WORLD TRADE ORGANIZATION

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Committee on Import Licensing Original: English

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES[1]

NOTIFICATION UNDER ARTICLE 7.3 OF THE
AGREEMENT ON IMPORT LICENSING PROCEDURES (2022)

NEW ZEALAND

The following communication, dated 14 October 2022, is being circulated at the request of the delegation New Zealand.

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[1] See G/LIC/3, Annex, for the Questionnaire.

1 ASBESTOS-CONTAINING MATERIALS

Outline of Systems

1. Imports of asbestos-containing products under the Imports and Exports (Asbestos-containing Products) Prohibition Order 2016 require consent (in the form of a permit) from the Environmental Protection Authority. A permit is obtained through meeting the requirements of the Order.

Purposes and Coverage of Licensing

2. As above.

3. The system applies to goods originating in and coming from any country. Manufacturing products from asbestos is not undertaken in New Zealand as asbestos itself is not approved for use.

4. The purpose is to limit the import of asbestos-containing products to reduce the risk to people of exposure to asbestos.

5. Imports and Exports (Restrictions) Act 1988, Imports and Exports (Asbestos-containing Products) Prohibition Order 2016.

The legislation does not leave designation of products to be subjected to licensing to administrative discretion. It includes all asbestos-containing products.

It is not possible for the government (or the executive branch) to abolish the system without legislative approval.

Procedures

6. Not applicable.

7. Where there is no quantitative limit on importation of a product or on imports from a particular country:

(a) No set time limit depends on timing of commercial arrangements. No ability to fast track a licence.

(b) No.

(c) No.

(d) Yes - one single administrative organ (the Environmental Protection Authority).

8. No additional reasons as to why a request would be refused. Judicial review of a decision is the only course of appeal.

The ability for the EPA to refuse to issue a permit is set under 3BC of the Imports and Exports (Restrictions) Act 1988. The EPA can refuse to grant a permit if the Authority is satisfied that:

(a) The person who applied for the permit has been convicted of an offence against this Act or an offence involving a convention chemical or waste; or

(b) The information provided by the person to the Authority is incorrect

Eligibility of Importers to Apply for Licence

9.(a) Not applicable.

(b) All persons, firms and institutions are eligible to apply.

Documentational and Other Requirements for Application for Licence

10. The application form for an import permit is provided on the EPA website:

https://www.epa.govt.nz/assets/Uploads/Documents/Hazardous-Substances/Forms/54fce6e60f/Asbestos-Import-Application-Form.docx

Documents the importer is required to supply with the application include information on how the importer will manage the risk of exposure from the asbestos-containing product.

11. A numbered permit issued by the Environmental Protection Authority containing details of the import.

12. An application fee of $650 is payable when the application is lodged. If the total number of hours worked on the application exceeds 2.5 hours, then an assessment fee of $116 for each hour worked over the 2.5 can be charged.

13. No.

Conditions of Licensing

14. The period of validity of a license is up to 12 months.

15. No.

16. No.

17.(a)No

(b) Yes, determined on a case-by-case basis.

See 3BB of the Imports and Exports (Restrictions) Act 1988 for the matters on which the EPA may impose conditions to address.

Other Procedural Requirements

18. No

19. Foreign exchange is readily accessed through banks and there is no condition in the permit relating to foreign exchange.

2 ANTI-PERSONNEL MINES

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997 (the Convention), is implemented in New Zealand through the: *Anti-Personnel Mines Prohibition Act 1998.*

Outline of Systems

1. The *Anti-Personnel Mines Prohibition Act 1998* prohibits the import of all anti-personnel landmines, except for anti-personnel mines to be used, developed, produced, otherwise acquired, possessed, retained, imported or exported for the purposes of developing, or training persons in, techniques of mine detection, mine clearance, mine deactivation, or mine destruction.

Purposes and Coverage of Licensing

2.(a) The Minister of Foreign Affairs may, by notice in writing, authorise anti-personnel mines to be used, developed, produced, otherwise acquired, possessed, retained, imported or exported for the purposes of developing, or training persons in, techniques of mine detection, mine clearance, mine deactivation, or mine destruction.

(b) Anti-personnel mine:

(i) means a mine designed to be exploded by the presence, proximity, or contact of a person, and that is capable of incapacitating, injuring, or killing one or more persons; but
(ii) does not include a mine designed to be detonated by the presence, proximity, or contact of a vehicle as opposed to a person and equipped with an anti-handling device.

3. The system applies to goods originating in and coming from "all" countries.

4. The system is designed to meet the requirements of the Convention by restricting the quantity of anti-personnel mines imported to those required for the purposes of developing, or training persons in, techniques of mine detection, mine clearance, mine deactivation, or mine destruction. The Minister of Foreign Affairs must specify, by notice in the *Gazette*, the number of anti-personnel mines determined by the Minister to be the number that, for the time being, are absolutely necessary for the purposes described above.

5. The *Anti-Personnel Mines Prohibition Act 1998* prohibits the import of all anti-personnel landmines, except for anti-personnel mines to be used, developed, produced, otherwise acquired, possessed, retained, imported or exported for the purposes of developing, or training persons in, techniques of mine detection, mine clearance, mine deactivation, or mine destruction.

The licensing is statutorily required, and the legislation does not leave designation of products to be subjected to licensing to administrative discretion (see answer to Q2 (i) above).

It is not possible for the government (or the executive branch) to abolish the system without legislative approval.

Procedures

6. Importers must seek the approval of the Minister of Foreign Affairs, who must then give notice in writing as per 2(a) above.

I. The Minister of Foreign Affairs must specify, by notice in the *Gazette*, the number of anti-personnel mines determined by the Minister to be the number that, for the time being, are absolutely necessary for the purposes of developing, or training persons in, techniques of mine detection, mine clearance, mine deactivation, or mine destruction.

II. Volume quotas do not apply.

III. Not applicable.

IV. Not applicable.

V. There are no minimum or maximum times for processing applications.

VI There is no minimum or maximum time.

VII. Consideration of applications is effected on the whole by a single administrative organ (the Ministry of Foreign Affairs and Trade, New Zealand). However, applications may be referred as required to other agencies for technical advice when assessing the stated purpose of the import, the capabilities of the importer to effect the stated purpose, and security assessments around the storage, use and disposal of the anti-personnel mines.

VIII. The Minister of Foreign Affairs determines the number of anti-personnel mines required to meet any exceptions to the Act. Should an application have merit then the Minister could adjust the gazetted number of mines permitted in the country.

IX. Not applicable.

X. Not applicable.

XI. No.

7.(a) Not applicable.

(b) Not applicable. Those importing anti-personnel mines inadvertently could face prosecution.

(c) No.

(d) Not applicable.

8. None. Although there is no statutory right of administrative appeal against any of the decisions by the Minister, applicants could seek a judicial review of an administrative decision through the courts.

Eligibility of Importers to Apply for Licence

9.(a) Yes.

(b) Not applicable.

Documentational and Other Requirements for Application for Licence

10. There are no specifically listed information requirements. Applicants would need to make a case to the Minister of Foreign Affairs for the importation of anti-personnel mines in conformance with the stated exemptions outlined in the *Anti-Personnel Mines Prohibition Act 1998*, and provide relevant details around type, quantity, storage and ultimate disposal.

11. Authorisation from the Minister of Foreign Affairs to import and designation by the Minister as an officer authorised to be in possession of anti-personnel mines as defined in the *Anti-Personnel Mines Prohibition Act 1998*. An import entry clearance would need to be completed with Customs before release of the goods.

12. There are no administrative charges for the process of obtaining permission to import anti-personnel mines.

13. Not applicable.

Conditions of Licensing

14. There is no set period of validity for an approval to import. It is possible a period of validity could be specified at the time of approval by the Minister of Foreign Affairs.

15. No.

16. No.

17. No, other than compliance with the *Anti-Personnel Mines Prohibition Act 1998*.

Other Procedural Requirements

18. No.

19. Not applicable.

3 CHEMICAL WEAPONS

The Chemical Weapons Convention (CWC) is implemented in New Zealand through the Chemical Weapons (Prohibition) Act 1996.

Outline of Systems

1. The *Chemical Weapons (Prohibition) Act 1996* prohibits the import of all CWC scheduled chemicals, unless permission is granted in writing (an import permit is granted) by the Ministry of Foreign Affairs and Trade.

Purposes and Coverage of Licensing

2. (a) **CWC Schedule 1 chemicals**: these are the most toxic and tightly controlled chemicals, primarily consisting of military chemical warfare nerve, blister, choking, or blood agents, including sarin and its near relations.

(b) **CWC Schedule 2A toxic chemicals and 2B precursor chemicals**: these are dual-use chemicals, more commonly used and traded for routine commercial purposes in New Zealand. All Schedule 2A chemicals are controlled. A Schedule 2B chemical is controlled if:

- it constitutes more than 10% (by weight) of a mixture, OR
- if the mix contains more than one Schedule 2 or Schedule 3 chemical.

(c) **CWC Schedule 3A toxic chemicals and 3B precursor chemicals:** these are dual-use chemicals, more commonly used and traded for routine commercial purposes. A Schedule 3A or 3B chemical is controlled if:

- it constitutes more than 10% (by weight) of a mixture, OR
- if the mix contains more than one Schedule 2 or Schedule 3 chemical.

All scheduled chemicals are listed on the OPCW website, https://www.opcw.org/.

3. The system applies to goods originating in and coming from "all" countries. The CWC prohibits the transfer of Schedule 1 and 2 chemicals to countries/territories which are not party to the CWC. A full list of countries/territories party to the CWC are listed on the OPCW website https://www.opcw.org/.

4. The licensing of CWC chemical imports is not intended to restrict the quantity or value of imports, but to meet the requirements of the CWC, i.e., *the CWC aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer, or use of chemicals weapons by States Parties. States Parties in turn must take the steps necessary to enforce that prohibition in respect of persons (natural or legal) within their jurisdiction*.

5. The *Chemical Weapons (Prohibition) Act 1996* prohibits the import of all Chemical Weapons Convention (CWC) scheduled chemicals, unless permission is granted in writing (an import permit is granted) by the Ministry of Foreign Affairs and Trade.

The licensing is statutorily required, and the legislation does not leave designation of products to be subjected to licensing to administrative discretion (see answer to Q2 above).

It is not possible for the government (or the executive branch) to abolish the system without legislative approval.

Procedures

6. Not applicable. Information concerning scheduled chemicals and how to apply for an import licence to enter New Zealand is published on the Ministry of Foreign Affairs and Trade, New Zealand's website: https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/how-to-import-or-export-controlled-chemicals/ together with more detailed information on the application procedure.

7.(a) The Ministry of Foreign Affairs and Trade, New Zealand endeavours to process all applications within ten-working days. Application for the import of CWC **Schedule 1** Chemicals must be received by the Ministry of Foreign Affairs and Trade, New Zealand at least 37 days prior to the anticipated shipment date. Advance notification is required because the transfer must be

notified to the Organisation for the Prevention of Chemical Weapons (OPCW) which implements the CWC internationally, at least 30 days in advance. Licences can be obtained within a shorter time-limit if required.

(b) Not immediately, but depending on circumstances, a licence can be provided within 24 hours of application.

(c) No.

(d) Consideration of licence applications is effected by a single administrative organ.

8. Specific CWC requirements prohibit the re-transfer of **Schedule 1** chemicals. In practice this means that **Schedule 1** chemicals imported into New Zealand may not be retransferred to a third country. In these circumstances an import licence would be declined. If Schedule 2 and 3 chemicals were imported for retransfer and if it is assessed that there is an unacceptable risk the chemicals may be diverted to a chemical weapons programme, then the application to import would be declined.

