

# ExportNZ Update on US Tariffs Post-Supreme Court Decision 23 February 2026

## **Key Points for NZ Exporters:**

- The Trump Administration has announced a new 15% tariff under Section 122 of the US Trade Act 1974, which is expected to apply to the majority of New Zealand goods exported to the United States.
- This 15% rate replaces the previous IEEPA "reciprocal tariff" and is the same headline rate New Zealand exporters were facing prior to the Supreme Court ruling.
- Previously announced tariff exemptions for certain agricultural goods (including kiwifruit, beef, and avocados) are expected to remain in place, although exporters should confirm classification at the HS-code level.
- The Section 122 tariff does not generally stack on top of existing Section 232 tariffs. However, for Section 232 steel, aluminium, and copper products where the value of metal and non-metal content must be separated, the Section 122 tariff applies to the non-metal portion.
- Exporters who are uncertain about how these changes affect their shipments should speak with their customs broker, freight forwarder, and US-based customers as soon as possible.

## **What did the US Supreme Court say?**

On early Saturday morning (NZ Time), the US Supreme Court came back after deliberating for three months, and ruled (6-3) that President Trump exceeded his authority by imposing the broad "emergency" global tariffs under the International Emergency Economic Powers Act (IEEPA). The Court reaffirmed that only the US Congress has the ability to set tariffs under the US Constitution.

The Supreme Court decision held that the IEEPA did not authorise the ability to implement tariffs, ending any legal basis the Trump Administration had for the broad "reciprocal tariffs" - under which most New Zealand goods to the US faced a 15% percent tariff.

## **How did Trump react?**

During a press conference after the Supreme Court ruling was announced, President Trump immediately announced a new tariff order under a different legal authority (Section 122 of the 1974 Trade Act), which allows for a temporary tariff of up to 15% for 150 days.

During the press conference, Trump announced a 10% rate, but on the 21<sup>st</sup> February, raised that to a 15% tariff on all imports, set to come into force on 24<sup>th</sup> February.

What happens after the 150 days will be of interest, Section 122 does not allow for any automatic extension of the tariffs – that requires a vote by the US Congress.

### **What about other tariffs?**

The Supreme Court decision does not affect other tariffs that the Trump Administration has introduced, this includes the Section 232 tariffs on products such as steel, aluminium, copper, or timber. Nor does it impact the Section 232 investigations into other product categories such as pharmaceuticals.

The Sections 301 tariffs on specific countries also remain in place.

These tariffs aren't affected by the decision because they do not use powers under the IEEPA, they have legal basis in the US Trade Act 1974.

It is unclear how this new rate affects the countries that had signed "trade deals" with the US over the past 12 months.

Section 122 tariffs will not generally stack on top of current Section 232 tariffs. However, for Section 232 steel, aluminum, and copper tariffs where metal content valuation and non-metal content valuation must be determined, Section 122 tariffs will apply to the non-metal content.

It is highly possible that we also see an expansion of the Section 232 derivatives list (i.e. goods made of steel, aluminium, copper, or timber). These tariffs are particularly problematic for exporters to manage, because they apply to the specific value of the material in the product.

### **Did someone say refunds?**

Since the introduction of "reciprocal tariffs" in April 2025, US Customs has collected at least US\$130 billion. Given the highest court in the US just ruled the gathering of these tariffs to be illegal, there are serious calls for the collected tariffs to be returned.

If possible, these tariffs would be claimed and returned to the importer of record, the party that originally paid the tariff to US Customs.

However, the Supreme Court decision did not directly address the issue of refunds, so the subject is likely to drag on through the US Court of International Trade for several years, without any refunds paid until a final, unappealable ruling.

It's highly unlikely that any refunds will trickle through to New Zealand exporters, but they could help US businesses continue to operate.

### **How does New Zealand fare?**

There is still a lot that is unclear, although New Zealand trade, overall, has remained strong going into the US.

Late last November, Trump had removed tariffs on a number of agricultural goods, including kiwifruit, avocados, and beef – according to the President’s [statement on the new tariffs](#), these goods will continue to be exempt from the new Section 122 tariffs (See Point 14 and Annex. I & II).

New Zealand has had a 15% “reciprocal” tariff since August 2025, whereas some of our main competition in the US market, including Australia, Argentina, and the UK maintained a 10% “reciprocal” tariff. Trump’s announcements over the weekend mean that (FTAs and trade deals aside), New Zealand is on par with all other countries exporting to the US.

### **What now?**

There is a lot of work to do to understand the changes, and plenty remains unclear. Like last year, there will be plenty of uncertainty as the Trump Administration continues to act out after what they will see as a disappointing decision by the Supreme Court.

This won’t be the end of tariffs; they will continue to be a crucial pillar in the Trump Administration’s economic agenda, and the Administration has other tariff tools in the toolbox.

The Administration has already said that it will launch further investigations under Section 232 (national security) and Section 301 (unfair trade practices). It’s very possible that we might even see higher tariff rates on specific product categories or countries after these investigations.