



Australian  
**BORDER FORCE**

# Australian Customs Notice No. 2021/51

## 2022 Harmonized System Product Specific Rules of Origin for Free Trade Agreements

On 1 January 2022, some tariff classifications in the *Customs Tariff Act 1995* will change as a result of amendments to implement the 2022 Harmonized Commodity Description and Coding System (HS2022).

Detailed information about HS2022 can be found on the Australian Border Force (ABF) [2022 Harmonized System Changes](#) web page.

### Free Trade Agreements

Implementation of the HS2022 changes will require amendments to the Product Specific Rules of Origin (PSRs) in Australia's sixteen free trade agreements (FTAs) - see **Attachment A** for a list of these FTAs.

The Australian Government needs to negotiate with FTA partners to finalise and implement the transposition to HS2022 of the PSR for these FTAs. When relevant processes under the FTA to implement HS2022 changes have been completed in respect of the PSR schedules for that FTA, further ACNs will be published to notify of the commencement of that PSRs in HS2022.

Until these ACNs are issued, the ABF will continue to accept valid origin documentation under an FTA such as Certificates of Origin (COO) or Declarations of Origin (DOO) with prior versions of the HS classifications for goods imported into Australia where that version of the HS classification is the one used in the PSR.

The current version of the HS used in the PSR can be found under *product specific rules of origin* on the [ABF FTA webpage](#) for that agreement. Alternatively, column three of the Table in Attachment A lists the version of the HS in use for that agreement at the time of publication of this ACN.

In cases where the origin documentation has been issued with HS2017, or an earlier version of the HS classification, the importer must be careful to ensure that the goods are classified using HS2022 on the import declaration.

## Process for checking HS code of goods on origin documentation

When importing a good into Australia using an FTA and claiming preferential rates of customs duty, after 1 January 2022:

1. Refer to the tariff concordance table on the [2022 Harmonized System Changes](#) web page to determine if the tariff classification of the goods to be imported has changed under HS2022 in comparison with HS2017.
  - a. Where the PSR is in HS2012, HS2007 or, in the case of TAFTA, HS2002 it will be necessary to check whether the tariff classification of the good has changed between the HS of that PSR and HS2022. Footnotes to the table in Attachment A provides further information.
2. If there is no change in classification resulting from the HS2022 changes, the current tariff classification should be used when entering the goods and for the documentary evidence of origin.
3. If the tariff classification of the imported goods has changed under HS2022, importers must use the HS2022 tariff classification on their import declaration on or after 1 January 2022 but the origin documentation may use the classification of the PSR where the Parties have yet to finalise the PSR transposition.

## Compliance Approach

The ABF will continue to undertake compliance activities in accordance with policy settings described above, to ensure that the correct tariff classification and claim for preference under a PSR is declared in line with the intent of this notice.

Where a tariff classification or claim for preference under a PSR has not been declared in line with this notice, appropriate treatments will be applied. Treatments can range from education and awareness for those genuinely trying to comply, a demand for payment of outstanding duty and taxes, to the issuing of infringement notices and prosecution for more serious and systemic breaches.

The ABF are committed to working with industry to increase industry understanding and awareness on the correct declaration of tariff classification and claim of preferential rates of customs duty, and to encourage higher levels of voluntary compliance.

## Enquiries

For further information concerning the proposed changes to the *Customs Tariff Act 1995*, please email [tradepolicy1@abf.gov.au](mailto:tradepolicy1@abf.gov.au)

For further information concerning a claim for preferential rates of customs duty and how HS2022 might impact that claim, please email [origin@abf.gov.au](mailto:origin@abf.gov.au)

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15 December 2021

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17 December 2021

## Attachment A

Acronym	Free Trade Agreement	Version of HS used in Product Specific Rules of Origin as at xx December 2021
AANZFTA	ASEAN-Australia-New Zealand Free Trade Agreement	HS2017
ACI-FTA	Australia-Chile Free Trade Agreement	HS2007 <sup>b</sup>
A-HKFTA	Australia-Hong Kong Free Trade Agreement	HS2017
ANZCERTA	Australia-New Zealand Closer Economic Relations Trade Agreement	HS2007 <sup>b</sup>
AUSFTA	Australia-United States Free Trade Agreement	HS2007 <sup>b</sup>
ChAFTA	China-Australia Free Trade Agreement	HS2012 <sup>a</sup>
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership	HS2012 <sup>a</sup>
IA-CEPA	Indonesia-Australia Comprehensive Economic Partnership Agreement	HS2017
JAEPA	Japan-Australia Economic Partnership Agreement	HS2012 <sup>a</sup>
KAFTA	Korea-Australia Free Trade Agreement	HS2012 <sup>a</sup>
MAFTA	Malaysia-Australia Free Trade Agreement	HS2012 <sup>a</sup>
PACER Plus	Pacific Agreement on Closer Economic Relations Plus	HS2012 <sup>a</sup>
PAFTA	Peru-Australia Free Trade Agreement	HS2017
RCEP	Regional Comprehensive Economic Partnership Agreement	HS2012 <sup>a</sup>
SAFTA	Singapore-Australia Free Trade Agreement	HS2012 <sup>a</sup>
TAFTA	Thailand-Australia Free Trade Agreement	HS2002 <sup>c</sup>

<sup>a</sup> [DIBPN 2016/40](#), [DIBPN 2016/34](#) and the [ABF HS2012 webpage](#) addresses the changes from HS2012 to HS2017.

<sup>b</sup> [ACBPN 2011/62](#) addresses the changes from HS2007 to HS2012

<sup>c</sup> [ACN 2006/66](#) addresses the change from HS2002 to HS2007 for TAFTA.

The World Customs Organisation provides correlation tables for previous versions of the HS nomenclature at: [http://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/hs\\_nomenclature\\_previous\\_editions.aspx](http://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/hs_nomenclature_previous_editions.aspx)