Authority for granting approval for the import of CWC Scheduled Chemicals rests with the Secretary of Foreign Affairs and Trade. Although there is no statutory right of administrative appeal against any of the decisions by the Secretary, applicants could seek a judicial review of an administrative decision through the courts.

Eligibility of Importers to Apply for Licence

9.(a) Not applicable.

(b) Not applicable.

Documentational and Other Requirements for Application for Licence

10. Importers are required to ensure full details of chemicals to be imported are provided, including the correct name, mixture weight/analysis breakdown and, if possible, CAS (Chemical Abstracts Service) number and the intended use of the chemicals. Details of CWC Schedules of Chemicals (1-3) can be found on our website https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/how-to-import-or-export-controlled-chemicals/together with more detailed information on the application procedure. Completed documents should be sent to fax +64 4 439 8519, or by email to exportcontrols@mfat.govt.nz.

11. Import Permit from the Ministry of Foreign Affairs and Trade, New Zealand.

12. There is no charge for the processing of import permits.

13. Not applicable.

Conditions of Licensing

14. The period of validity of a license is three months after the licence has been issued. Extensions to import licences can be granted when an import does not fall within the usual three-month period, by applying to the Ministry of Foreign Affairs and Trade, New Zealand.

15. No, but the applicant must inform the Ministry of Foreign Affairs and Trade, New Zealand in writing if the actual quantity imported is less than that approved, or if the import does not take place.

16. No.

17. No.

Other Procedural Requirements

18. No – not from the Ministry of Foreign Affairs and Trade, New Zealand. Some chemicals may constitute hazardous substances and could be required to comply with the Hazardous Substances and New Organisms (HSNO) Act 1996 and supporting regulations.

19. Not applicable to the Ministry of Foreign Affairs and Trade, New Zealand.

4 CONTROLLED DRUGS

Outline of Systems

1. New Zealand is a party to the Single Convention on Narcotic Drugs 1961 (the Convention) and the Convention on Psychotropic Substances 1971. The purpose of the conventions is to have single international treaties concerned with the control of narcotic drugs and the production of raw materials of narcotic drugs and similar international control of psychotropic substances. Both narcotics and psychotropic drugs are classified as Controlled Drugs in New Zealand under the Misuse of Drugs Act 1975 ("the Act"). Psychotropic substances include barbiturates and benzodiazepines and some non-medicinal substances such as LSD.

The International Narcotics Control Board (INCB) monitors the compliance with the provisions of the conventions. The conventions set requirements for member countries with respect to regulatory provisions, reporting requirements and quotas.

Importing and exporting of controlled drugs (narcotics and psychotropics) requires an import or export licence to be issued prior to the shipment of drugs entering or leaving New Zealand. Applications are submitted to Medicines Control, Medsafe, Ministry of Health. Licences are issued for medicinal (human consumption/veterinary use), scientific (including analysis for law enforcement) or drug-detector training purposes only.

A Licence to Deal in Controlled Drugs or a Licence to Possess Controlled Drugs or a Medicinal Cannabis Licence, or authorisation under the Act (e.g., a registered medical practitioner), is required before the issuance of licences to import or export controlled drugs.

Purposes and Coverage of Licensing

2. Import and export licensing is required for controlled drugs listed in Schedules 1, 2, 3 (excluding part 6) of the Misuse of Drugs Act 1975. A Licence to Deal in Controlled Drugs or a Licence to Possess Controlled Drugs or a Medicinal Cannabis Licence, or authorisation under the Act (e.g., a registered medical practitioner), is required before the issuance of licences to import or export controlled drugs.

3. The system applies to goods originating in and coming from all countries.

4. Licensing is intended to restrict the quantity of imports to quotas issued by the INCB. The INCB administers a system of estimates for narcotic drugs and a voluntary assessment system for psychotropic substances. As a signatory to the conventions no alternative methods are permissible.

5. The domestic law under which licensing is maintained is the Misuse of Drugs Act 1975, the Misuse of Drugs Regulations 1977, and the Misuse of Drugs (Medicinal Cannabis) Regulations 2019. The schedules of the Act define the class of each controlled drug. All controlled drugs require import and export licences and licences to deal or possess, or a Medicinal Cannabis licence, or alternatively an authorisation within the Act. Part 2 of the Regulations covers the requirements and issuance of licences under the Act.

Licensing is statutorily required and there is no administrative discretion as to the products to be subjected to licensing. The legislation defines the restrictions applicable to drugs listed in each schedule to the Act. It is not possible for the government (or the executive branch) to abolish the system without approval of the legislature.

Procedures

6.I Quotas (also known as 'estimates' and 'assessments') for the import of controlled drugs can be viewed at the INCB website: www.incb.org. The Competent National Authorities (the authority responsible for administration of the regulatory regime in that country) are advised to check their quota status regularly online. Quotas are set for the country not for specific importers.

II. Quotas are established on a yearly basis, running from 1 January - 31 December each year. The size (quantity in kilograms or grams) of a quota is determined by the stock on hand as of 31 December each year as well as previous, current and projected consumption. Supplementary quotas can be applied for from the INCB, if required, during the year. Licences are issued per consignment. Importers are required to apply for a licence every time they wish to import or export. Import and export licences are only valid for 6 months from the date of issue.

III. Import licences are endorsed by New Zealand Customs Services at the time of Customs clearance at the New Zealand border. Another copy of the import licence is endorsed by the importing company/entity. These copies of the licence are returned to Medicines Control and the information provided regarding the actual quantities imported is updated in databases. This information is relied on for reporting to the INCB of statistics of imports and exports on a quarterly basis, as well as in the determination of consumption (within New Zealand) in collaboration with information on stocks held. Unused allocations cannot be rolled over into the next year. Licences cannot be used multiple times.

IV. Applications are demand driven. Applications can be made at any time.

V. Medicines Control advises applicants to allow up to 30 working days for the processing of import applications. There may be delays in the processing of applications where the information provided is inaccurate or incomplete, or if additional quota is required.

VI. An importation may be made as soon as the import licence is issued and the competent national authority in the country of export has issued the appropriate export authorisation/licence.

VII. Prospective importers can obtain application forms by requesting these from Medicines Control. The application form can be submitted securely through the Medicines Control Online System platform and the licences are administered by Medicines Control, Medsafe, Ministry of Health. Where applicable, the Agricultural Compounds and Veterinary Medicines (ACVM) regulator is consulted on importations for veterinary controlled drugs which are subject to a registration under the ACVM Act. The Ministry for Primary Industries (MPI) may also be involved with the import of varieties of plants prohibited under the Act, which contain controlled drugs. Ministerial approval is necessary for the import and export of controlled drugs listed in schedule 1 (with the exception of cocaine), Part 1 and Part 2 of schedule 2 of the Act (excluding morphine and opium) and Part 1 of schedule 3. Following the issuance of an import licence, the competent national authority of the country of export must be approached for an export licence/authorisation.

VIII. Applications are examined and processed on receipt. If the application exceeds the current quota, there will be a delay while extra quota is requested from the INCB. Generally extra quota is allowed as long as it can be justified by a licit purpose.

IX. Competent national authorities in other countries that are signatories to the INCB Conventions require an import licence issued by New Zealand before exporting from their country.

X. The importing country is informed of the effect given by the exporting country by the transfer of the appropriate copies of standardised import and export licences required by the INCB for signatories to the conventions.

XI. Licences may be issued with an additional condition to reflect that the import is for re-export (or partial re-export). The INCB has advised that import licences issued with this condition should not be used in determination of compliance with quotas.

7. The conventions place a quantitative limit on all controlled drugs imported, with the exception of a few substances which are classified as controlled drugs under the Act but are not controlled under INCB conventions.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

8. The most common reason for refusal is that the importer is not authorised to deal in controlled drugs in New Zealand. The reason for refusal is advised and an application form for an appropriate licence outlining the requirements for a licence may be provided if appropriate. Licences must be issued prior to the arrival or exit of goods. Licences to import cannot be issued retrospectively.

Eligibility of Importers to Apply for Licence

9.(a) The importation of controlled drugs operates under a restrictive system as required by the international conventions. Only importers with a Licence to Deal in Controlled Drugs, or a Licence to Possess Controlled Drugs, or a Medicinal Cannabis Licence, or an authorisation under the Act (e.g., a registered medical practitioner) are eligible to apply for import licences.

(b) Not applicable.

Documentation and Other Requirement for Application for Licence

10. A sample of an application for an import licence is provided. Applicants are occasionally requested to provide additional documentation depending on the nature and purpose of the importation (e.g., confirmation of ethics approval where the controlled drugs are being imported for a clinical trial).

11. The export licence copy must accompany the goods across the border and match up with the import licence copy. Licences to import (and export) are issued in quintuplicate. Each copy has a specific purpose as stated on the bottom of the copy and must be retained or forwarded to the appropriate authority.

> Original copy: licensee to forward to the exporter for presentation to the Authorities in the country of export.
> Duplicate copy: New Zealand Customs to complete "Import Certification".
> Triplicate copy: Importer to complete "Importer's Certification".
> Quadruplicate: Importer's copy.
> Quintuplicate: Copy retained by the Ministry of Health.

12. The fee for an import or export application is NZ$194.22 (inclusive of Goods and Services Tax). Up to four controlled drug preparations may be listed on one import or export application, however these must all be within the same consignment.

13. Payment in full is required prior to issuing of a licence. The fee is not refundable if an import or export licence expires.

Conditions of Licensing

14. An import or export licence is valid for six months from the date of issue. No extensions can be given.

15. No.

16. No.

17.(a) The standard conditions on an import licence are:

- That the goods must be imported before the expiry date of ..... [six months from date of issue]
- That the controlled drugs are only used for medical, scientific or dog-training purposes only
- Other conditions that the Licensing Authority may deem necessary can be added to a licence

(b) Not applicable/as above.

Other Procedural Requirements

18. Yes, the importer must have a Licence to Deal in Controlled Drugs or a Licence to Possess Controlled Drugs or a Medicinal Cannabis licence or be authorised to possess controlled drugs under the Act.

19. Not applicable. A licence to import is issued to a New Zealand entity.

5 COVID-19 POINT OF CARE TESTS

Outline of systems

1. From 22 April 2021, an Order issued under the COVID-19 Public Health Response Act 2020 took effect. This order prohibits a person from importing, manufacturing, supplying, selling, packing, or using a point-of-care test for SARS-CoV-2 or COVID-19 unless the Director-General of Health has:

- authorised the person's activity; or
- exempted the point-of-care test from the prohibition.

This order replaces the previous Notice Under Section 37 of the Medicines Act 1981 (Gazette 2020-go1737) and broadens the group of Point-Of-Care tests the restrictions apply to.

Information about the Order and about the process to apply for Director General authorisation can be found at: https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-epidemic-notice-and-orders#poc-tests.

Purposes and Coverage of Licensing

2. As above. The scope of the Order is as follows:

- **Act** means the COVID-19 Public Health Response Act 2020;
- **manufacture** has the meaning given by section 2(1) of the Medicines Act 1981;
- **pack** has the meaning given by section 2(1) of the Medicines Act 1981;
- **point-of-care test** means any kit or other material that is intended to:

  (a) be used to test for SARS-CoV-2 or COVID-19 infection or immunity (whether current or historical) in an individual; and
  (b) produce a result without analysis at a laboratory.

- **sell** has the meaning given by section 2(1) of the Medicines Act 1981.

