CONVENTION INTERNATIONALE

POUR LA SIMPLIFICATION ET L'HARMONISATION DES REGIMES DOUANIERS

(amendée)

Conseil de Coopération douanière
(Organisation Mondiale des Douanes)

Rue du Marché 30
B-1210 Bruxelles



INTERNATIONAL CONVENTION

ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES

(as amended)

Customs Co-operation Council
(World Customs Organization)

Rue du Marché 30
B-1210 Bruxelles

APPENDIX I

INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (as amended)

PREAMBLE

The Contracting Parties to the present Convention established under the auspices of the Customs Co-operation Council,

ENDEAVOURING to eliminate divergence between the Customs procedures and practices of Contracting Parties that can hamper international trade and other international exchanges,

DESIRING to contribute effectively to the development of such trade and exchanges by simplifying and harmonizing Customs procedures and practices and by fostering international co-operation,

NOTING that the significant benefits of facilitation of international trade may be achieved without compromising appropriate standards of Customs control,

RECOGNIZING that such simplification and harmonization can be accomplished by applying, in particular, the following principles :

the implementation of programmes aimed at continuously modernizing Customs procedures and practices and thus enhancing efficiency and effectiveness,

the application of Customs procedures and practices in a predictable, consistent and transparent manner,

the provision to interested parties of all the necessary information regarding Customs laws, regulations, administrative guidelines, procedures and practices,

the adoption of modern techniques such as risk management and audit-based controls, and the maximum practicable use of information technology,

co-operation wherever appropriate with other national authorities, other Customs administrations and the trading communities,

the implementation of relevant international standards,

the provision to affected parties of easily accessible processes of administrative and judicial review,

CONVINCED that an international instrument incorporating the above objectives and principles that Contracting Parties undertake to apply would lead to the high degree of simplification and harmonization of Customs procedures and practices which is an essential aim of the Customs Co-operation Council, and so make a major contribution to facilitation of international trade,

Have agreed as follows :

CHAPTER I

Definitions

Article 1

For the purposes of this Convention :

(a) ***"Standard"*** *means a provision the implementation of which is recognized as necessary for the achievement of harmonization and simplification of Customs procedures and practices;*

(b) ***"Transitional Standard"*** *means a Standard in the General Annex for which a longer period for implementation is permitted;*

(c) ***"Recommended Practice"*** *means a provision in a Specific Annex which is recognized as constituting progress towards the harmonization and the simplification of Customs procedures and practices, the widest possible application of which is considered to be desirable;*

(d) ***"National legislation"*** *means laws, regulations and other measures imposed by a competent authority of a Contracting Party and applicable throughout the territory of the Contracting Party concerned, or treaties in force by which that Party is bound;*

(e) ***"General Annex"*** *means the set of provisions applicable to all the Customs procedures and practices referred to in this Convention;*

(f) ***"Specific Annex"*** *means a set of provisions applicable to one or more Customs procedures and practices referred to in this Convention;*

(g) ***"Guidelines"*** *means a set of explanations of the provisions of the General Annex, Specific Annexes and Chapters therein which indicate some of the possible courses of action to be followed in applying the Standards, Transitional Standards and Recommended Practices, and in particular describing best practices and recommending examples of greater facilities;*

(h) ***"Permanent Technical Committee"*** *means the Permanent Technical Committee of the Council;*

(ij) ***"Council"*** *means the Organization set up by the Convention establishing a Customs Co-operation Council, done at Brussels on 15 December 1950;*

(k) ***"Customs or Economic Union"*** *means a Union constituted by, and composed of, States which has competence to adopt its own regulations that are binding on those States in respect of matters governed by this Convention, and has competence to decide, in accordance with its internal procedures, to sign, ratify or accede to this Convention.*

CHAPTER II
SCOPE AND STRUCTURE
Scope of the Convention
Article 2

Each Contracting Party undertakes to promote the simplification and harmonization of Customs procedures and, to that end, to conform, in accordance with the provisions of this Convention, to the Standards, Transitional Standards and Recommended Practices in the Annexes to this Convention. However, nothing shall prevent a Contracting Party from granting facilities greater than those provided for therein, and each Contracting Party is recommended to grant such greater facilities as extensively as possible

Article 3

The provisions of this Convention shall not preclude the application of national legislation with regard to either prohibitions or restrictions on goods which are subject to Customs control.

Structure of the Convention

Article 4

1. *The Convention comprises a Body, a General Annex and Specific Annexes.*

2. *The General Annex and each Specific Annex to this Convention consist, in principle, of Chapters which subdivide an Annex and comprise :*

   (a) definitions; and

   (b) Standards, some of which in the General Annex are Transitional Standards.

3. *Each Specific Annex also contains Recommended Practices.*

4. *Each Annex is accompanied by Guidelines, the texts of which are not binding upon Contracting Parties.*

Article 5

For the purposes of this Convention, any Specific Annex(es) or Chapter(s) therein to which a Contracting Party is bound shall be construed to be an integral part of the Convention, and in relation to that Contracting Party any reference to the Convention shall be deemed to include a reference to such Annex(es) or Chapter(s).

CHAPTER III
MANAGEMENT OF THE CONVENTION
Management Committee
Article 6

1. *There shall be established a Management Committee to consider the implementation of this Convention, any measures to secure uniformity in the interpretation and application thereof, and any amendments proposed thereto.*

2. *The Contracting Parties shall be members of the Management Committee.*

3. *The competent administration of any entity qualified to become a Contracting Party to this Convention under the provisions of Article 8 or of any Member of the World Trade Organization shall be entitled to attend the sessions of the Management Committee as an observer. The status and rights of such Observers shall be determined by a Council Decision. The aforementioned rights cannot be exercised before the entry into force of the Decision.*

4. The Management Committee may invite the representatives of international governmental and non-governmental organizations to attend the sessions of the Management Committee as observers.

