

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

Notification under Article 7.3 of the
Agreement on Import Licensing Procedures

NEW ZEALAND

The following notification, dated 25 October 1996, has been received from the Permanent Mission of New Zealand.

Outline of System

1. There is only one import permit system operated in New Zealand. This covers ozone-depleting substances and was instituted in 1988 so as to fulfil the obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer. The initial regulations were implemented under the Import Control Act but currently fall under the powers in the Ozone Layer Protection Act 1996.

Purposes and Coverage of Licensing

2. Ozone-depleting substances are controlled under the Montreal Protocol on Substances that Deplete the Ozone Layer. The import permit system was instituted so as to fulfil the obligations under the Montreal Protocol.

The products covered are:

- chlorofluorocarbons
- hydrochlorofluorocarbons
- methyl chloroform
- carbon tetrachloride
- methyl bromide
- aerosol sprays containing CFCs and HCFCs
- fire extinguishers containing ozone-depleting substances
- certain plastic foams containing or manufactured using CFCs
- dry-cleaning machines that contain or are designed to use any ozone-depleting substance
- certain specified goods from countries not in compliance with the Montreal Protocol:
 - automobile and truck air conditioning units (whether incorporated in vehicles or not)
 - refrigerators
 - freezers
 - dehumidifiers
 - water coolers

- ice machines
- air conditioning and heat pump units
- other domestic and commercial refrigeration and air conditioning or heat pump equipment
- aerosol products (other than medical aerosols)
- portable fire extinguishers
- insulation boards, panels and pipe covers
- pre-polymers (a reactive mixture of isocyanate and polyoll to which CFCs are added to manufacture rigid plastic foams).

Note: Controls exclude packaging and recycled substances.

3. With the exception of controls that apply to countries not in compliance with the Montreal Protocol, the regulations apply to substances and goods from all sources.

4. The licensing is intended to restrict quantities, for the purpose of the protection of the ozone layer as required by the Montreal Protocol. Various alternative approaches were considered but none could guarantee that obligations to reduce and/or eliminate substances would be met.

5. The permit system is maintained under the Ozone Layer Protection Act 1996, which replaces earlier legislation. Permits are required by statute. Designation of products to be subjected to licensing is mandated by legislation; it is not left to administrative discretion. It is not possible for the Act to be amended or abolished without legislative approval.

6. All information is publicly available and the legislation was subject to widespread consultation before introduction. Quotas are annual, tradeable and issued on the basis of use prior to 1996 (except for those substances such as CFCs which the Protocol has now banned). The Ministry of Commerce is the administrative body.

7. Permits can be applied for and issued ahead of the relevant period for which they are valid. Applications left until substances have arrived receive no special consideration and are dealt with as resources allow.

8. Consideration of licence applications are effected by the Ministry of Commerce and enforced by Customs. The importer need only approach the Ministry of Commerce to get a permit.

If the applicant meets the criteria, a permit is granted. Methyl bromide permits for quarantine and preshipment purposes are granted automatically. All adverse decisions are to be communicated in writing to the applicant, informing that person of the grounds for the proposed decision. If an application is declined, the decision may be appealed under Section 44 of the Ozone Layer Protection Regulations 1996 to the High Court. An appeal shall be brought by way of originating application within 20 days of being notified of the decision appealed against.

Eligibility of Importers to Apply for Licence

9. There are no registration requirements, fees or user charges. Permits are issued subject to clear criteria being met. There is no published list of authorized importers as all permits, except in the case of methyl bromide where there are only two wholesalers, are held by users with the right to import. Lists of permit holders are available from the Ministry of Commerce on request.

Documentational and Other Requirements for Application for Licence

10. An application should include:

- the name and address of applicant;
- type and amount of controlled substance proposed to import;
- specify the ODP tonnage the applicant is entitled to import during the year;
- specify country of source of supply.

A sample copy of the application form is attached.¹

11. Production of an appropriately authorized permit for the specific substance concerned.

12. No.

13. No.

Conditions of Licensing

14. Permits are valid for a specific calendar year period, no extensions are possible.

15. Non-use of a permit, or failure to trade this when the holder has no further use for it, may result in the permit being cancelled and reallocated.

16. Permits are transferable between users and/or importers. No limitations or conditions are attached to such a transfer.

17. Permits are subject to strict quantitative and time limits.

18. No.

19. New Zealand has no exchange controls and usual banking and payment processes apply.

¹Available for consultation in the Secretariat (Market Access Division) (English only).