3. With respect to import controls, the order applies to goods originating in, and arriving from, all countries.

4. The purpose of this order is to prevent and limit the risk of the outbreak or spread of COVID-19 and to otherwise support the purposes of the Act by preventing testing for COVID-19 using unverified or unaccredited methods or tools and prevent the misinterpretation of any results. (This equates to risk management).

5. The measures are maintained under the COVID-19 Public Health Response (Point-of-care Tests) Order 2021. As above, this Order is introduced under the COVID-19 Public Health Response Act 2020 and replaces the previous Notice Under Section 37 of the Medicines Act 1981 (Gazette 2020-

go1737). Product designation is determined by the Order, per (2) above. The order cannot be abolished without legislative approval.

Procedures

6. Not applicable.

7.(a) An authorisation must be granted before a product can be released by Customs. An application for authorisation normally takes up to 25 days to process.

(b) No. An application to import, manufacturer, supply, sell, pack, or use must be made before an authorisation can be granted.

(c) No.

(d) The Ministry of Health is the sole administrative body responsible for managing an application.

8. An application may be refused if:

- a product is evaluated and is determined to not meet relevant selection criteria; or
- a decision is made to limit the number of authorised products available for use.

Eligibility of Importers to Apply for a Licence

9. There are no restrictions relating to the eligibility of an importer to apply for authorisation

Documentational and Other Requirements for Application for Licence

10. As per the application form available at:

https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-epidemic-notice-and-orders#poc-tests

11. Once approved, the Ministry of Health provides letters of authorisation to Customs New Zealand and the Ministry for Primary Industries, for goods clearance purposes.

12. There is no fee or charge associated with an application for authorisation to import.

13. No

Conditions of Licensing

14. There is no fixed period of validity associated with an authorisation to import.

15. No.

16. Authorisations to import are not transferable between importers.

17. Importers can only supply the authorised tests to users who have been similarly authorised as users by the Director General of Health. The Director General of health may impose other conditions on the authorisation approved, on a case-by-case basis.

Other Procedural Requirements

18. Importers must ensure that all other legislative requirements for importing test kits and consumables are met, for example, requirements under the Biosecurity Act 1993.

19. Not applicable.

6 CLUSTER MUNITIONS

The Convention on Cluster Munitions, 2008, is implemented in New Zealand through the: *Cluster Munitions Prohibition Act 2009*.

Outline of Systems

1. The *Cluster Munitions Prohibition Act 2009* prohibits the import of all cluster munitions, except for cluster munitions to be used, developed, produced, otherwise acquired, possessed, retained, imported or exported for the purposes of developing, or training persons in, techniques of cluster munitions detection, clearance, deactivation, or destruction.

Purposes and Coverage of Licensing

2.(a) The Minister of Foreign Affairs may, by notice in writing, authorise cluster munitions to be used, developed, produced, otherwise acquired, possessed, retained, imported or exported for the purposes of developing, or training persons in, techniques of cluster munitions detection, clearance, deactivation, or destruction.

(b) A cluster munition means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms and
- (i) includes those explosive submunitions; but
- (ii) does not include
  - a mine; or
  - a munition or submunition that is designed:
    - to dispense flares, smoke, pyrotechnics, or chaff; or
    - to produce electrical or electronic effects; or
  - a munition that is designed exclusively for an air defence role; or
  - a munition that, in order to avoid indiscriminate effects and the risks posed by unexploded submunitions, has all of the following characteristics:
    - each munition contains fewer than ten explosive submunitions:
    - each explosive submunition weighs more than 4 kilograms:
    - each explosive submunition is designed to detect and engage a single target object:
    - each explosive submunition is equipped with an electronic self-destruction mechanism:
    - each explosive submunition is equipped with an electronic self-deactivating feature.

3. The system applies to goods originating in and coming from "all" countries.

4. The system is designed to meet the requirements of the Convention by the restricting the quantity of cluster munitions imported to those required for the purposes of developing, or training persons in, techniques of cluster munitions detection, clearance, deactivation, or destruction. The Minister of Foreign Affairs must specify, by notice in the *Gazette*, the number of cluster munitions determined by the Minister to be the number that, for the time being, are absolutely necessary for the purposes described above.

5. The *Cluster Munitions Prohibition Act 2009* prohibits the import of all cluster munitions, except for those to be used, developed, produced, otherwise acquired, possessed, retained, imported or exported for the purposes of developing, or training persons in, techniques of cluster munition detection, clearance, deactivation, or destruction.

The licensing is statutorily required.

The legislation does not leave designation of products to be subjected to licensing to administrative discretion (see answer to Q2 (i) above).

It is not possible for the government (or the executive branch) to abolish the system without legislative approval.

Procedures

6. Not applicable.

7.(a) Not applicable.

(b) Not applicable. Those importing cluster munitions inadvertently could face prosecution.

(c) No.

(d) Not applicable.

8. None. Although there is no statutory right of administrative appeal against any of the decisions by the Minister, applicants could seek a judicial review of an administrative decision through the courts.

Eligibility of Importers to Apply for Licence

9.(a) Yes.

(b) Not applicable.

Documentation and Other Requirements for Application for Licence

10. There are no specifically listed information requirements. Applicants would need to make a case to the Minister of Foreign Affairs for the importation of cluster munitions in conformance with the stated exemptions outlined in the *Cluster Munitions Prohibition Act 2009*, and provide relevant details around type, quantity, storage and ultimate disposal.

11. Authorisation from the Minister of Foreign Affairs to import and designation by the Minister as an officer authorised to be in possession of anti-personnel mines as defined in the *Cluster Munitions Prohibition Act 2009*. An import entry clearance would need to be completed with Customs before release of the goods.

12. There are no administrative charges for the process of obtaining permission to import anti-personnel mines.

13. Not applicable.

Conditions of Licensing

14. There is no set period of validity for an approval to import. It is possible a period of validity could be specified at the time of approval by the Minister of Foreign Affairs.

15. No.

16. No.

17. No, other than compliance with the Cluster Munitions Prohibition Act 2009.

Other Procedural Requirements

18. No.

19. Not applicable.

7 ENDANGERED, THREATENED SPECIES

Outline of systems

1. Under the Convention on International Trade in Endangered Species (CITES), documentation is required for the import, export, re-export and introduction from the sea of species listed in its Appendices. The nature of permitting varies depending on: the Appendix in which the species is listed; the age of the specimen; and the nature of the specimen (e.g. personal effects, scientific samples, etc.). All parts and derivatives of species are included. Permits are obtained from the CITES Management Authority in each country.

Purposes and coverage of licensing

2. All parts and derivatives of species listed in the CITES Appendices.

3. All Parties to the CITES Treaty. Non-parties trading CITES listed species with CITES Parties are also required to use equivalent documentation.

4. Licensing is intended to ensure that harvesting for trade does not impact the long-term survival of endangered species in the wild.

5. In New Zealand, Trade in Endangered Species Act 1989.

Procedures

6. Not applicable, as New Zealand does not have restrictions on quantity of imports.

7. In New Zealand, we aim to process all permits within 20 working days (though it usually takes five-ten days). All CITES permits are granted by the Department of Conservation. Permit signatories must be lodged with the CITES Secretariat to ensure a system of checking veracity of permits (for example through signatures).

8. An application for a permit may be refused if criteria are not met. No applications have been declined due to other reasons.

9. All persons, firms and institutions are eligible to apply for permits.

Documentational and other requirements for application for license

10. Full information about the importer and the specimen to be traded is required. Application form is available here: www.doc.govt.nz/cites.

11. Original permits must accompany the consignment and are collected by the border control agency in the country of import.

12. New Zealand fees are indicated on the webpage specified under Question 10. If permits are required by other countries (for example in a situation where both import and export permits are required), applicants must pay those. Prices vary by country, so this information is not available.

13. Payment must be received before a permit can be issued.

Conditions of licensing

14. New Zealand permits cannot be extended, as they cannot be tampered with. CITES permits issued by the New Zealand CITES authorities are printed on security paper containing a watermark and holographic DOC logo, so originals (not tampered with) must be used. Permits are valid for up to six months (unless a shorter term is specified) and they cannot be extended.

15. There is no penalty for non-use of an issued CITES permit if the trade of the CITES species did not occur. There are penalties for trading in CITES species without appropriate permits or certificates. The penalties for infringement offences are dependent on the Appendix listing of the

species imported - up to a maximum of $800 per offence. Fines are greater if the offence progresses to court.

16. Permits are non-transferable.

17. Permit conditions are included with this document (general conditions for all permits, special conditions for live bird exports).

Other procedural requirements

18. None related to CITES requirements.

19. Not applicable.

8 EXPLOSIVES

Hazardous Substances and New Organisms Act 1996 and various HSNO regulations.

Outline of Systems

1. The Hazardous Substances and New Organisms (HSNO) Act 1996 is the legislation under which hazardous substances are regulated. Under the legislation all hazardous substances must be approved before they are manufactured in, imported to, or used in New Zealand. Approval and certificate holders in compliance with all conditions of their approvals may import, manufacture, or tranship the substances.

There are a number of approval types with approvals being given under different parts of the HSNO Act, however explosives may only be approved under Part 5 of the Act, which covers a single hazardous substance.

Controls are applied on the use of the substance. Applications can be made for the following approvals of hazardous substances:

- Release approvals - pesticides, veterinary medicine and products not covered by group standard approvals;
- Group standard approvals - general and industrial use products with similar uses and hazards;
- Issuing a new group standard approval - for products with similar uses and hazards for which a group standard does not yet exist;
- Emergency approvals - to use a non-approved substance in an emergency situation or to use a substance in a way it is not approved for;
- Containment approvals - for use as an analytical standard, research and development, or for export only;
- Transhipment approvals – for the temporary entry of a hazardous substance into New Zealand for transhipment;
- Import certificates for explosives - to import Class 1 substances into New Zealand;
- Approvals for fireworks - for test certificates required for fireworks.

The first three of these are generic and apply to the substance and all users may make use of the approval. The last five relate to a particular use/action and are held by individuals for a particular purpose that relates to the substance.

The agency that administers the regulatory regime and which makes decisions on applications is the Environmental Protection Authority.

In 2015 the Health and Safety at Work Act 2015 amended the legislation regarding the use of hazardous substances in workplaces. These changes meant the regulatory provisions concerning the import of explosives have been changed but the requirements are largely identical to earlier rules.

Purposes and Coverage of Licensing

2. All hazardous substances must be approved under the Hazardous Substances and New Organisms Act 1996 before they can be manufactured in New Zealand or imported into New Zealand. Before

an explosive article can be imported, an import certificate for the explosive would need to be sought under Part 5 of the Hazardous Substances and New Organisms Act 1996 for each instance of import.

Import certificates are required for the import of approved explosives into New Zealand under the Hazardous Substances (Importers and Manufacturers) Notice 2015 (EPA Consolidation 30 April 2021).

https://www.epa.govt.nz/assets/Uploads/Documents/Hazardous-Substances/GHS2/Consolidated_Hazardous_Substances_Importers_and_Manufacturers_Notice_2015.pdf

As a result of the 2018 Amendment, since 1 October 2018, an import certificate is only required for:

- explosives that require a controlled substance licence under the Health and Safety at Work (Hazardous Substances) Regulations 2017
- retail fireworks, except novelty and noise-maker fireworks specified in regulation 4(2) of the Hazardous Substances (Fireworks) Regulations 2001, such as party poppers and Christmas crackers.