5. The Management Committee :

(a) shall recommend to the Contracting Parties :

(i) amendments to the Body of this Convention;

(ii) amendments to the General Annex, the Specific Annexes and Chapters therein and the incorporation of new Chapters to the General Annex; and

(iii) the incorporation of new Specific Annexes and new Chapters to Specific Annexes;

(b) may decide to amend Recommended Practices or to incorporate new Recommended Practices to Specific Annexes or Chapters therein in accordance with Article 16;

(c) shall consider implementation of the provisions of this Convention in accordance with Article 13, paragraph 4;

(d) shall review and update the Guidelines;

(e) shall consider any other issues of relevance to this Convention that may be referred to it;

(f) shall inform the Permanent Technical Committee and the Council of its decisions.

6. The competent administrations of the Contracting Parties shall communicate to the Secretary General of the Council proposals under paragraph 5 (a), (b), (c) or (d) of this Article and the reasons therefor, together with any requests for the inclusion of items on the Agenda of the sessions of the Management Committee. The Secretary General of the Council shall bring proposals to the attention of the competent administrations of the Contracting Parties and of the observers referred to in paragraphs 2, 3 and 4 of this Article.

7. The Management Committee shall meet at least once each year. It shall annually elect a Chairman and Vice-Chairman. The Secretary General of the Council shall circulate the invitation and the draft Agenda to the competent administrations of the Contracting Parties and to the observers referred to in paragraphs 2, 3 and 4 of this Article at least six weeks before the Management Committee meets.

8. Where a decision cannot be arrived at by consensus, matters before the Management Committee shall be decided by voting of the Contracting Parties present. Proposals under paragraph 5 (a), (b) or (c) of this Article shall be approved by a two-thirds majority of the votes cast. All other matters shall be decided by the Management Committee by a majority of the votes cast.

9. Where Article 8, paragraph 5 of this Convention applies, the Customs or Economic Unions which are Contracting Parties shall have, in case of voting, only a number of votes equal to the total votes allotted to their Members which are Contracting Parties.

10. Before the closure of its session, the Management Committee shall adopt a

report. This report shall be transmitted to the Council and to the Contracting Parties and observers mentioned in paragraphs 2, 3 and 4.

11. In the absence of relevant provisions in this Article, the Rules of Procedure of the Council shall be applicable, unless the Management Committee decides otherwise.

Article 7

For the purpose of voting in the Management Committee, there shall be separate voting on each Specific Annex and each Chapter of a Specific Annex.

(a) Each Contracting Party shall be entitled to vote on matters relating to the interpretation, application or amendment of the Body and General Annex of the Convention.

(b) As regards matters concerning a Specific Annex or Chapter of a Specific Annex that is already in force, only those Contracting Parties that have accepted that Specific Annex or Chapter therein shall have the right to vote.

(c) Each Contracting Party shall be entitled to vote on drafts of new Specific Annexes or new Chapters of a Specific Annex.

CHAPTER IV
CONTRACTING PARTY
Ratification of the Convention
Article 8

1. Any Member of the Council and any Member of the United Nations or its specialized agencies may become a Contracting Party to this Convention :

(a) by signing it without reservation of ratification;

(b) by depositing an instrument of ratification after signing it subject to ratification; or

(c) by acceding to it.

2. This Convention shall be open until 30th June 1974 for signature at the Headquarters of the Council in Brussels by the Members referred to in paragraph 1 of this Article. Thereafter, it shall be open for accession by such Members.

3. Any Contracting Party shall, at the time of signing, ratifying or acceding to this Convention, specify which if any of the Specific Annexes or Chapters therein it accepts. It may subsequently notify the depositary that it accepts one or more Specific Annexes or Chapters therein.

4. Contracting Parties accepting any new Specific Annex or any new Chapter of a Specific Annex shall notify the depositary in accordance with paragraph 3 of this Article.

5. (a) Any Customs or Economic Union may become, in accordance with paragraphs 1, 2 and 3 of this Article, a Contracting Party to this Convention. Such Customs or Economic Union shall inform the depositary of its competence with respect to the matters governed by this Convention. Such Customs or Economic Union shall also inform the depositary of any substantial modification in the extent of its competence.

(b) A Customs or Economic Union which is a Contracting Party to this Convention

shall, for the matters within its competence, exercise in its own name the rights, and fulfil the responsibilities, which the Convention confers on the Members of such a Union which are Contracting Parties to this Convention. In such a case, the Members of such a Union shall not be entitled to individually exercise these rights, including the right to vote.

Article 9

1. *Any Contracting Party which ratifies this Convention or accedes thereto shall be bound by any amendments to this Convention, including the General Annex, which have entered into force at the date of deposit of its instrument of ratification or accession.*

2. *Any Contracting Party which accepts a Specific Annex or Chapter therein shall be bound by any amendments to the Standards contained in that Specific Annex or Chapter which have entered into force at the date on which it notifies its acceptance to the depositary. Any Contracting Party which accepts a Specific Annex or Chapter therein shall be bound by any amendments to the Recommended Practices contained therein, which have entered into force at the date on which it notifies its acceptance to the depositary, unless it enters reservations against one or more of those Recommended Practices in accordance with Article 12 of this Convention.*

Application of the Convention
Article 10

1. *Any Contracting Party may, at the time of signing this Convention without reservation of ratification or of depositing its instrument of ratification or accession, or at any time thereafter, declare by notification given to the depositary that this Convention shall extend to all or any of the territories for whose international relations it is responsible. Such notification shall take effect three months after the date of the receipt thereof by the depositary. However, this Convention shall not apply to the territories named in the notification before this Convention has entered into force for the Contracting Party concerned.*

2. *Any Contracting Party which has made a notification under paragraph 1 of this Article extending this Convention to any territory for whose international relations it is responsible may notify the depositary, under the procedure of Article 19 of this Convention, that the territory in question will no longer apply this Convention.*

Article 11

For the application of this Convention, a Customs or Economic Union that is a Contracting Party shall notify to the Secretary General of the Council the territories which form the Customs or Economic Union, and these territories are to be taken as a single territory.

