

Export Controls

Pursuant to Section 97 of the Customs and Excise Act 2018

1. The exportation of the goods or electronic publications specified in paragraph (2) is prohibited, except where an exemption applies as set out in paragraph (3), or with the consent of, and subject to any conditions as are imposed by the Secretary of Foreign Affairs and Trade.
2. The goods and electronic publications referred to in paragraph (1) are goods or electronic publications that may be determined by the Secretary of Foreign Affairs and Trade to be goods or electronic publications that are or may be intended for use relating, directly, or indirectly, to any or all of the following:
 - a. the development, production, or deployment of nuclear explosive devices and their means of delivery;
 - b. the development, production, or deployment of biological weapons and their means of delivery;
 - c. the development, production, or deployment of chemical weapons and their means of delivery;
 - d. a military use or application;
 - e. the development, production, or deployment of military goods or other goods that have a civilian use but that are intended for military use or that may have military applications; or
 - f. terrorist acts.
3. Goods or electronic publications, in relation to paragraph (2)(d) and (e), are exempt from the export prohibition if the goods or electronic publications are:
 - a. Consigned for use in Australia, Canada, Iceland, Japan, Norway, South Korea, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America or a member state of the European Union;
 - b. animals, food and beverage, or medical, health and sanitary products;
 - c. parts or components or replacement items for a primary system supplied prior to, or under a pre-existing contract to, the promulgation of the Gazette Notice, and not intended for the testing, development, production or maintenance of weapons;
 - d. parts or components or replacement items for a primary system supplied after the promulgation of the Gazette Notice, and not exempt under (c), and not intended for the testing, development, production or maintenance of weapons,
 - e. exported as part of an official development assistance programme funded by the New Zealand Government;
 - f. exports for which contracts existed prior to the promulgation of the Gazette Notice;
 - g. exports for which renewal of contract negotiations or pre-existing contract negotiations have yet to be completed and those negotiations are concluded within six months of the promulgation of the Gazette Notice and the related exports are completed within one year of the promulgation of the Gazette Notice;
 - h. exports of research for which contract/agreement negotiations or renewal of contracts/agreements are under discussion and such negotiations are concluded within 12 months of the promulgation of the Gazette Notice and those exports are completed within five years of the promulgation of the Gazette Notice; and
 - i. fundamental or basic research.
4. A primary system supplied after the promulgation of the Gazette Notice, and not exempt under 3(g), may be subject to a condition imposed by the Secretary of Foreign Affairs and Trade in accordance with paragraph 1, that the subsequent supply of parts or components or replacement items are exempted under paragraph 3(d) for as long as the situation at the time of approval stands. Any significant change in circumstances may need to be considered and the exemption for those parts or components or replacement items withdrawn.
5. Military use or applications, in relation to paragraph (2)(d) and (e), is defined as: “goods or electronic publications incorporated into weapons, or used in the production, maintenance or testing of weapons, or to materially enable or support operations and activities of a military or internal security nature”.
6. Fundamental or basic research means “experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective”.
7. A terrorist act is as defined under section 5 of the Terrorism Suppression Act 2002.

Dated this 7th day of September 2020.

CHRIS SEED, Secretary, Ministry of Foreign Affairs and Trade.