The Health and Safety at Work (Hazardous Substances) Regulations are available at:
http://www.legislation.govt.nz/regulation/public/2017/0131/latest/DLM7309401.html?search=ta_regulation_H_rc%40rinf%40rnif_an%40bn%40rn_25_a&p=2

The requirement for import certificates covers all explosives as outlined in the Hazardous Substances (Fireworks, Safety Ammunition, and Other Explosives Transfer) Regulations 2003: except for the following:

(a) pre-primed cartridges and primers, of class 1.4S;
(b) airbag initiators and seatbelt pre-tensioners of classes 1.4G and 1.4S;
(c) cable cutters of class 1.4S (UN 0070);
(d) power device cartridges of class 1.4S (UN 0323);
(e) signal or shock tubes of class 1.4 (UN 0349);
(f) cassette degradation devices of class 1.4S (UN 0432):
(g) novelty and noise-maker fireworks specified in the Hazardous Substances (Fireworks) Regulations 2001.

3. The Import Certificate for Explosives applies to the relevant goods originating from all countries.

4. The purpose of the HSNO regulation of hazardous substances is to protect the environment and the health and safety of people and communities by preventing or managing the adverse effects of hazardous substances. A licensing system is used for only one area: explosives require an "Explosives Import Certificate" to be imported into New Zealand.

The purpose of the Import Certificate for Explosives is to ensure that only approved explosives enter or are manufactured in New Zealand. Once inside New Zealand, under the Health and Safety at Work (Hazardous Substances) Regulations 2017 all explosives other than those listed exempt by Schedule 26 of the regulations must be tracked. Domestically produced explosives are also tracked. The purpose of the tracking system is to ensure that the whereabouts of explosives can be traced so that only those able to have and use them have access to them.

5. The requirement for an Import Certificate for Explosives is in the EPA's Hazardous Substances Importers and Manufacturers Notice 2015 (EPA Consolidation 30 April 2021) issued under the Hazardous Substances and New Organisms Act.

https://www.epa.govt.nz/assets/Uploads/Documents/Hazardous-Substances/GHS2/Consolidated_Hazardous_Substances_Importers_and_Manufacturers_Notice_2015.pdf

Procedures

6. Not applicable.

7.(a) The import certificate must be applied for at least 10 working days before the arrival of the goods in New Zealand.

(b) No.

(c) No.

(d) Yes, a single organisation handles the application and approval process.

8. The import certificate can be declined if there is not sufficient guarantee that the materials will be kept secure in transit or after arrival, or there is insufficient evidence to link the goods to an existing approval as listed in the Hazardous Substances (Fireworks, Safety Ammunition, and Other Explosives Transfer) Regulations 2003. Applicants have the right to judicial review in the New Zealand judicial system if they wish to dispute the outcome of an application.

Eligibility of Importers to Apply for Licence

9. Anyone (firm, organisation or person) can apply for an Import Certificate for Explosives. If the amount of explosive is over the threshold for a site before a test certificate is required under the Health and Safety at Work (Hazardous Substances) Regulations 2017, then evidence must be shown that the site has a test certificate indicating it complies with storage requirements.

Documentational and Other Requirements for Application for Licence

10. Links from the webpage go to forms and guides relevant to import certificates for explosives: https://www.epa.govt.nz/industry-areas/hazardous-substances/making-an-application/explosives-import-certificate/.

Evidence is needed of the site the explosives are to be stored in (or used) and of the person in charge of the explosives at this site.

11. Documents required on importation are those required under the United Nations Recommendations on the Transport of Dangerous Goods, model regulations 17th revised edition. https://www.unece.org/trans/danger/publi/unrec/rev17/17files_e.html

12. The full list of substance application fees is found on: https://www.epa.govt.nz/applications-and-permits/fees-and-charges/.

The fees for an import certificate for explosives and controlled substances licences are:

Import certificate for explosives

Activity	Fee ($NZ, Goods and Services tax inclusive)
Import certificate for explosives and fireworks under the Hazardous Substances (Importers and Manufacturers) Notice 2015 (Consolidated 30 April 2021)	$575.00

13. Payment in full is required upon application submission.

Conditions of Licensing

14. The Import Certificate for Explosives relates to a specific consignment. The Health and Safety at Work (Hazardous Substances) Regulations 2017 under the Health and Safety at Work Act 2015 require tracking of the substance(s) from here onwards.

15. No.

16. No.

17. No.

Other Procedural Requirements

18. Not applicable.

19. Not applicable.

9 FIREARMS, RESTRICTED WEAPONS, BLANK-FIRING GUNS, AND AMMUNITION

Arms Act 1983 and Arms Regulations 1992

Outline of Systems

1. Applicants for a permit to import arms items may apply directly to Permit, Visitor and Licence Cards Centre, Arms Safety and Control, NZ Police for the permit. The requirement for an import permit covers firearms, including prohibited firearms, (most centrefire semi-automatic rifles and shotguns with detachable or large capacity magazines are prohibited firearms), pistols, restricted weapons, and parts thereof, prohibited magazines, airguns which mimic real firearms (restricted airguns), pistol carbine conversion kits, air pistol carbine conversion kits, blank-firing guns (including starting pistols), and ammunition. Permits to import pistols, restricted weapons, parts of pistols or restricted weapons, prohibited firearms, prohibited magazines, prohibited parts, restricted airguns, and prohibited ammunition are subject to Police being satisfied there is a special reason why the item should be allowed in New Zealand.

Purposes and Coverage of Licensing

2. The permitting regime applies to firearms (including prohibited firearms), pistols, restricted weapons, and parts thereof, prohibited magazines, restricted airguns, pistol carbine conversion kits, air pistol carbine conversion kits, blank-firing guns and ammunition.

3. The system applies to goods originating in and coming from all countries.

4. The purpose is both the safe use and control of firearms and other weapons.

5. Import permitting for firearms (etc.) is established by the Arms Act 1983 and Arms Regulations 1992. Certain organisations, including New Zealand Defence and Police are exempt from the licensing regime and may import firearms etc. for the purposes of that organisation.

Procedures

6. The importation of rimfire firearms is constrained by the approval of those firearms as being safe and having a valid civilian use in New Zealand, and by market forces. Importation of pistols, restricted weapons, parts of pistols or restricted weapons, prohibited firearms, prohibited magazines and prohibited parts, restricted airguns, and prohibited ammunition are constrained by the requirement for a "special reason".

7.(a) A permit to import is required before the item lands in New Zealand. The only exception is where the individual has been unable to obtain a permit. This is only in exceptional circumstances.

(b) With the exception of blank-firing guns, import permits may only be issued to the holder of a firearms licence. Visitors may obtain a visitor's licence and permit to import (on demonstrating that they are fit and proper to possess firearms, and that they have been a bona fide shooter in their country of origin). Visitors must apply through an online application form direct to the Permit, Visitor and Licence Cards Centre, Arms Safety and Control, NZ Police, 28 working days ahead of arrival in New Zealand. For all arms items, and blank-firing guns, an application to import may be granted, but restricted to the import of a single item as a sample for inspection and for testing.

(c) Not applicable.

(d) New Zealand Police manages the firearms import permit regime (see above).

8. The application for a permit to import items that require a special reason listed in 6 above may be refused at the discretion of Police. A refusal is subject to judicial review. In the case of all other items listed in 2 above, the application for a permit to import must be issued if Police is satisfied that the applicant is lawfully able to possess the item, and, if a sample of the item has been required for examination and testing, the applicant has lawfully provided a sample and the item is approved by Police.

Eligibility of Importers to Apply for Licence

9.(a) Only the holder of a firearms licence may apply for a permit to import a firearm (etc.), other than a blank-firing gun and an airgun if the applicant is aged 18 years or older.

Documentational and Other Requirements for Application for Licence

10. The applicant is required to complete a standard form.

11. The permit to import is required to be presented to the New Zealand Customs Service.

12. There is currently no charge.

13. None.

Conditions of Licensing

14. Permits to import firearms (etc.) are valid for one year from date of issue but apply to a single consignment or multiple consignments provided the second and later consignments arrive within a 30-day period of the first consignment.

15. No, although the permit is now limited to a single consignment or multiple consignments, second and later consignments are allowed to arrive within 30 days of the first consignment.

16. The permit to import is personal to the person it is issued to, although a dealer may import an arms item as an agent for an individual licence holder.

17. Conditions may be placed on the permit to import (for example, surrender of a worn part where the special reason relates to replacing a worn part of a prohibited firearm), or the provision of a sample if the firearm had not previously been imported into New Zealand or in the case of a blank-firing gun is identified as able to be readily converted to a firearm.

10 GRAPHIC MATERIALS INTENDED FOR USE BY CHILDREN

Hazardous Substances and New Organisms (HSNO) Act 1996 Graphic Materials Group Standard 2020.

Outline of Systems

1. The Hazardous Substances and New Organisms (HSNO) Act 1996 was enacted to provide a comprehensive health, safety and environmental regulatory framework covering explosives, flammable, oxidising and corrosive substances, as well as those that are toxic to people and the environment. The purpose of the HSNO Act is: "to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms".

Purposes and Coverage of Licensing

2. Some graphic materials have been found to contain high concentrations of toxic elements and their compounds. The Graphic Materials Group Standard covers a number of different products, but crayons, finger paints and children's watercolour paints, specifically manufactured for use by children, require evidence of compliance with the group standard for import into or manufacture in New Zealand.

3. The system applies to goods originating in and coming from all countries.

4. Young children are at greater risk of poisoning through ingestion of hazardous substances that may be contained in such products. These requirements on the importation of graphic materials are in place to reduce the risk of poisoning of young children.

5. Under the Hazardous Substances and New Organisms (HSNO) Act 1996, the Graphic Materials Group Standard 2020 was issued to reduce the risk of poisoning of young children. The Environmental Protection Authority has adopted the limits that were specified in the old Toxic Substances Regulations. The Group Standard regulates the maximum permissible levels of elements in imported and locally made graphic materials. Since June 2009, it has been an offence to import or manufacture graphic materials intended for use by children if they exceed the maximum permissible metal limits set in the Group Standard.

The import clearance under the Graphic Materials Group Standard is given by the EPA. Until 2017, it was given by the Medical Officer of Health.

Procedures

6. Not Applicable.

7.(a) Clearances of imported graphic materials for use by children are managed by the EPA. Applications for the assessment of evidence of compliance with the Graphic Materials Group Standard are sent to the EPA on the appropriate form. The written approval of the EPA is required *before* goods are imported into New Zealand. Importers or manufacturers are responsible to ensure that graphic materials are tested for element levels by an accredited laboratory. In New Zealand, laboratories are accredited by International Accreditation New Zealand (IANZ) who can provide contact details of accredited laboratories. Products being imported into New Zealand may be tested by overseas laboratories that are accredited by a body recognised by IANZ.

(b) No. Approval for clearance can be provided once the EPA is provided with evidence that imported graphic materials intended for use by children do not exceed the maximum permissible element limits set in the Group Standard.

Goods that arrive without approval will be held at the border until the EPA has issued a clearance letter for NZ Customs.

(c) There are no limitations as to the period of the year during which application for licence and/or importation may be made, other than applications generally being required to be submitted during normal business hours. Applicants should allow 10 working days for an application to be reviewed after all information has been received.

(d) Consideration of licence applications is effected by a single administrative organ, the EPA.

8. No additional reasons as to why a request would be refused. Judicial review of a decision is the only course of appeal.

Eligibility of Importers to Apply for Licence

9. All persons, firms and institutions are eligible to apply under non-restrictive systems.

Documentational and Other Requirements for Application for Licence

10. The information required for an application is a completed application form and evidence that imported or manufactured graphic materials intended for use by children do not exceed the maximum permissible metal limits set in the Group Standard. This may take the form of analytical results from New Zealand laboratories accredited by International Accreditation New Zealand (IANZ) or from overseas laboratories that are accredited by a body recognised by IANZ. The documentation required is outlined in the application form:

https://www.epa.govt.nz/assets/Uploads/Documents/Hazardous-Substances/Forms/335f1e3d52/Graphic-materials-application-form.docx

https://www.epa.govt.nz/industry-areas/hazardous-substances/making-an-application/graphic-materials/

11. To import graphic materials intended for use by children, importers must present NZ Customs with a clearance letter from the EPA containing a Customs clearance code specific to that consignment.