Acceptance of the provisions and reservations
Article 12

1. *All Contracting Parties are hereby bound by the General Annex.*

2. *A Contracting Party may accept one or more of the Specific Annexes or one or more of the Chapters therein. A Contracting Party which accepts a Specific Annex or Chapter(s) therein shall be bound by all the Standards therein. A Contracting Party which accepts a Specific Annex or Chapter(s) therein shall be bound by all the Recommended Practices therein unless, at the time of acceptance or at any time thereafter, it notifies the depositary of the Recommended Practice(s) in respect of which it enters reservations, stating the differences existing between the provisions of its national legislation and those of the Recommended Practice(s) concerned. Any*

Contracting Party which has entered reservations may withdraw them, in whole or in part, at any time by notification to the depositary specifying the date on which such withdrawal takes effect.

3. *Each Contracting Party bound by a Specific Annex or Chapter(s) therein shall examine the possibility of withdrawing any reservations to the Recommended Practices entered under the terms of paragraph 2 and notify the Secretary General of the Council of the results of that review at the end of every three-year period commencing from the date of the entry into force of this Convention for that Contracting Party, specifying the provisions of its national legislation which, in its opinion, are contrary to the withdrawal of the reservations.*

Implementation of the provisions
Article 13

1. *Each Contracting Party shall implement the Standards in the General Annex and in the Specific Annex(es) or Chapter(s) therein that it has accepted within 36 months after such Annex(es) or Chapter(s) have entered into force for that Contracting Party.*

2. *Each Contracting Party shall implement the Transitional Standards in the General Annex within 60 months of the date that the General Annex has entered into force for that Contracting Party.*

3. *Each Contracting Party shall implement the Recommended Practices in the Specific Annex(es) or Chapter(s) therein that it has accepted within 36 months after such Specific Annex(es) or Chapter(s) have entered into force for that Contracting Party, unless reservations have been entered as to one or more of those Recommended Practices.*

4. *(a) Where the periods provided for in paragraph 1 or 2 of this Article would, in practice, be insufficient for any Contracting Party to implement the provisions of the General Annex, that Contracting Party may request the Management Committee, before the end of the period referred to in paragraph 1 or 2 of this Article, to provide an extension of that period. In making the request, the Contracting Party shall state the provision(s) of the General Annex with regard to which an extension of the period is required and the reasons for such request.*

(b) In exceptional circumstances, the Management Committee may decide to grant such an extension. Any decision by the Management Committee granting such an extension shall state the exceptional circumstances justifying the decision and the extension shall in no case be more than one year. At the expiry of the period of extension, the Contracting Party shall notify the depositary of the implementation of the provisions with regard to which the extension was granted.

Settlement of disputes
Article 14

1. *Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention shall so far as possible be settled by negotiation between them.*

2. *Any dispute which is not settled by negotiation shall be referred by the Contracting Parties in dispute to the Management Committee which shall thereupon consider the dispute and make recommendations for its settlement.*

3. *The Contracting Parties in dispute may agree in advance to accept the*

recommendations of the Management Committee as binding.

Amendments to the Convention
Article 15

1. *The text of any amendment recommended to the Contracting Parties by the Management Committee in accordance with Article 6, paragraph 5 (a) (i) and (ii) shall be communicated by the Secretary General of the Council to all Contracting Parties and to those Members of the Council that are not Contracting Parties.*

2. *Amendments to the Body of the Convention shall enter into force for all Contracting Parties twelve months after deposit of the instruments of acceptance by those Contracting Parties present at the session of the Management Committee during which the amendments were recommended, provided that no objection is lodged by any of the Contracting Parties within a period of twelve months from the date of communication of such amendments.*

3. *Any recommended amendment to the General Annex or the Specific Annexes or Chapters therein shall be deemed to have been accepted six months after the date the recommended amendment was communicated to Contracting Parties, unless :*

   (a) there has been an objection by a Contracting Party or, in the case of a Specific Annex or Chapter, by a Contracting Party bound by that Specific Annex or Chapter; or

   (b) *a Contracting Party informs the Secretary General of the Council that, although it intends to accept the recommended amendment, the conditions necessary for such acceptance are not yet fulfilled.*

4. *If a Contracting Party sends the Secretary General of the Council a communication as provided for in paragraph 3 (b) of this Article, it may, so long as it has not notified the Secretary General of the Council of its acceptance of the recommended amendment, submit an objection to that amendment within a period of eighteen months following the expiry of the six-month period referred to in paragraph 3 of this Article.*

5. *If an objection to the recommended amendment is notified in accordance with the terms of paragraph 3 (a) or 4 of this Article, the amendment shall be deemed not to have been accepted and shall be of no effect.*

6. *If any Contracting Party has sent a communication in accordance with paragraph 3 (b) of this Article, the amendment shall be deemed to have been accepted on the earlier of the following two dates :*

   (a) the date by which all the Contracting Parties which sent such communications have notified the Secretary General of the Council of their acceptance of the recommended amendment, provided that, if all the acceptances were notified before the expiry of the period of six months referred to in paragraph 3 of this Article, that date shall be taken to be the date of expiry of the said six-month period;

   (b) the date of expiry of the eighteen-month period referred to in paragraph 4 of this Article.

7. *Any amendment to the General Annex or the Specific Annexes or Chapters therein deemed to be accepted shall enter into force either six months after the date on which it was deemed to be accepted or, if a different period is specified in the recommended amendment, on the expiry of that period after the date on which the amendment was deemed to be accepted.*

8. *The Secretary General of the Council shall, as soon as possible, notify the Contracting Parties to this Convention of any objection to the recommended*

amendment made in accordance with paragraph 3 (a), and of any communication received in accordance with paragraph 3 (b), of this Article. The Secretary General of the Council shall subsequently inform the Contracting Parties whether the Contracting Party or Parties which have sent such a communication raise an objection to the recommended amendment or accept it.

