



AUSTRALIAN CUSTOMS AND BORDER PROTECTION NOTICE NO. 2011/62

HS2012 PRODUCT-SPECIFIC RULES OF ORIGIN FOR FREE TRADE AGREEMENTS

On 1 January 2012, some of the classifications in the *Customs Tariff Act 1995* will change as a result of amendments to the Harmonized Commodity Description and Coding System (HS2012 changes). Detailed information regarding the changes is available in Australian Customs and Border Protection Notices 2011/12, 2011/20 and 2011/50 which are available on the Customs and Border Protection web page at <http://www.customs.gov.au/site/page4408.asp>

These changes affect some of the Rules of Origin in the following free trade agreements (FTAs):

- Australia-New Zealand Closer Economic Relations Trade Agreement;
- Singapore-Australia Free Trade Agreement;
- Australia-United States Free Trade Agreement;
- Thailand-Australia Free Trade Agreement (TAFTA);
- Australia-Chile Free Trade Agreement; and
- ASEAN-Australia-New Zealand Free Trade Agreement.

The Thailand-Australia Free Trade Agreement still employs Rules of Origin based on HS2002. Consequently, Australian Customs Notice 2006/66 remains unchanged and should be referred to for guidance if importers wish to claim preferential duty under TAFTA.

Australian officials and officials representing our FTA partners are currently discussing the finalization and implementation of the conversion to HS2012 of the product-specific rules of origin (PSRs) for the above FTAs. Further Customs Notices will be issued advising when the HS2012 PSR will be implemented for each of the FTAs.

Pending further advice, Certificates of Origin (COO) and self-certification of origin for goods imported into Australia, where required under specific FTAs, may continue to be issued by the issuing bodies or the exporters/producers in the FTA partner countries under HS2007. In cases where the COO or the self-certification has been issued using HS2007, when completing the Customs Declaration for importing the goods into Australia the importer will need to ensure that the goods are classified using HS2012.

The Department of Foreign Affairs and Trade and Customs and Border Protection have developed the following guidance for traders to determine whether a good qualifies for a preferential rate of customs duty:

1. Refer to the tariff concordance¹ to determine if the tariff classification of the goods to be imported has been changed under HS2012 in comparison with HS2007.
2. If there is no change in classification resulting from the HS2012 changes, the current tariff classification should be used when entering the goods.
3. Where tariff classification of the imported goods has changed under HS2012 nomenclature, importers must use the HS2012 tariff classification when completing the Customs Declaration when entering the goods.

When regulatory requirements to implement HS2012 changes have been completed in respect of the PSR schedules for each of Australia's FTAs, a Customs and Border Protection Notice will be published to notify of the commencement of the new regulatory provisions for each of the FTAs.

Origin Advance Rulings that have been issued under HS2007 remain unchanged until further notice.

Enquiries in relation to the above temporary administrative arrangements should be directed to origin@customs.gov.au or by telephone to (03) 9244 8228.

Anita Langford
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13 December 2011

¹ Australia's tariff classification concordance can be found on the Customs and Border protection website at:
<http://www.customs.gov.au/webdata/resources/files/NG0170B1PublishedconcordanceOct2010.pdf>