12. There is no licensing fee or administrative charge.

13. Not applicable.

Conditions of Licensing

14. The period of validity of a clearance code is for the specific consignment that has been approved.

15. No.

16. No as the approval is specific for each consignment.

17. Not applicable – the clearance letter will not be issued until evidence is provided that imported graphic materials intended for use by children are in compliance with the requirements of the Graphic Materials Group Standard.

Other Procedural Requirements

18. Not applicable.

19. Not applicable.

11 HAZARDOUS WASTES

Outline of Systems

1. Imports of waste classified as plastic waste, hazardous waste, or waste coming from households under the Imports and Exports (Restrictions) Prohibition Order (No. 2) 2004 require consent from the Environmental Protection Authority. Consent is obtained through meeting the requirements of the Order and where proposed imports are in conformity with New Zealand's obligations under the Basel Convention, the Waigani Convention and the OECD Decision C(2001)107/Final on the Control of Transboundary Movements of Wastes Destined for Recovery Operations.

Purposes and Coverage of Licensing

2. As above.

3. The system applies to goods originating in and coming from countries who are Parties to the Basel Convention, the Waigani Convention or the OECD Decision. Imports from non-Parties are prohibited.

4. The purpose is to ensure environmentally sound and efficient management of hazardous wastes and that transboundary movements are conducted in a manner which will protect human health and the environmental against the adverse effects which may result.

5. Imports and Exports (Restrictions) Act 1988, Imports and Exports (Restrictions) Prohibition Order (No. 2) 2004.

Required to implement obligations under the Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and their Disposal and the Waigani Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region and the OECD Decision C(2001)107/Final on the Control of Transboundary Movements of Wastes Destined for Recovery Operations.

""waste" and "hazardous waste" are defined in the Order.

It is not possible for the government (or the executive branch) to abolish the system without legislative approval.

Procedures

6. Not applicable.

7.(a) No set time limit, depends on timing of commercial arrangements. No ability to fast track a licence.

(b) No.

(c) No.

(d) Yes - one single administrative organ.

8. No additional reasons as to why a request would be refused. Judicial review of a decision is the only course of appeal.

The ability for the EPA to refuse to issue a permit is set under 3BC of the Imports and Exports (Restrictions) Act 1988. The EPA can refuse to grant a permit if the Authority is satisfied that:

(a) The person who applied for the permit has been convicted of an offence against this Act or an offence involving a convention chemical or waste; or
(b) The information provided by the person to the Authority is incorrect.

Eligibility of Importers to Apply for Licence

9.(a) Not applicable.

(b) All persons, firms and institutions are eligible to apply.

Documentational and Other Requirements for Application for Licence

10. A guidance document and the application form for an import permit is provided on the EPA website: https://www.epa.govt.nz/industry-areas/hazardous-substances/hazardous-waste/importing-hazardous-waste/

Documents the importer is required to supply with the application include a completed notification form, contract(s), insurance, evidence of environmentally sound management, reason for export.

11. A permit issued by the Environmental Protection Authority containing a permit number.

12. No.

13. Not applicable.

Conditions of Licensing

14. The period of validity of a license is up to 12 months.

15. No.

16. No.

17. Yes, determined on a case-by-case basis. See 3BB of the Imports and Exports (Restrictions) Act 1988 for the matters on which the EPA may impose conditions.

Other Procedural Requirements

18. The permit holder must provide movement forms that record the movement of the hazardous waste allowed for import or export on their permit at various stages during the life of the permit. This is covered by a condition on the permit issued by the EPA.

19. Not applicable.

12 HIGH POWER LASER POINTERS

The Health (High-power Laser Pointers) Regulations 2013.
The Customs Import Prohibition (High-power Laser Pointers) Order 2019
The Summary Offences (Possession of High-power Laser Pointers) Amendment Act 2014

Outline of Systems

1. The regulatory controls to restrict the importation, supply and acquisition of high-power laser pointers in New Zealand is implemented through the Health (High-power Laser Pointers) Regulations 2013 and the Customs Import Prohibition (High-power Laser Pointers) Order 2019.

Under the legislation applicants must apply for authorisation from the Director - General of Health or their delegate to supply or acquire high-power laser pointers. Before granting authorisation, the Director-General must be satisfied the applicant is of good character and has a legitimate purpose for acquiring a high-power laser pointer.

Every authorisation issued to import HPLP specifies the quantity and frequency of the permitted import. Each authorisation is individually assessed and issued according to the requirements of the importer.

Purposes and Coverage of Licensing

2. The Ministry of Health is responsible for administering regulatory controls to help manage the health and safety risks from high-power laser pointers (HPLP).

HPLP are small hand-held devices that emit a beam of non-ionising electromagnetic radiation. The controls do not apply to all laser pointers. Devices with a power output up to and including 1mW are regarded as low risk and are not covered by the controls.

3. The system applies to goods originating in and coming from all countries.

4. The licensing is intended to control the quantity of imports and ensure there is a legitimate use for devices imported. Options for managing the risks from HPLP were considered in a regulatory impact statement.

5. The Customs Import Prohibition (High-power Laser Pointers) Order 2019 (CIPO) restricts the importation of HPLPs to people authorised to import them by the Director-General of Health. The CIPO is made under section 96 of the Customs and Excise Act 2018 and administered by the New Zealand Customs Service.

The Health (High-power Laser Pointers) Regulations 2013 restrict the sale/supply of HPLPs to authorised suppliers and restrict their acquisition to authorised recipients. They are made under sections 117(1)(a) and (z) and 119(d) of the Health Act 1956 and are administered by the Ministry of Health.

Procedures

6. Not applicable.

7.(a) Ministry of Health seeks to process all applications within 25 working days and authorisation is valid from the date of issue.

(b) Ministry of Health seeks to process all applications within 25 working days but if an application is urgent it may be possible to process in a shorter time frame.

(c) No.

(d) Authorisations are issued solely by Ministry of Health. The outcome (decline or approval) is shared with NZ Customs.

8. An authorisation will be declined if the applicant has not provided sufficient information to satisfy that they had a legitimate purpose for acquiring a high-power laser pointer as required by the Regulations.

An application will be declined if the application has not been fully completed. The reasons for declining are shared with the applicant. Applicants are advised of the process to follow if they feel their application should be reconsidered because they have new information or evidence.

Eligibility of Importers to Apply for Licence

9. All persons, firms and institutions are eligible to apply under non-restrictive systems. There is no registration fee.

Documentational and Other Requirements for Application for Licence

10. The applicant is required to complete a standard application form. The applicant must provide details about themselves, the devices they are seeking to import/supply/acquire, the frequency and volume of imports, the intended use, and how they will be stored. A statutory declaration is required for the application.

The application form can be downloaded from here: https://www.health.govt.nz/our-work/environmental-health/high-power-laser-pointers

11. Nil but New Zealand Customs may request confirmation of the authorisation to import.

12. There is currently no licensing fee.

13. No.

Conditions of Licensing

14. There is no period of validity of a licence.

15. No

16. No.

17. Additional conditions can be placed on an authorisation, such as the requirement to notify Ministry of Health of any changes to an authorised importer's circumstances where those changes may impact their eligibility to hold an authorisation to import or supply HPLPs.

Other Procedural Requirements

18. No.

19. Not applicable.

13 IMPORTS TO ANTARCTICA

Antarctica (Environmental Protection) Act 1994

Outline of Systems

1. Under the *Antarctica (Environmental Protection) Act 1994* and consistent with the requirements of the *Protocol on Environmental Protection to the Antarctic Treaty* (the Madrid Protocol), the importation of certain items into Antarctica is restricted or prohibited.

This legislation applies:

- to any person in the Ross Dependency;
- to any New Zealand citizen and to any person ordinarily resident in New Zealand;
- to any person who is for the time being a member of, or responsible for organising, any expedition to Antarctica which is organised in New Zealand or which proceeds from New Zealand as its final point of departure for Antarctica; and
- in respect of any act or omission occurring on board any ship or aircraft, to any person on board any ship or aircraft that is:
  - a New Zealand ship or a New Zealand aircraft; or
  - any other ship, whether registered or not and of whatever nationality, which proceeds from New Zealand as its final point of departure for Antarctica.

Purposes and Coverage of Licensing

2. The import licensing system is implemented through the *Antarctica (Environmental Protection) Act 1994* which provides that:

- No person shall introduce onto land or ice shelves or into water in Antarctica any species of animal, plant, or micro-organism not native to that area (s28(1) (e).
- No person shall import any non-sterile soil into Antarctica – except in accordance with a permit issued under the Act (s28(1) (f).
- No person shall import into Antarctica any dressed poultry knowing that an inspection in accordance with the Protocol on Environmental Protection to the Antarctic Treaty reveals evidence of disease.
- Permits to bring into Antarctica any animal, plant, or micro-organism not native to Antarctica, or to import any non-sterile soil shall only be issued in accordance with and subject to the restrictions and conditions set out in Article 4 of Annex II to the Madrid Protocol and appendices to that Annex and subject to other conditions as the Minister considers appropriate and not inconsistent with the purposes and principles in section 9 of the Antarctica *(Environmental Protection) Act 1994*.

3. The system applies to goods from all countries.

4. The above restrictions have been put in place to implement the *Protocol on Environmental Protection to the Antarctic Treaty*. The objective of the *Protocol on Environmental Protection to the Antarctic Treaty* is the comprehensive protection of the Antarctic environment and its dependent and associated ecosystems.

5. The permitting regime for Antarctic activities including the importation of certain goods as highlighted above is a statutory requirement. The *Antarctica (Environmental Protection) Act 1994* grants the Minister of Foreign Affairs the power to grant some permits with respect to proposed activities in Antarctica based on their likely impact on the Antarctic environment. Other permits require the approval of Antarctic Treaty Consultative Parties. The *Antarctica (Environmental Protection) Act 1994* may not be repealed without legislative approval.

Procedures

6. Not applicable.

7.(a) Persons proposing to undertake activities in Antarctica including those which may involve the importation of certain goods are encouraged to contact the Ministry of Foreign Affairs and Trade as early as possible to discuss their plans and no later than three months before the proposed activity is expected to start.

(b) Permits cannot be granted immediately upon request. Permits should generally be obtained prior to activities being pursued in Antarctica. In exceptional circumstance permits can be issued retrospectively.

(c) Applicants are encouraged to seek permit before the end of September each year prior to the activity taking place but applications can be received through the year.

(d) Permit applications are assessed by the Environment Division of the Ministry of Foreign Affairs and Trade who seek expert advice on the likely environmental impact of proposed activities and provide advice to the Minister of Foreign Affairs on whether to permit the activity and whether to impose conditions on the activity to protect the environment, and manage compliance, environmental monitoring and post-activity reporting. Applicants deal exclusively, with the Ministry of Foreign Affairs and Trade.

8. The issuance or denial of a permit is based on the likely impact of the activity on the Antarctic Environment, and the reason for a decision or conveyed to the applicant. The applicants have recourse to judicial review of the decision under the Judicature Amendment Act 1972.

Eligibility of Importers to Apply for Licence

9.(a) Not applicable.

(b) All persons to whom the *Antarctica (Environmental Protection) Act 1994* applies are eligible to apply for a permit for a proposed activity in Antarctica. There is no fee.