Article 16

1. *Notwithstanding the amendment procedure laid down in Article 15 of this Convention, the Management Committee in accordance with Article 6 may decide to amend any Recommended Practice or to incorporate new Recommended Practices to any Specific Annex or Chapter therein. Each Contracting Party shall be invited by the Secretary General of the Council to participate in the deliberations of the Management Committee. The text of any such amendment or new Recommended Practice so decided upon shall be communicated by the Secretary General of the Council to the Contracting Parties and those Members of the Council that are not Contracting Parties to this Convention.*

2. *Any amendment or incorporation of new Recommended Practices decided upon under paragraph 1 of this Article shall enter into force six months after their communication by the Secretary General of the Council. Each Contracting Party bound by a Specific Annex or Chapter therein forming the subject of such amendments or incorporation of new Recommended Practices shall be deemed to have accepted those amendments or new Recommended Practices unless it enters a reservation under the procedure of Article 12 of this Convention.*

Duration of accession
Article 17

1. *This Convention is of unlimited duration but any Contracting Party may denounce it at any time after the date of its entry into force under Article 18 thereof.*

2. *The denunciation shall be notified by an instrument in writing, deposited with the depositary.*

3. *The denunciation shall take effect six months after the receipt of the instrument of denunciation by the depositary.*

4. *The provisions of paragraphs 2 and 3 of this Article shall also apply in respect of the Specific Annexes or Chapters therein, for which any Contracting Party may withdraw its acceptance at any time after the date of the entry into force.*

5. *Any Contracting Party which withdraws its acceptance of the General Annex shall be deemed to have denounced the Convention. In this case, the provisions of paragraphs 2 and 3 also apply.*

CHAPTER V
FINAL PROVISIONS
Entry into force of the Convention
Article 18

1. *This Convention shall enter into force three months after five of the entities referred to in paragraphs 1 and 5 of Article 8 thereof have signed the Convention without reservation of ratification or have deposited their instruments of ratification or accession.*

2. *This Convention shall enter into force for any Contracting Party three months after it has become a Contracting Party in accordance with the provisions of Article 8.*

3. *Any Specific Annex or Chapter therein to this Convention shall enter into force three months after five Contracting Parties have accepted that Specific Annex*

or that Chapter.

4. *After any Specific Annex or Chapter therein has entered into force in accordance with paragraph 3 of this Article, that Specific Annex or Chapter therein shall enter into force for any Contracting Party three months after it has notified its acceptance. No Specific Annex or Chapter therein shall, however, enter into force for a Contracting Party before this Convention has entered into force for that Contracting Party.*

Depositary of the Convention
Article 19

1. *This Convention, all signatures with or without reservation of ratification and all instruments of ratification or accession shall be deposited with the Secretary General of the Council.*

2. *The depositary shall :*

   (a) receive and keep custody of the original texts of this Convention;

   (b) prepare certified copies of the original texts of this Convention and transmit them to the Contracting Parties and those Members of the Council that are not Contracting Parties and the Secretary General of the United Nations;

   (c) receive any signature with or without reservation of ratification, ratification or accession to this Convention and receive and keep custody of any instruments, notifications and communications relating to it;

   (d) examine whether the signature or any instrument, notification or communication relating to this Convention is in due and proper form and, if need be, bring the matter to the attention of the Contracting Party in question;

   (e) notify the Contracting Parties, those Members of the Council that are not Contracting Parties, and the Secretary General of the United Nations of :

   - *signatures, ratifications, accessions and acceptances of Annexes and Chapters under Article 8 of this Convention;*
   - *new Chapters of the General Annex and new Specific Annexes or Chapters therein which the Management Committee decides to recommend to incorporate in this Convention;*
   - *the date of entry into force of this Convention, of the General Annex and of each Specific Annex or Chapter therein in accordance with Article 18 of this Convention;*
   - *notifications received in accordance with Articles 8, 10, 11,12 and 13 of this Convention;*
   - *withdrawals of acceptances of Annexes/Chapters by Contracting Parties;*
   - *denunciations under Article 17 of this Convention; and*
   - *any amendment accepted in accordance with Article 15 of this Convention and the date of its entry into force.*

3. *In the event of any difference appearing between a Contracting Party and the depositary as to the performance of the latter's functions, the depositary or that Contracting Party shall bring the question to the attention of the other Contracting Parties and the signatories or, as the case may be, the Management Committee or the Council.*

Registration and authentic texts
Article 20

In accordance with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Secretary General of the Council.

In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.

Done at Kyoto, this eighteenth day of May nineteen hundred and seventy-three in the English and French languages, both texts being equally authentic, in a single original which shall be deposited with the Secretary General of the Council who shall transmit certified copies to all the entities referred to in paragraph 1 of Article 8 of this Convention.

CHAPTER 1

GENERAL PRINCIPLES

1.1. Standard

The Definitions, Standards and Transitional Standards in this Annex shall apply to Customs procedures and practices specified in this Annex and, insofar as applicable, to procedures and practices in the Specific Annexes.

1.2. Standard

The conditions to be fulfilled and Customs formalities to be accomplished for procedures and practices in this Annex and in the Specific Annexes shall be specified in national legislation and shall be as simple as possible.

1.3. Standard

The Customs shall institute and maintain formal consultative relationships with the trade to increase co-operation and facilitate participation in establishing the most effective methods of working commensurate with national provisions and international

CHAPTER 2

DEFINITIONS

For the purposes of the Annexes to this Convention

E1./ F23. ***"appeal"*** *means the act by which a person who is directly affected by a decision or omission of the Customs and who considers himself to be aggrieved thereby seeks redress before a competent authority;*

E2./ F19. ***"assessment of duties and taxes"*** *means the determination of the amount of duties and taxes payable;*

E3./ F4. ***"audit-based control"*** *means measures by which the Customs satisfy themselves as to the accuracy and authenticity of declarations through the examination of the relevant books, records, business systems and commercial data held by persons concerned;*

E4./ F15. ***"checking the Goods declaration"*** *means the action taken by the Customs to satisfy themselves that the Goods declaration is correctly made out and that the supporting documents required fulfil the prescribed conditions;*

E5./ F9. ***"clearance"*** *means the accomplishment of the Customs formalities necessary to allow goods to enter home use, to be exported or to be placed under another Customs procedure;*

E6./ F10. ***"Customs"*** *means the Government Service which is responsible for the administration of Customs law and the collection of duties and taxes and which also has the responsibility for the application of other laws and regulations relating to the importation, exportation, movement or storage of goods;*

E7./ F3. ***"Customs control"*** *means measures applied by the Customs to ensure compliance with Customs law;*

