Australian Customs Notice 2001 01

**ENTRY REQUIREMENTS FOR SPARTECA (TCF PROVISIONS) SCHEME**

On 28 February 2001, Customs Tariff Proposal No. 1 (2001) was tabled in Parliament. Australian Customs Notice No. 2001/16 refers.

This proposal included the creation of a new item 68 in Schedule 4 to the *Customs Tariff Act 1995* (the Tariff). Item 68 allows certain goods to be entered duty free from March 2001 under the SPARTECA (TCF Provisions) Scheme ("the Scheme"). This item covers:

"*Goods that are Qualifying Goods, as defined in the Terms and Conditions of the SPARTECA (TCF Provisions) Scheme, entered for home consumption on or before 31 December 2004*".

## Terms and Conditions of the Scheme

The Scheme enables certain goods that are not entitled to duty free entry under SPARTECA to enter duty free under item 68, providing specific conditions are met. Detailed Terms and Conditions of the Scheme are available from the Department of Industry, Science and Resources at the address below.

## Registration

Only goods from Forum Island Country (FIC) manufacturers registered under the Scheme can be entered under item 68. FIC manufacturers wishing to register for the Scheme should address their applications to:

# SPARTECA (TCF Provisions) Scheme TCF Policy Unit

*Department of Industry, Science and Resources GPO Box 9839*

# CANBERRA, ACT 2601 AUSTRALIA

**Entry requirements** SPARTECA

Goods meeting the SPARTECA provisions for duty free entry will continue to be entered in the same way as they have been previously. The requirement for importers to obtain appropriate declarations from FIC manufacturers will remain. There will be no change to the format of the standard SPARTECA declaration, a copy of which is

at [Attachment 1](https://borderauthor.border.gov.au/Customsnotices/Documents/acn0101a1.pdf).

SPARTECA (TCF Provisions) Scheme

Before entering goods under item 68, importers must obtain declarations from relevant FIC manufacturers stating that the goods are "Qualifying Goods" under the Scheme, in accordance with the Customs Declaration Form for the Scheme at [Attachment 2](https://borderauthor.border.gov.au/Customsnotices/Documents/acn0101b1.pdf).

Importers must also ensure that the goods are classified within a heading or subheading of Schedule 3 to the Tariff specified in Appendix A to the Terms and Conditions of the Scheme, and meet any other requirements of that Appendix.

Duty free entry of goods that qualify under the Scheme can be obtained by quoting the following information on an entry for home consumption, in addition to any other entry data required:

the treatment code for item 68 (currently 468); preference indicator "X"; and

the reference numbers (know as ELAC IDs) that are cited in the manufacturer's declaration in relation to those goods. *Note: ELAC ID(s) must be input on the "Goods Description" line of the entry.*

## Failure to substantiate a claim

Importers of goods from FIC manufacturers are expected to familiarise themselves with the provisions of SPARTECA and the Terms and Conditions of the Scheme. Importers are also expected to make reasonable enquires about preference entitlement under SPARTECA or compliance with the Scheme with their FIC sources before entering goods.

Failure to substantiate a claim for duty free entry under SPARTECA or item 68 will mean that the general rate of duty for the classification of the goods in Schedule 3 to the Tariff will apply. In addition, duty free entitlement for all goods entered in the preceding 12 months will be reviewed. For on going shipments, the general rate of duty for the tariff classification of the goods will apply until such time as entitlement to duty free entry is substantiated.

In ordinary circumstances, penalties under section 243T of the *Customs Act 1901* will not be imposed against importers who have relied on claims made in the FIC manufacturer's declaration, which subsequently fail to be substantiated.

## Inquiries

Any questions on the Terms and Conditions of the Scheme should be directed to Greig Ryan, Assistant Manager TCF Policy Unit, Department of Industry, Science and Resources on (02) 6213 7779.

Any questions on SPARTECA, the calculation of local area content and entry under item 68 should be directed to Lyndall Milward-Bason, Assistant Director Origin, Australian Customs Service, on (02) 6275 6551.

Any questions on tariff classification should be directed to Brian Thomas, Assistant Director Tariff Classification, Australian Customs Service, (02) 6275 6465.

TOM MARSHALL

Acting National Manager Tariff

for

Chief Executive Officer