Documentational and Other Requirements for Application for Licence

10. The applicants are required to provide the following information:

- A description of the proposed activity;
- A statement as to the likely environmental impact of the proposed activity;
- A statement as to whether the applicant is applying or has applied the environmental; assessment procedures set out in Annex I of the Madrid Protocol to the activity;
- The name and contact address in New Zealand of the person;
- The number of person the in the expedition likely to carry out the activity;
- The date and place of final departure from Antarctica;
- Further information may be required to be submitted based on the initial evaluation of the proposed activity.

11. Permits are required to be carried at all times when undertaking approved activities.

12. No fee is charged.

13. Not applicable.

Conditions of Licensing

14. The period of the permit depends upon the specific activity. Extensions to permits can be applied for by applicants.

15. There is no penalty fee for not using a permit or portion of a permit.

16. Permits are not transferable but can be varied by the addition or omission of persons covered.

17. The Minister of Foreign Affairs can impose additional conditions on permits in order to minimise the effects of the activity on the Antarctic environment.

Other Procedural Requirements

18. There are no other administrative processes required.

19. No applicable.

14 MARINE ANIMALS

Outline of Systems

1. The import and export of marine mammals (including marine mammal products) is governed by both CITES and the Marine Mammals Protection Act 1978 (sections 4(2), (5), and (6)). A permit is

required to hold any marine mammal (or marine mammal product) except in the circumstances set out in section 4(5) Marine Mammals Protection Act (MMPA), and any institution or individual wishing to export or import such material must apply for a permit from the Department of Conservation to do so. The Marine Mammals Protection Act specifies particular aspects that must be considered when assessing an application for such a permit, which include:

- The need to conserve, protect, or manage any marine mammal;
- Any international agreement to which New Zealand is a party;
- Any submissions received.

Purposes and Coverage of Licensing

2. Permits to import/export issued under the Marine Mammals Protection Act include all live or dead marine mammals, and all marine mammal products (with the exception of marine mammal material being an ornament or an item for personal use or adornment made wholly or principally from any part or parts of a marine mammal, if the marine mammal product accompanies that person from or into New Zealand or comprises part of that person's belongings and was in existence in a similar form as at the commencement of this Act) (see s.4(5) MMPA).

3. The system applies to goods originating in and coming from all countries.

4. A function of the Department of Conservation, under the MMPA, is to protect, conserve and manage marine mammals in New Zealand and in New Zealand fisheries waters. The most effective way to manage and minimise human impact on marine mammals is through a permitting system. New Zealand has no specific quantity or value limits on the import/export of marine mammal material.

5. Marine Mammals Protection Act 1978. The legislation would require amending to remove the requirement for import/export permits. It is not possible to abolish the system without legislative approval.

Procedures

6. Not applicable.

7.(a) At least 12 weeks is the minimum preferable.

(b) No.

(c) No.

(d) Yes, applications can be dealt with under delegated authority from the Minister of Conservation by the Department of Conservation's staff.
DOC is the administering authority but permit applications may require a statutory process of public consultation (28 days). Permit applications that relate to an emergency situation or to the taking of any marine mammal solely for the purposes of research may not require public consultation (at the discretion of the Minister) – see section 5(6) MMPA.

8. There are no circumstances where a permit may be declined other than the criteria specified in the Marine Mammals Protection Act. Yes, reasons for refusal are given to the applicant. Applicants have no right of appeal (see section 6 MMPA) but could apply for judicial review if administrative law failure present.

Eligibility of Importers to Apply for Licence

9.(a) Not applicable.

(b) All persons, firms and institutions are eligible to apply if they meet the criteria specified in the Marine Mammals Protection Act.

Documentational and Other Requirements for Application for Licence

10. The applicant is required to provide the following:

(a) The full name and address of the applicant, whether or not the applicant is a New Zealand citizen, and details of such qualifications and experience as the applicant considers will assist the Minister in his consideration of the application;

(b) In the case of an intended research project, a full description of the project or programme in which the marine mammal to be taken will be used, a complete list of the sponsors or co-operating institutions concerned with the project, and the names and qualifications of any scientists involved;

(c) Where the marine mammal is for display or zoological purposes, details relating to the facilities where the mammal taken will be held or displayed or, if a certificate has been issued in respect of any zoological garden pursuant to regulations made under section 25 of the Animals Act 1967, details of the certificate;

(d) Where a marine mammal is to be captured, the number of persons to be involved, the population or area from which it is proposed to take the mammal, and details of the proposed methods of capture and transportation.

Sample form: https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/marine-mammal-permits/marine-mammals-for-non-research-purposes-12b.doc

11. CITES documentation and Marine Mammals Protection Act permit.

12. Permit processing fees are applicable and vary among applications according to the work involved in permit processing, and whether the application would require gazettal. General power to charge fees given under section 60A-C Conservation Act.

13. On receipt of a permit application, DOC provides an estimate of the cost of permit processing to the applicant and requires a lodging fee/deposit prior to initiating processing. DOC is able to waive the fees under certain circumstances.

Conditions of Licensing

14. Varies among permits and may be varied by permit amendment. A permit may be extended by application to do so being granted by the Minister's delegate.

15. No.

16. Permits may be transferred to another person with the prior consent of the Minister after an appropriate application. Such transfers are likely to be subject to conditions.

17. Conditions may be prescribed as per section 7 of the Marine Mammals Protection Act.

Other Procedural Requirements

18. Not applicable.

19. Not applicable.

15 OFFENSIVE WEAPONS (KNIVES, BAYONETS, AND KNUCKLE DUSTERS)

Outline of Systems

1. The Customs Import Prohibition Order 2017 (replaced by the Customs Import Prohibition (Offensive Weapons) Order 2021 on 1 October 2021) prohibits the importation of the offensive weapons listed below, except with the consent of the Commissioner of Police.

Applicants for a consent to import the above offensive weapons may apply to the Operations Manager: permits, visitor and licence Cards, Arms Safety and Control, New Zealand Police; or the Director Firearms Safety: Arms Safety and Control, New Zealand Police.

Purposes and Coverage of Licensing

2. The permitting regime applies to all of the offensive weapons listed below:

- Knuckledusters, knives incorporating knuckledusters, swordsticks (including, without limitation, any identifiable components of swordsticks), and any weapon disguised to give the appearance of another article.
- Any knife having a blade that opens automatically by hand pressure applied to a button, spring, or other device in or attached to the handle of the knife (sometimes known as a flick knife or flick gun).
- Any knife having a blade that is released from the handle or sheath by the force of gravity or the application of centrifugal force, and that, when released, is locked in place by means of a button, spring, lever, or other device (sometimes known as a gravity knife or butterfly knife).
- Any knife, with the exception of a folding pocketknife with a blade less than 10cm in length, that:

  (a) is designed for ease of concealment on the person; or
  (b) has a blade with at least two edges that is designed or suitable for stabbing or throwing (as opposed to cutting); or
  (c) is a knife of any of the kinds sometimes known as a fist knife, gimlet knife, punch dagger, push dagger, push dirk, push knife, T-handled knife, or throwing knife.

- Bayonets.

3. The system applies to goods originating in and coming from all countries.

4. The purpose is the control of offensive weapons.

5. Customs Import Prohibition Order 2017.

Procedures

6. Controls on the importation of offensive weapons is not subject as to the quantity or value of the imports. The importation of offensive weapons is constrained by the purpose for which the applicant wishes to possess the weapon, and their suitability to do so.

7.(a) Permission to import is required before the offensive weapon is imported into New Zealand. Permission may only be issued on the basis of an application made in writing.

(b) No.

(c) No.

(d) Yes, New Zealand Police manages the offensive weapons import permit regime.

8. The application for permission to import may be refused at the discretion of Police. A reason is required to be provided and is subject to judicial review.

Eligibility of Importers to Apply for Licence

9. Yes. Upon receiving an application in writing police consider the purpose for which the applicant wishes to import the weapon and their suitability to possess that weapon.

Documentational and Other Requirements for Application for Licence

10. The applicant is required to complete a standard form.

11. The permission to import is required to be presented to the New Zealand Customs Service.

12. There is currently no charge.

13. No.

Conditions of Licensing

14. Permission to import offensive weapons is valid for one year from date of issue.

15. No.

16. The permission to import is personal to the person it is issued to.

17. Conditions may be placed on the permission to import.

Other Procedural Requirements

18. No.

19. No.

16 OZONE DEPLETING SUBSTANCES

Outline of Systems

1. Imports of ozone depleting substances and specified synthetic greenhouse gases controlled under the Ozone Layer Protection Act and Regulations 1996 require consent from the Environmental Protection Authority (EPA). How consent is obtained depends on the substance and/or intended use.

Purposes and Coverage of Licensing

2. As above.

3. The system applies to goods originating in and coming from countries who are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer and its various amendments.

4. The purpose is to help protect human health and the environment from adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer by phasing out ozone depleting substances as soon as possible except for essential uses and giving effect to New Zealand's obligations under the Vienna Convention and the Montreal Protocol.

5. The Ozone Layer Protection Act 1996, and the Ozone Layer Protection Regulations 1996, implement our obligations under the Vienna Convention and the Montreal Protocol. Controlled ozone depleting substances and products containing ozone depleting substances are listed in the Regulations, and restrictions on these are also in the Regulations. It is not possible for the government (or the executive branch) to abolish the system without legislative approval. A 2019 amendment to the Regulations extended coverage to hydrofluorocarbons (HFC) that are subject to the Kigali Amendment to the Montreal Protocol. From 1 January 2020 a permit from the EPA is required before bulk HFC can be imported, exported or transhipped, into or through New Zealand.

The Act:
http://www.legislation.govt.nz/act/public/1996/0040/latest/DLM391469.html?search=ta_act_O_ac%40ainf%40anif_an%40bn%40rn_25_a&p=3

The Regulations:
http://www.legislation.govt.nz/regulation/public/1996/0222/latest/DLM217751.html?search=ta_regulation_O_rc%40rinf%40rnif_an%40bn%40rn_25_a&p=1

Procedures

6.I. Information on formalities of filing applications for licences is published on the Environmental Protection Authority website: https://www.epa.govt.nz/industry-areas/hazardous-substances/ozone-depleting-substances/import-ozone-depleting-substances/

II. A quota system is took effect from 1 January 2020 for imports for domestic use of bulk, new hydrofluorocarbons controlled by the Kigali Amendment to the Montreal Protocol. The regulations concerning permitting processes came into effect on 18 February 2019 so that permits could be issued before 1 January 2020.

The quota is in two pools and the size of these for each is prescribed in the Regulations. The total available for allocation enables New Zealand to comply with the phase-down required by the Kigali Amendment. The first pool, grandparented, is reserved for those holding eligibility. Eligibility is based on the proportion of New Zealand imports that the importer imported between January 2015 and December 2017 and the grandparented pool is allocated in the same proportions. A special pool is also available and allocation is made once a year for the following year's allocation of this pool. Permits for the grandparented pool are for a calendar year and these are issued prior to the beginning of the year; applications close on 1 September for the following year. Applications for the special pool close 1 July. Permits issued are issued at the beginning of the year; applications close on 1 September and permits are valid from 1 January the following year. Applications for the special pool close on 1 July; special permits issued are valid from 1 January the following year and may be for the duration of one to three calendar years.

III. No.

IV. The grandparented pool is open to applications any time before 1 September for the following year and the special pool is open for applications up to 1 July for the following year. Applications for special permits are all processed concurrently after the closing date for applications.

V. The EPA has 40 working days in which to request further information if required. If all information is present and correct, permits can be issued in a shorter time frame after the closing of applications.