E8./ ***"Customs duties"*** *means the duties laid down in the Customs tariff to which goods are liable on*

F11. *entering or leaving the Customs territory;*

E9./ F16. ***"Customs formalities"*** *means all the operations which must be carried out by the persons concerned and by the Customs in order to comply with the Customs law;*

E10./ F18. ***"Customs law"*** *means the statutory and regulatory provisions relating to the importation, exportation, movement or storage of goods, the administration and enforcement of which are specifically charged to the Customs, and any regulations made by the Customs under their statutory powers;*

E11./ F2. ***"Customs office"*** *means the Customs administrative unit competent for the performance of Customs formalities, and the premises or other areas approved for that purpose by the competent authorities;*

E12./ F25. ***"Customs territory"*** *means the territory in which the Customs law of a Contracting Party applies;*

E13./ F6. ***"decision"*** *means the individual act by which the Customs decide upon a matter relating to Customs law;*

E14./ F7. ***"declarant"*** *means any person who makes a Goods declaration or in whose name such a declaration is made;*

E15./ F5. ***"due date"*** *means the date when payment of duties and taxes is due;*

E16./ F12. ***"duties and taxes"*** *means import duties and taxes and/or export duties and taxes;*

E17./ F27. ***"examination of goods"*** *means the physical inspection of goods by the Customs to satisfy themselves that the nature, origin, condition, quantity and value of the goods are in accordance with the particulars furnished in the Goods declaration;*

E18./ F13. ***"export duties and taxes"*** *means Customs duties and all other duties, taxes or charges which are collected on or in connection with the exportation of goods, but not including any charges which are limited in amount to the approximate cost of services rendered or collected by the Customs on behalf of another national authority;*

E19./ F8. ***"Goods declaration"*** *means a statement made in the manner prescribed by the Customs, by which the persons concerned indicate the Customs procedure to be applied to the goods and furnish the particulars which the Customs require for its application;*

E20./ F14. ***"import duties and taxes"*** *means Customs duties and all other duties, taxes or charges which are collected on or in connection with the importation of goods, but not including any charges which are limited in amount to the approximate cost of services rendered or collected by the Customs on behalf of another national authority;*

E21./ F1. ***"mutual administrative assistance"*** *means actions of a Customs administration on behalf of or in collaboration with another Customs administration for the proper application of Customs law and for the prevention, investigation and repression of Customs offences;*

E22./ F21. ***"omission"*** *means the failure to act or give a decision required of the Customs by Customs law within a reasonable time on a matter duly submitted to them;*

E23./ F22. ***"person"*** *means both natural and legal persons, unless the context otherwise requires;*

E24./ F20. ***"release of goods"*** *means the action by the Customs to permit goods undergoing clearance to be placed at the disposal of the persons concerned;*

E25./ F24. *"**repayment**" means the refund, in whole or in part, of duties and taxes paid on goods and the remission, in whole or in part, of duties and taxes where payment has not been made;*

E26./ F17. *"**Security**" means that which ensures to the satisfaction of the Customs that an obligation to the Customs will be fulfilled. Security is described as "general" when it ensures that the obligations arising from several operations will be fulfilled;*

E27./ F26. *"**Third party**" means any person who deals directly with the Customs, for and on behalf of another person, relating to the importation, exportation, movement or storage of goods.*

CHAPTER 3

CLEARANCE AND OTHER CUSTOMS FORMALITIES

Competent Customs offices

3.1. Standard

The Customs shall designate the Customs offices at which goods may be produced or cleared. In determining the competence and location of these offices and their hours of business, the factors to be taken into account shall include in particular the requirements of the trade.

3.2. Standard

At the request of the person concerned and for reasons deemed valid by the Customs, the latter shall, subject to the availability of resources, perform the functions laid down for the purposes of a Customs procedure and practice outside the designated hours of business or away from Customs offices. Any expenses chargeable by the Customs shall be limited to the approximate cost of the services rendered.

3.3. Standard

Where Customs offices are located at a common border crossing, the Customs administrations concerned shall correlate the business hours and the competence of those offices.

3.4. Transitional Standard

At common border crossings, the Customs administrations concerned shall, whenever possible, operate joint controls.

3.5. Transitional Standard

Where the Customs intend to establish a new Customs office or to convert an existing one at a common border crossing, they shall, wherever possible, co-operate with the neighbouring Customs to establish a juxtaposed Customs office to facilitate joint controls.

The declarant

(a) Persons entitled to act as declarant

3.6. Standard

National legislation shall specify the conditions under which a person is entitled to act as declarant.

3.7. Standard

Any person having the right to dispose of the goods shall be entitled to act as declarant.

(b) Responsibilities of the declarant

3.8. Standard

The declarant shall be held responsible to the Customs for the accuracy of the particulars given in the Goods declaration and the payment of the duties and taxes.

(c) Rights of the declarant

3.9. Standard

Before lodging the Goods declaration the declarant shall be allowed, under such conditions as may be laid down by the Customs :

(a) to inspect the goods; and

(b) to draw samples.

3.10.Standard

The Customs shall not require a separate Goods declaration in respect of samples allowed to be drawn under Customs supervision, provided that such samples are included in the Goods declaration concerning the relevant consignment.

The Goods declaration

(a) Goods declaration format and contents

3.11.Standard

The contents of the Goods declaration shall be prescribed by the Customs. The paper format of the Goods declaration shall conform to the UN-layout key.

For automated Customs clearance processes, the format of the electronically lodged Goods declaration shall be based on international standards for electronic information exchange as prescribed in the Customs Co-operation Council Recommendations on information technology.

3.12.Standard

The Customs shall limit the data required in the Goods declaration to only such particulars as are deemed necessary for the assessment and collection of duties and taxes, the compilation of statistics and the application of Customs law.

3.13.Standard

Where, for reasons deemed valid by the Customs, the declarant does not have all the

information required to make the Goods declaration, a provisional or incomplete Goods declaration shall be allowed to be lodged, provided that it contains the particulars deemed necessary by the Customs and that the declarant undertakes to complete it within a specified period.

