

18 September 2024

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Thank you for your email of 22 August 2024 in which you request the following under the Official Information Act 1982 (OIA):

- 1. On what basis are general consent export permits granted for controlled goods instead of the other types of export permit (single permit, single temporary permit, multiple permit)?*
- 2. When the Export Controls Team assesses an export permit application, who does it usually consult with in order to assess criteria 2 (consistency with Aotearoa New Zealand's obligations, commitments and policies regarding fundamental principles of international law, as well as international human rights law and international humanitarian law) and criteria 3 (consistency with Aotearoa New Zealand's other international obligations, commitments and policies)?*
- 3. Do end user certificates need to be provided to MFAT where an export permit holder is exporting controlled goods to end users pursuant to a general consent?*

A response to each part of your request is set out below.

Question One:

Information in scope of your question relating to general consent export permits is publicly available on the Ministry of Foreign Affairs and Trade's (the Ministry) website. Therefore, this part of your request is refused under section 18(d) of the OIA, as the information you requested is publicly available: <https://www.mfat.govt.nz/en/trade/export-controls/how-do-i-apply-for-a-permit/which-permit-do-i-need>

Question Two:

When assessing an export permit application, the Ministry's export control team consults with the Ministry's Legal Division on those matters related to criterion 2 and criterion 3. Further information on assessment criterion 2 and 3 is available on the Ministry's website:

- <https://www.mfat.govt.nz/en/trade/export-controls/how-is-my-application-assessed/assessment-criterion-2>
- <https://www.mfat.govt.nz/en/trade/export-controls/how-is-my-application-assessed/assessment-criterion-3>

Question Three:

The Export Controls team may ask exporters to provide an end-user certificate, evidence of foreign government approval, or evidence of import authority.

Further details about end-user certificates can be found on the Ministry website:

<https://www.mfat.govt.nz/en/trade/export-controls/how-do-i-apply-for-a-permit/supporting-documentation>.

In particular, we direct your attention to the document titled *New Zealand End User Certificate Guide*: <https://www.mfat.govt.nz/assets/Trade/New-Zealand-End-User-Certificates-Guide.pdf>

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at:

DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Secretary of Foreign Affairs and Trade