VI. Permits can be used to import on the same day as issue other than permits for new, bulk HFCs. These HFC permits are valid from 1 January for each year.

VII. Yes – one single administrative organisation, the Environmental Protection Authority.

VIII. Not applicable except for HFCs. The grandparented pool was allocated in proportion to each importer's imports of HFCs for the 2015, 2016 and 2017 calendar years. The special pool, if allocated, is allocated according to the energy efficiency and environmental advantages of the HFCs' use, the possibility of adverse economic and social impacts if the application is refused, and the quantity of HFCs available for import in the pool.

IX. Yes, import licenses are required, they are not issued automatically.

X. Not applicable.

XI. No.

7.(a) No set time limit, depends on timing of commercial arrangements. No ability to fast track a licence but import exemptions for e.g., inadvertency can be applied for up to 10 days after arrival.

(b) No.

(c) No, except for HFC permits. Applications for permits for the following year close 1 July for the special pool and 1 September for the grandparented pool.

(d) Yes - one single administrative organisation, the Environmental Protection Authority.

8. No additional reasons as to why a request would be refused. Appeal against an adverse decision is possible to the High Court.

Eligibility of Importers to Apply for Licence

9.(a) Only those with eligibility can apply for permits for HFCs from the grandparented pool. All persons, firms and institutions are eligible to apply for HFCs from the special pool.

(b) All persons, firms and institutions are eligible to apply.

Documentational and Other Requirements for Application for Licence

10. Requirements are set out in the Regulations and published on the website. Documents the importer is required to supply vary with the substance to be imported.

Regulations-
http://www.legislation.govt.nz/regulation/public/1996/0222/latest/DLM217751.html?search=ta_regulation_O_rc%40rinf%40rnif_an%40bn%40rn_25_a&p=1

Website giving requirements and application forms for hydrofluorocarbons (HFCs):
https://www.epa.govt.nz/industry-areas/hazardous-substances/hfcs/types-of-permit/

Website giving requirements and application forms for methyl bromide and other ozone depleting substances (other than HFCs):
https://www.epa.govt.nz/industry-areas/hazardous-substances/ozone-depleting-substances/importing-or-exporting-ozone-depleting-substances-in-new-zealand/

11. Letter from the Environmental Protection Authority containing a permit number.

12. No.

13. Not applicable.

Conditions of Licensing

14. The period of validity of a licence is either a calendar year or up to twelve months depending on the substance to be imported.

15. Yes, permits can be cancelled for non-use.

16. No.

17. Yes, depending on the substance, determined on a case-by-case basis.

Other Procedural Requirements

18. The New Zealand Emissions trading scheme was created through the Climate Change Response Act 2002 (the Act). The Act was passed in recognition of New Zealand's obligations under the Kyoto Protocol. It is the primary method for the New Zealand Government to achieve its long-term commitment to reduce our greenhouse gas emissions.

'Emissions trading' is a market-based approach for reducing emissions of greenhouse gases. The ETS puts a price on emissions, by charging certain sectors of the economy for the greenhouse gases they emit. On an annual basis these sectors must calculate their emissions by submitting an emissions return.

19. Not applicable.

17 PSYCHOACTIVE SUBSTANCES

Outline of systems

1. New Zealand regulates trade in psychoactive substances (that are otherwise unregulated) under the Psychoactive Substances Act 2013 (the Act). The purpose of the Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to,

individuals who use psychoactive substances. For the purposes of the Act, a psychoactive substance is something that produces a psychoactive effect in an individual such as a high, euphoria, visions or changes to a person's mood, when taken. The definition of a psychoactive substance includes the finished product. The Act does not control precursor substances. The New Zealand legislation to regulate rather than prohibit psychoactive substances is a world first.

An importer must hold a licence to import psychoactive substances. Licences to import are issued and authorised by the Psychoactive Substances Regulatory Authority (the Authority), which is part of the Ministry of Health. New Zealand does not require individual imports to be licensed, but each import must be notified to the Psychoactive Substances Regulatory Authority before arriving in New Zealand. The Authority does not issue licences to export but psychoactive substances can only be exported by a person who holds a licence to import, manufacture, research or sell approved or unapproved psychoactive substances. Individual exports must be notified to the Authority beforehand.

Purposes and Coverage of Licensing

2. The licensing regime applies to the importer of any substance that may be used for a psychoactive effect, unless it is already regulated under another enactment.

3. The system applies to goods originating in, and arriving from, all countries.

4. Licensing is intended to ensure that psychoactive substances are only imported by persons with lawful reason to do so. The system is intended to reduce risks to the public by removing untested and potentially harmful products from being sold and introducing a pre-market approval scheme with testing requirements and retail restrictions for low-risk psychoactive substances. A restriction on using trials that involve animal testing to support a product approval application was introduced when the Act was amended in May 2014, this restriction has resulted in no products being approved under the Act.

5. Licences are required by and issued under the Act. The licensing provisions are set out in Part 2 of the Act.

The Act applies to all substances capable of inducing a psychoactive effect in a person, except substances already regulated such as alcohol, medicines, controlled drugs and foods.

It is not possible for the government (or executive branch) to abolish the system without legislative approval.

Procedures

6. Not applicable, there are no quantity restrictions on imports.

7.(a) Licences must be held in advance of importation, and the importation must be notified to the Authority before imports arrive in New Zealand.

(b) No.

(c) To obtain an import licence, a person must submit an application in the prescribed manner. There are no limitations as to the period of the year during which application for importation of a consignment may be made.

(d) Licences are issued by the Authority. The Authority must be notified of individual shipments before they arrive in New Zealand. The Authority notifies the New Zealand Customs Service when informed of an import. The importer only has to approach the Authority.

8. Licences may be refused if the application is incomplete or misleading, or if the applicant is not a fit and proper person to hold a licence. Consideration of whether a person is fit and proper includes consideration of previous non-compliance, or likely future non-compliance, and relevant criminal history. If the Authority proposes to refuse a licence it must inform the applicant of the reasons for the proposed refusal and provide a reasonable opportunity to respond. The applicant may appeal to

the Psychoactive Substances Appeals Committee established under section 45 of the Act. Appeals are by way of rehearing.

Eligibility of Importers to Apply for a Licence

9. Any person (including bodies corporate) can apply for a licence to import. The application fee is $NZ2500 with an annual licensing levy of $NZ7,500. Licensed importers are listed on the New Zealand Ministry of Health's website at https://www.health.govt.nz/our-work/regulation-health-and-disability-system/psychoactive-substances-regulation/licences-psychoactive-substances.

Documentational and Other Requirements for Application for Licence

10. A copy of the licence application form can be found here: https://www.health.govt.nz/our-work/regulation-health-and-disability-system/psychoactive-substances-regulation/how-get-licence.

To support the application, an applicant must provide:

- NZ Police vet request and consent form;
- The NZ Police vet and Australian History check form can be found in "Forms and Guides" at http://www.police.govt.nz/advice/businesses-and-organisations/vetting/forms-and-guides;
- Copies of two forms of identification that have been witnessed and signed by a trusted referee
- Referee's contact details.

11. Only the standard Customs clearance documentation is required.

12. The application fee for a licence to import is $NZ2,500 with an annual licensing levy of $NZ7,500. There is no charge for individual import clearance.

13. Not applicable.

Conditions of Licensing

14. Licences are normally valid for three years, but may be renewed by submitting a new licence application to the Authority prior to expiry.

15. No.

16. No.

17.(a)N/A – there are no quantitative restrictions on products.

(b) Section 17 of the Act places compulsory conditions on licences. For licences to import, these conditions are:

- before each importation of a psychoactive substance by the licence holder,—
  - advise the Authority of the importation; and
  - provide to the Authority particulars of—
    - the name and quantity of the psychoactive substance to be imported; and
    - the intended date of the importation.
- every licence that the licence holder must—
  - keep, in a secure place at the licence holder's place of business, any records required to be kept by the licence holder by the regulations; and
  - retain those records for the period of time prescribed in the regulations.
- It is a condition of every licence that the licence holder must, before each exportation of a psychoactive substance by the licence holder,—
  - advise the Authority of the exportation; and
  - provide to the Authority particulars of—
    - the name and quantity of the psychoactive substance to be exported; and
    - the intended date of the exportation.

Under section 18 of the Act, the Authority may, when granting a licence, impose any other conditions on the licence in addition to a relevant condition specified in section 17 that the Authority thinks fit.

Other Procedural Requirements

18. No.

19. Not applicable.

18 RADIOACTIVE SUBSTANCES

Radiation Safety Act 2016 and Radiation Safety Regulations 2016

Outline of Systems

1. The Office of Radiation Safety (ORS) administers New Zealand's radiation safety legislation. The Radiation Safety Act 2016 (the Act) defines radioactive material and sets out the requirement for import consents. The Radiation Safety Regulations 2016 (the Regulations) specify exemptions from the requirement to obtain an import consent.

When a consent is issued, ORS also issues a permit number which the importer then provides to the New Zealand Customs Service (NZCS) in order for the material to be imported. The issue of permit numbers on consents is not a legislative requirement, but is an arrangement made between ORS and NZCS for transborder monitoring purposes. NZCS provides a list of permit numbers generated by their system to ORS on a quarterly basis.

Purposes and Coverage of Licensing

2. High-activity sealed radioactive material (i.e., IAEA category 1 or 2), low-activity (i.e., IAEA category 3 - 5) sealed radioactivity material and low-activity unsealed radioactive material are the main product categories of the consent system. For the import of sealed radioactive material, a single occasion import consent is issued. For low activity unsealed radioactive material (e.g., radiopharmaceuticals), a consent that authorises more than one importation can be issued. The maximum consent term for all types is one year.

3. The system applies to goods originating in and coming from all countries.

4. The consent system forms part of the national regulatory system designed to ensure as far as practicable the safety and security of radioactive sources.

5. Section 13(c) of the Radiation Safety Act 2016 prohibits the importation of radioactive material without a consent. Regulations 10 to 12 of the Radiation Safety Regulations 2016 exempt specified material from consenting requirements and regulation 14 exempts imports where the material is immediately exported. There is no administrative discretion to amend these requirements. The executive cannot amend the requirements of the Act without legislative approval.

Procedures

6.I. For low-activity unsealed radioactive material, there is no quantitative limit on an overall amount, a conditions is imposed on allowed radioactivity levels for certain isotopes (A2 value) per consignment. This information is not published online. Please see below for the conditions.

This consent does not authorise the sale of:

1. *natural uranium, depleted uranium (other than used in shielding or transport containers), thorium, Pu-239, U-233 or uranium enriched in the nuclides 235 or 233, or*
2. *radioactive materials in any one consignment exceeding the A2 values in the International Atomic Energy Agency Regulations for the Safe Transport of Radioactive Materials ("the Regulations"), or*
3. *radioactive materials in any one month exceeding two times the A2 values in the Regulations.*

Examples of A2 values are (in TBq):

- *H-3: 40 C-14: 3 P-32: 0.5 P-33: 1 S-35: 3 Ca-45: 1 Cr-51: 30 Co-57: 10;*
- *Co-58: 1 Ga-67: 3 Se-75: 3 Sr-89: 0.6 Y-90: 0.3 Mo-99: 0.6 Tc-99m: 4 In-111: 3;*

- *I-123: 3 I-125: 3 I-131: 0.7 Xe-133: 10 Au-198: 0.6 Tl-201: 4 F-18: 0.6 Fe-55: 40.*

II. The quotas are determined based on the allowed activity levels indicated in I. All consents are valid for 12 months from the date of issue.