3.14.Standard

If the Customs register a provisional or incomplete Goods declaration, the tariff treatment to be accorded to the goods shall not be different from that which would have been accorded had a complete and correct Goods declaration been lodged in the first instance.

The release of the goods shall not be delayed provided that any security required has been furnished to ensure collection of any applicable duties and taxes.

3.15.Standard

The Customs shall require the lodgement of the original Goods declaration and only the minimum number of copies necessary.

(b) Documents supporting the Goods declaration

3.16.Standard

In support of the Goods declaration the Customs shall require only those documents necessary to permit control of the operation and to ensure that all requirements relating to the application of Customs law have been complied with.

3.17.Standard

Where certain supporting documents cannot be lodged with the Goods declaration for reasons deemed valid by the Customs, they shall allow production of those documents within a specified period.

3.18.Transitional Standard

The Customs shall permit the lodgement of supporting documents by electronic means.

3.19.Standard

The Customs shall not require a translation of the particulars of supporting documents except when necessary to permit processing of the Goods declaration.

Lodgement, registration and checking of the Goods declaration

3.20.Standard

The Customs shall permit the lodging of the Goods declaration at any designated Customs office.

3.21.Transitional Standard

The Customs shall permit the lodging of the Goods declaration by electronic means.

3.22.Standard

The Goods declaration shall be lodged during the hours designated by the Customs.

3.23.Standard

Where national legislation lays down a time limit for lodging the Goods declaration, the time

allowed shall be sufficient to enable the declarant to complete the Goods declaration and to obtain the supporting documents required.

3.24. Standard

At the request of the declarant and for reasons deemed valid by the Customs, the latter shall extend the time limit prescribed for lodging the Goods declaration.

3.25. Standard

National legislation shall make provision for the lodging and registering or checking of the Goods declaration and supporting documents prior to the arrival of the goods.

3.26. Standard

When the Customs cannot register the Goods declaration, they shall state the reasons to the declarant.

3.27. Standard

The Customs shall permit the declarant to amend the Goods declaration that has already been lodged, provided that when the request is received they have not begun to check the Goods declaration or to examine the goods.

3.28. Transitional Standard

The Customs shall permit the declarant to amend the Goods declaration if a request is received after checking of the Goods declaration has commenced, if the reasons given by the declarant are deemed valid by the Customs.

3.29. Transitional Standard

The declarant shall be allowed to withdraw the Goods declaration and apply for another Customs procedure, provided that the request to do so is made to the Customs before the goods have been released and that the reasons are deemed valid by the Customs.

3.30. Standard

Checking the Goods declaration shall be effected at the same time or as soon as possible after the Goods declaration is registered.

3.31. Standard

For the purpose of checking the Goods declaration, the Customs shall take only such action as they deem essential to ensure compliance with Customs law.

Special procedures for authorized persons

3.32. Transitional Standard

For authorized persons who meet criteria specified by the Customs, including having an appropriate record of compliance with Customs requirements and a satisfactory system for managing their commercial records, the Customs shall provide for :

- release of the goods on the provision of the minimum information necessary to identify the goods and permit the subsequent completion of the final Goods declaration;

- clearance of the goods at the declarant's premises or another place authorized by the Customs;

and, in addition, to the extent possible, other special procedures such as :

- allowing a single Goods declaration for all imports or exports in a given period where goods are

imported or exported frequently by the same person;

- use of the authorized persons' commercial records to self-assess their duty and tax liability and, where appropriate, to ensure compliance with other Customs requirements;

- allowing the lodgement of the Goods declaration by means of an entry in the records of the authorized person to be supported subsequently by a supplementary Goods declaration.

Examination of the goods

(a) Time required for examination of goods

3.33. Standard

When the Customs decide that goods declared shall be examined, this examination shall take place as soon as possible after the Goods declaration has been registered.

3.34. Standard

When scheduling examinations, priority shall be given to the examination of live animals and perishable goods and to other goods which the Customs accept are urgently required.

3.35. Transitional Standard

If the goods must be inspected by other competent authorities and the Customs also schedules an examination, the Customs shall ensure that the inspections are co-ordinated and, if possible, carried out at the same time.

(b) Presence of the declarant at examination of goods

3.36. Standard

The Customs shall consider requests by the declarant to be present or to be represented at the examination of the goods. Such requests shall be granted unless exceptional circumstances exist.

3.37. Standard

If the Customs deem it useful, they shall require the declarant to be present or to be represented at the examination of the goods to give them any assistance necessary to facilitate the examination.

(c) Sampling by the Customs

3.38. Standard

Samples shall be taken only where deemed necessary by the Customs to establish the tariff description and/or value of goods declared or to ensure the application of other provisions of national legislation. Samples drawn shall be as small as possible.

Errors

3.39. Standard

The Customs shall not impose substantial penalties for errors where they are satisfied that such error is inadvertent and that there has been no fraudulent intent or gross negligence. Where they consider it necessary to discourage a repetition of such errors, a penalty may be imposed

but shall be no greater than is necessary for this purpose.

Release of goods

3.40.Standard

Goods declared shall be released as soon as the Customs have examined them or decided not to examine them, provided that :

- *no offence has been found;*
- *the import or export licence or any other documents required have been acquired;*
- *all permits relating to the procedure concerned have been acquired; and*
- *any duties and taxes have been paid or that appropriate action has been taken to ensure their collection.*

3.41.Standard

If the Customs are satisfied that the declarant will subsequently accomplish all the formalities in respect of clearance they shall release the goods, provided that the declarant produces a commercial or official document giving the main particulars of the consignment concerned and acceptable to the Customs, and that security, where required, has been furnished to ensure collection of any applicable duties and taxes.

3.42.Standard

When the Customs decide that they require laboratory analysis of samples, detailed technical documents or expert advice, they shall release the goods before the results of such examination are known, provided that any security required has been furnished and provided they are satisfied that the goods are not subject to prohibitions or restrictions.

3.43.Standard

When an offence has been detected, the Customs shall not wait for the completion of administrative or legal action before they release the goods, provided that the goods are not liable to confiscation or forfeiture or to be needed as evidence at some later stage and that the declarant pays the duties and taxes and furnishes security to ensure collection of any additional duties and taxes and of any penalties which may be imposed.

