made for the purposes of Division 4A.

Certificates of Origin, declarations and confirmations

For Australian Made beer and stout for which a preferential tariff in Singapore is claimed, a valid Certificate of Origin and a declaration are required before the goods are exported from Australia. The importer in Singapore needs to be in possession of both documents at the time of entry of the goods.

The Australian exporter, or manufacturer, can apply for a Certificate of Origin by contacting the Australian Chamber of Commerce and Industry (ACCI) or the Australian Industry Group (AIG). ACCI contacts are listed in Appendix 13 to Australian Customs Manual Volume 12, Export Control, which is available on the Customs website at www.customs.gov.au. The AIG contact is:

Ms Bilyana Petrovski
Trade and Development Officer
Australian Industry Group
PO Box 7622
MELBOURNE VIC 8004
Telephone: (03) 9867 0152

A Certificate of Origin is valid for two years from the date of issue, provided that it is used within the first year of issue.

An exporter that is not the manufacturer of the goods can apply for a Certificate of Origin, but the issuing authority (ACCI or AIG) must have access to the manufacturer's production costs before a Certificate can be issued.

Under regulation 105A, the exporter is required to make a declaration that the goods are the produce or manufacture of Australia. A declaration is required for each shipment and can be made only after a Certificate of Origin has been issued.

An exporter's declaration must contain all of the following:

- (a) a statement that the goods are the produce or manufacture of Australia, in accordance with SAFTA;
- (b) a reference to the exporter's invoice for the goods and to the Certificate of Origin for the goods;
- (c) a statement that the goods are identical to goods specified in that Certificate of Origin and a statement that the goods comply with the rule specified in that Certificate of Origin;
- (d) the signature, name and designation of the representative of the business, and the date the declaration was signed.

If the exporter is not the manufacturer of the goods contained in a particular shipment, the exporter must obtain a confirmation from the manufacturer that those particular goods comply with a nominated Certificate of Origin, whether or not the exporter applied for that Certificate of Origin. If the exporter applied for the Certificate of Origin, it must provide the manufacturer with a copy of that Certificate before the manufacturer makes the confirmation.

A manufacturer's confirmation must contain a reference to the evidence of the sale of the goods to the exporter. In addition, the confirmation must contain the same information outlined in (c) and (d) above in relation to declarations.

Record keeping obligations

Producer or Manufacturer (whether or not an exporter)

Under regulation 105B, the producer or manufacturer must keep all records associated with:

- (a) the purchase, payment, cost in the form sold to the buyer and value of the goods to be exported;
- (b) the purchase, payment, cost and value of the materials used or consumed in the production or manufacture of the goods to be exported; and
- (c) the production or manufacture of the goods.

The producer or manufacturer must also keep a copy of any declaration or confirmation that one has been made, as well as a copy of the Certificate of Origin.

Exporter that is not a manufacturer

Under regulation 105C, an exporter that is not the producer or manufacturer of the goods

must keep a copy of the declaration it has made, as well as a copy of the Certificate of Origin.

Duration and form of records to be kept

All records must be kept:

- (a) for five years from the date of the manufacturer's or exporter's declaration or confirmation, as the case may be;
- (b) in a form that would enable the determination of whether the goods are the produce or manufacture of Australia, in accordance with SAFTA; and
- (c) in a form that would enable an English translation to be readily made.

The records may be kept in mechanical or electronic form, provided they can be readily converted to a hard copy in English.

Production and disclosure of records

The Australian Customs Service (Customs) can require an exporter or manufacturer of beer or stout to produce the records it is required to keep. Customs can also ask the exporter or manufacturer questions to verify the origin of those goods claimed to be manufactured in Australia for the purposes of obtaining a preferential tariff in Singapore.

Any records produced to Customs, and any responses to Customs questions, can be disclosed to an instrumentality or an agency in Singapore for the purpose of verifying a claim for preferential tariff treatment in Singapore.

Rules of origin

The rules of origin under SAFTA for goods produced or manufactured in Australia, including consignment rules, are summarised in ACN No. 2003/49. The Singapore Government has introduced reciprocal rules of origin for goods produced or manufactured in Australia.

Other charges

From 28 July 2003, Australian made beer and stout is free of import duty on entry into Singapore. Other Government taxes and charges, if relevant, are still payable.

Any enquiries in relation to this Notice should be directed to the origin mailbox, origin@customs.gov.au, or to Origin, Trade Branch on telephone number (02) 6275 6556.

Phil Burns
National Director
Cargo and Trade
For Chief Executive Officer

August 2003