III. There are no limitations on granting consents for certain goods to domestic producers of like goods. Certain transactions can be traced by New Zealand Customs Services either by permit numbers or names of importers. The Director for Radiation Safety may, for the purpose of the Radiation Safety Act 2016, disclose any information obtained or made available under Section 35 to any agency inside or outside New Zealand.

IV. Not applicable to radioactive material.

V. Three-ten working days.

VI. All consents are valid for 12 months from the date of issue.

VII. Yes, if products only contain radioactive material. If a product contains a radioactive material and psychoactive substance, an applicant must approach the right organisation for a separate authorisation apart from a consent issued by ORS for a radioactive material.

VIII. There is no maximum amount of consents allocated per applicant. The NZ regulator has been able to meet the demand for consents requested and the administrative procedure to process received applications is on the first come first served basis.

IX. Not applicable

X. Not applicable

XI. No

7.(a) Five-ten working days.

(b) In exceptional circumstances, consent can be granted within a few hours following the receipt by ORS of an application and payment of the corresponding fee can be made after the issue of consent.

(c) No.

(d) Importers make a single application to ORS. In some cases ORS will seek a technical opinion from the Institute for Environmental Science and Research before issuing the consent. This is an internal process and does not require multiple approaches by the importer.

8. Applications may be refused on security or safety grounds. Refusals are rare because most applications are for justified reasons. However, in the case of a refusal the reasons are given to the applicant. Section 48 of the Radiation Safety Act provides for appeals.

Eligibility of Importers to Apply for Licence

9.(a) Not applicable.

(b) Yes.

Documentational and Other Requirements for Application for Licence

10. The information required for applications and application forms are available from the Office of Radiation Safety.

https://www.health.govt.nz/our-work/ionising-radiation-safety/buy-sell-and-import-export-radiation-sources/import-or-export-radioactive-material

11. Notification of arrival or departure of material – no prescribed form.

12. For a single consignment consent to import of IAEA category 1 or 2 radioactive material - $300. For a single consignment import consent of IAEA category 3, 4 or 5 radioactive material - $80. For an ongoing consent to import multiple consignments of unsealed radioactive material over a one-year period - $400.

13. No.

Conditions of Licensing

14. One year which cannot be extended.

15. No.

16. No.

17.(a)Not applicable.

(b) Yes. Quantitative restrictions apply to multiple consignment consents. Restrictions are in the form of quarterly limits on the total activity of individual radionuclides imported.

Other Procedural Requirements

18. All persons who manage or control radioactive sources must have a source licence. The importer can only transfer material to a person or organisation who holds such a licence.

19. The payment of all fees is required to be in New Zealand dollars.

19 SODIUM FLUOROACETATE (1080)

Outline of Systems

1. Sodium fluoroacetate is controlled under the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and the Health and Safety at Work Act 2015 (HSW Act). In addition, the Health and Safety at Work (Hazardous Substances) Regulations 2017 regulate the import, handling, storage and use of sodium fluoroacetate. Under these regulations, a person conducting a business or undertaking (PCBU) who wishes to import sodium fluoroacetate must obtain a certificate of importation from WorkSafe New Zealand before the product is imported to and collected in New Zealand. The import certificate must be presented to New Zealand Customs Service along with collection details before the product can be uplifted at the border.

Purposes and Coverage of Licensing

2. All hazardous substances must be approved under the Hazardous Substances and New Organisms Act 1996 before they can be manufactured in or imported into New Zealand. The issuing of an import certificate to import sodium fluoroacetate is specified in the Health and Safety at Work (Hazardous Substances) Regulations 2017. Before a PCBU imports sodium fluoroacetate, the PCBU must obtain a certificate from WorkSafe (regulation 13.6 (2)(b)) confirming that the PCBU has complied with the criteria in regulation 13.6(2)(a).

3. The system applies to sodium fluoroacetate originating in and coming from all countries.

4. The requirement for an import certificates are to ensure WorkSafe has knowledge of where sodium fluoroacetate is held in New Zealand, along with a requirement of PCBUs holding stocks of sodium fluoroacetate to report annually their holdings to WorkSafe.

5. The regulations under which import certificates for sodium fluoroacetate are required are the Health and Safety at Work (Hazardous Substances) Regulations 2017, regulation 13.6. An import certificate is statutorily required. The requirement is specific to sodium fluoroacetate (Chemical Abstracts Service (CAS) registry number 62-74-8 and does not include formulation products containing sodium fluoroacetate. The New Zealand Government (or the executive branch) cannot abolish the system without legislative approval.

Procedures

6. Not applicable, as New Zealand does not have restrictions on the quantity of imports.

7.(a) A certificate to import sodium fluoroacetate is required before the substance can be collected in New Zealand and cleared through Customs. The processing of an application and issuing of the certificate typically takes one-three business days.

(b) A sodium fluoroacetate import certificate can only be issued after an application for a certificate has been received at WorkSafe, the application is assessed against the criteria in regulation 13.6 (2)(a) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 and a person with statutory authority to issue the certificate has assessed the application. This is not an immediate process.

(c) An application for an import certificate can be made at any time of the year. There are no limitations as to when an application may be made.

(d) The consideration of an application and the decision to issue an import certificate is administered solely by WorkSafe New Zealand.

8. There are no statutory reasons under the Health and Safety at Work (Hazardous Substances) Regulations 2017 to refuse to issue an import certificate if the requirements of regulation 13.6(2)(a) have been met. As there are no statutory reasons to refuse to issue an import certificate there is no provision within the regulations for an applicant to appeal or dispute an application that is refused.

Eligibility of Importers to Apply for Licence

9. All PCBUs are eligible to apply for an import certificate.

Documentation and Other Requirement for Application for Licence

10. The applying PCBU must give WorkSafe written notice of:

(i) the name of the overseas supplier of the sodium fluoroacetate; and
(ii) the quantity of sodium fluoroacetate to be collected; and
(iii) the name of the person collecting it from New Zealand Customs.

A copy of the WorkSafe issued application form is available here: http://www.legislation.govt.nz/regulation/public/2017/0131/25.0/DLM7311051.html.

11. The PCBU must provide a copy of the import certificate to the New Zealand Customs Service along with collection details before the sodium fluoroacetate can be uplifted at the border.

Once an import of sodium fluoroacetate has been cleared through Customs, Customs will advise WorkSafe that the substance has been collected.

12. There is no licensing or administration fee required to apply for an import certificate.

13. There is no payment required.

Conditions of Licensing

14. Not applicable. An import certificate for sodium fluoroacetate does not have an expiry date.

15.There is no penalty for the non-utilization of an import certificate.

16. Import certificates are specific to a PCBU. They are non-transferable between importers.

17. No conditions are attached to an import certificate.

Other Procedural Requirements

18. There are no other administrative procedures under the Health and Safety at Work (Hazardous Substances) Regulations 2017 that are required prior to importation of a consignment of sodium fluoroacetate.

19. Not applicable; an import certificate is issued to a New Zealand entity.

20 TOBACCO CONTROLS

Outline of systems

1. The Customs and Excise Act 2018 was amended (the Customs and Excise (Tobacco) Amendment Act 2020) to make tobacco products, tobacco leaf and tobacco refuse, prohibited imports from 1 July 2020 unless a permit has been granted by the New Zealand Customs Service and the conditions of the permit have been met. The Customs and Excise (Tobacco Products) Amendment Bill included water-pipe tobacco in the import prohibition from 25 May 2022. A permit issued by the New Zealand Customs Service prior to importation is required.

Purposes and Coverage of Licensing

2. The import prohibition applies to all tobacco products (manufactured tobacco), including water-pipe tobacco, tobacco leaf and tobacco refuse imported into New Zealand unless a permit has been issued by the New Zealand Customs Service. Tobacco products are defined to include cigarettes, pipe tobacco, water-pipe tobacco, and hand rolling tobacco but do not include cigars and similar products. The prohibition does not apply to:

- cigars, cigarillos, chewing tobacco, snuff and snus;
- tobacco imported by a person holding a permit issued under new Schedule 3A of the Customs and Excise Act 2018;
- tobacco imported by a person who brings tobacco into the country with them (for example, as part of their duty-free allowance); and
- tobacco that enters New Zealand but only temporarily (for example, as part of an international transhipment).

3. The system applies to goods originating in, and arriving from, all countries.

4. The purpose of the new requirements is to tighten border controls to reduce revenue evasion by increasing Customs' visibility on imports and closing off import channels used by smugglers. The measures are consistent with the principles of the World Health Organisation Framework Convention on Tobacco Control.

5. Section 95A of the Customs and Excise Act 2018 provides for the import prohibition. The details of the permit regime are set out in Schedule 3 clause 3A of the Customs and Excise Act 2018. No tobacco products, including water-pipe tobacco, leaf and refuse, can be received through the international mail. These goods cannot be imported using a registered postal operator. Tobacco must only be imported using a freight forwarder, the fast-freight courier system or as bulk sea or air cargo. Any tobacco products, including water-pipe tobacco, leaf or refuse imported without a permit will be seized and destroyed.

It is not possible for the government (or the executive branch) to abolish the system without legislative approval.

Procedures

6. Not applicable.

7.(a) A permit must be applied for and issued before the goods are imported into New Zealand. Issuance of permits takes 5-10 days on average.

(b) No.

(c) To obtain a permit, a person must submit an application in the prescribed manner. There are no limitations as to the period of the year during which application for importation of a consignment may be made.

(d) Permits are issued by the New Zealand Customs Service.

8. A permit may be refused if the application is incomplete or does not meet the requirements in the legislation. An applicant who is dissatisfied with a decision of the chief executive under clause 3 of Schedule 3A of the Customs and Excise Act 2018 may, within 20 working days after the date on which the notice of the decision is given, appeal to a Customs Appeal Authority against that decision.

Eligibility of Importers to Apply for a Licence

9. Any importer who is over 18 years of age can apply for a permit to import tobacco products as long as they meet the conditions imposed by the Chief Executive of the New Zealand Customs Service.

Documentational and Other Requirements for Application for Licence

10. A copy of the tobacco products application form can be found here:
nzcs-258-application-for-a-permission-to-import-tobacco-products.pdf (customs.govt.nz); and

for tobacco leaf and refuse:
nzcs-259-application-for-a-permission-to-import-tobacco-leaf-or-refuse.pdf (customs.govt.nz)

11. Only the standard Customs clearance documentation is required.

12. There is no permit application fee.

13. Not applicable.

Conditions of Licensing

14. If approved Customs will issue a permit valid for use as per the timeframes below:

For tobacco products including water-pipe tobacco:
- Private importer or commercial importer not holding a deferred payment account: a single use permit (i.e., a single importation);
  valid for 12 months from the date of issue.
- A commercial importer holding a deferred payment account: a multiple use permit valid for three years from the date of issue.
- A Customs-controlled Area (CCA) licensee, being a duty-free store, export warehouse, or licensed manufacturer: a multiple use permit valid for so long as the CCA licence remains in force.

For tobacco leaf or refuse:
If approved Customs will issue a permit valid for use as per the timeframes below:
- An approved importer: a multiple use permit valid for 12 months from the date of issue.
- A Customs-controlled Area (CCA) licensee, being a licensed manufacturer of tobacco products: a multiple use permit valid for so long as the CCA licence remains in force.

15. No.

16. No. A permit to import is not transferable. Attempts to use a permit issued to a third party will result in the permit being revoked.

17.(a)N/A.

(b) There are no quantitative restrictions on permits issued for tobacco products. For permit holders importing tobacco leaf or refuse to be used other than manufacturing tobacco products in an area licensed by Customs, the approved permit will stipulate a maximum quantity that can be imported.

Other Procedural Requirements

18. No.

19. Not applicable.