Abandonment or destruction of goods

3.44.Standard

When goods have not yet been released for home use or when they have been placed under another Customs procedure, and provided that no offence has been detected, the person concerned shall not be required to pay the duties and taxes or shall be entitled to repayment thereof :

- *when, at his request, such goods are abandoned to the Revenue or destroyed or rendered commercially valueless under Customs control, as the Customs may decide. Any costs involved shall be borne by the person concerned;*

- *when such goods are destroyed or irrecoverably lost by accident or force majeure, provided that such destruction or loss is duly established to the satisfaction of the Customs;*

- *On shortages due to the nature of the goods when such shortages are duly established to the satisfaction of the Customs.*

Any waste or scrap remaining after destruction shall be liable, if taken into home use or exported, to the duties and taxes that would be applicable to such waste or scrap imported or exported in that state.

3.45. Transitional Standard

When the Customs sell goods which have not been declared within the time allowed or could not be released although no offence has been discovered, the proceeds of the sale, after deduction of any duties and taxes and all other charges and expenses incurred, shall be made over to those persons entitled to receive them or, when this is not possible, held at their disposal for a specified period.

CHAPTER 4

DUTIES AND TAXES

A. ASSESSMENT, COLLECTION AND PAYMENT OF DUTIES AND TAXES

4.1. Standard

National legislation shall define the circumstances when liability to duties and taxes is incurred.

4.2. Standard

The time period within which the applicable duties and taxes are assessed shall be stipulated in national legislation. The assessment shall follow as soon as possible after the Goods declaration is lodged or the liability is otherwise incurred.

4.3. Standard

The factors on which the assessment of duties and taxes is based and the conditions under which they are determined shall be specified in national legislation.

4.4. Standard

The rates of duties and taxes shall be set out in official publications.

4.5. Standard

National legislation shall specify the point in time to be taken into consideration for the purpose of determining the rates of duties and taxes.

4.6. Standard

National legislation shall specify the methods that may be used to pay the duties and taxes.

4.7. Standard

National legislation shall specify the person(s) responsible for the payment of duties

and taxes.

4.8. Standard

National legislation shall determine the due date and the place where payment is to be made.

4.9. Standard

When national legislation specifies that the due date may be after the release of the goods, that date shall be at least ten days after the release. No interest shall be charged for the period between the date of release and the due date.

4.10.Standard

National legislation shall specify the period within which the Customs may take legal action to collect duties and taxes not paid by the due date.

4.11.Standard

National legislation shall determine the rate of interest chargeable on amounts of duties and taxes that have not been paid by the due date and the conditions of application of such interest.

4.12.Standard

When the duties and taxes have been paid, a receipt constituting proof of payment shall be issued to the payer, unless there is other evidence constituting proof of payment.

4.13.Transitional Standard

National legislation shall specify a minimum value and/or a minimum amount of duties and taxes below which no duties and taxes will be collected.

4.14.Standard

If the Customs find that errors in the Goods declaration or in the assessment of the duties and taxes will cause or have caused the collection or recovery of an amount of duties and taxes less than that legally chargeable, they shall correct the errors and collect the amount underpaid. However, if the amount involved is less than the minimum amount specified in national legislation, the Customs shall not collect or recover that amount.

B. DEFERRED PAYMENT OF DUTIES AND TAXES

4.15.Standard

Where national legislation provides for the deferred payment of duties and taxes, it shall specify the conditions under which such facility is allowed.

4.16.Standard

Deferred payment shall be allowed without interest charges to the extent possible.

4.17.Standard

The period for deferred payment of duties and taxes shall be at least fourteen days.

C. REPAYMENT OF DUTIES AND TAXES

4.18. Standard

Repayment shall be granted where it is established that duties and taxes have been overcharged as a result of an error in their assessment.

4.19. Standard

Repayment shall be granted in respect of imported or exported goods which are found to have been defective or otherwise not in accordance with the agreed specifications at the time of importation or exportation and are returned either to the supplier or to another person designated by the supplier, subject to the following conditions :

- the goods have not been worked, repaired or used in the country of importation, and are re-exported within a reasonable time;

- The goods have not been worked, repaired or used in the country to which they were exported, and are re-imported within a reasonable time.

Use of the goods shall, however, not hinder the repayment if such use was indispensable to discover the defects or other circumstances which caused the re-exportation or re-importation of the goods.

As an alternative to re-exportation or re-importation, the goods may be abandoned to the Revenue or destroyed or rendered commercially valueless under Customs control, as the Customs may decide. Such abandonment or destruction shall not entail any cost to the Revenue.

4.20. Transitional Standard

Where permission is given by the Customs for goods originally declared for a Customs procedure with payment of duties and taxes to be placed under another Customs procedure, repayment shall be made of any duties and taxes charged in excess of the amount due under the new procedure.

4.21. Standard

Decisions on claims for repayment shall be reached, and notified in writing to the persons concerned, without undue delay, and repayment of amounts overcharged shall be made as soon as possible after the verification of claims.

4.22. Standard

Where it is established by the Customs that the overcharge is a result of an error on the part of the Customs in assessing the duties and taxes, repayment shall be made as a matter of priority.

4.23. Standard

Where time limits are fixed beyond which claims for repayment will not be accepted, such limits shall be of sufficient duration to take account of the differing circumstances pertaining to each type of case in which repayment may be granted.

4.24. Standard

Repayment shall not be granted if the amount involved is less than the minimum amount specified in national legislation.

CHAPTER 5

SECURITY

5.1. Standard

National legislation shall enumerate the cases in which security is required and shall specify the forms in which security is to be provided.

5.2. Standard

The Customs shall determine the amount of security.

5.3. Standard

Any person required to provide security shall be allowed to choose any form of security provided that it is acceptable to the Customs.

5.4. Standard

Where national legislation provides the Customs shall not require security when they are satisfied that an obligation to the Customs will be fulfilled.

5.5. Standard

When security is required to ensure that the obligations arising from a Customs procedure will be fulfilled, the Customs shall accept a general security, in particular from declarants who regularly declare goods at different offices in the Customs territory.

5.6. Standard

Where security is required, the amount of security to be provided shall be as low as possible and, in respect of the payment of duties and taxes, shall not exceed the amount potentially chargeable.

5.7. Standard

Where security has been furnished, it shall be discharged as soon as possible after the Customs are satisfied that the obligations under which the security was required have been duly fulfilled.

CHAPTER 6

CUSTOMS CONTROL

6.1. Standard

All goods, including means of transport, which enter or leave the Customs territory, regardless of whether they are liable to duties and taxes, shall be subject to Customs control.

6.2. Standard

Customs control shall be limited to that necessary to ensure compliance with the Customs law.

6.3. Standard

In the application of Customs control, the Customs shall use risk management.

6.4. Standard

The Customs shall use risk analysis to determine which persons and which goods, including means of transport, should be examined and the extent of the examination.

6.5. Standard

The Customs shall adopt a compliance measurement strategy to support risk management.

6.6. Standard

Customs control systems shall include audit-based controls.

6.7. Standard

The Customs shall seek to co-operate with other Customs administrations and seek to conclude mutual administrative assistance agreements to enhance Customs control.

6.8. Standard

The Customs shall seek to co-operate with the trade and seek to conclude Memoranda of Understanding to enhance Customs control.

6.9. Transitional Standard

The Customs shall use information technology and electronic commerce to the greatest possible extent to enhance Customs control.

6.10.Standard

The Customs shall evaluate traders' commercial systems where those systems have an impact on Customs operations to ensure compliance with Customs requirements.

CHAPTER 7

APPLICATION OF INFORMATION TECHNOLOGY

7.1. Standard

The Customs shall apply information technology to support Customs operations, where it is cost-effective and efficient for the Customs and for the trade. The Customs shall specify the conditions for its application.

7.2. Standard

When introducing computer applications, the Customs shall use relevant

internationally accepted standards.

7.3. Standard

The introduction of information technology shall be carried out in consultation with all relevant parties directly affected, to the greatest extent possible.

7.4. Standard

New or revised national legislation shall provide for :

- *electronic commerce methods as an alternative to paper-based documentary requirements;*
- *electronic as well as paper-based authentication methods;*
- *The right of the Customs to retain information for their own use and, as appropriate, to exchange such information with other Customs administrations and all other legally approved parties by means of electronic commerce techniques.*

CHAPTER 8

RELATIONSHIP BETWEEN THE CUSTOMS AND THIRD PARTIES

8.1. Standard

Persons concerned shall have the choice of transacting business with the Customs either directly or by designating a third party to act on their behalf.

8.2. Standard

National legislation shall set out the conditions under which a person may act for and on behalf of another person in dealing with the Customs and shall lay down the liability of third parties to the Customs for duties and taxes and for any irregularities.

8.3. Standard

The Customs transactions where the person concerned elects to do business on his own account shall not be treated less favourably or be subject to more stringent requirements than those Customs transactions which are handled for the person concerned by a third party.

8.4. Standard

A person designated as a third party shall have the same rights as the person who designated him in those matters related to transacting business with the Customs.

8.5. Standard

The Customs shall provide for third parties to participate in their formal consultations with the trade.

8.6. Standard

The Customs shall specify the circumstances under which they are not prepared to transact business with a third party.

8.7. Standard

The Customs shall give written notification to the third party of a decision not to transact business.

CHAPTER 9

INFORMATION, DECISIONS AND RULINGS SUPPLIED BY THE CUSTOMS

A. INFORMATION OF GENERAL APPLICATION

9.1. Standard

The Customs shall ensure that all relevant information of general application pertaining to Customs law is readily available to any interested person.

9.2. Standard

When information that has been made available must be amended due to changes in Customs law, administrative arrangements or requirements, the Customs shall make the revised information readily available sufficiently in advance of the entry into force of the changes to enable interested persons to take account of them, unless advance notice is precluded.

9.3. Transitional Standard

The Customs shall use information technology to enhance the provision of information.

B. INFORMATION OF A SPECIFIC NATURE

9.4. Standard

At the request of the interested person, the Customs shall provide, as quickly and as accurately as possible, information relating to the specific matters raised by the interested person and pertaining to Customs law.

9.5. Standard

The Customs shall supply not only the information specifically requested but also any other pertinent information which they consider the interested person should be made aware of.

9.6. Standard

When the Customs supply information, they shall ensure that they do not divulge details of a private or confidential nature affecting the Customs or third parties unless such disclosure is required or authorized by national legislation.

9.7. Standard

When the Customs cannot supply information free of charge, any charge shall be limited to the approximate cost of the services rendered.

C. DECISIONS AND RULINGS

9.8. Standard

At the written request of the person concerned, the Customs shall notify their decision in writing within a period specified in national legislation. Where the decision is adverse to the person concerned, the reasons shall be given and the right of appeal advised.

9.9. Standard

The Customs shall issue binding rulings at the request of the interested person, provided that the Customs have all the information they deem necessary.

CHAPTER 10

APPEALS IN CUSTOMS MATTERS

A. RIGHT OF APPEAL

10.1.Standard

National legislation shall provide for a right of appeal in Customs matters.

10.2.Standard

Any person who is directly affected by a decision or omission of the Customs shall have a right of appeal.

10.3.Standard

The person directly affected by a decision or omission of the Customs shall be given, after having made a request to the Customs, the reasons for such decision or omission within a period specified in national legislation. This may or may not result in an appeal.

10.4.Standard

National legislation shall provide for the right of an initial appeal to the Customs.

10.5.Standard

Where an appeal to the Customs is dismissed, the appellant shall have the right of a further appeal to an authority independent of the Customs administration.

10.6.Standard

In the final instance, the appellant shall have the right of appeal to a judicial authority.

B. FORM AND GROUNDS OF APPEAL

10.7.Standard

An appeal shall be lodged in writing and shall state the grounds on which it is being made.

10.8.Standard

A time limit shall be fixed for the lodgement of an appeal against a decision of the Customs and it shall be such as to allow the appellant sufficient time to study the contested decision and to prepare an appeal.

10.9.Standard

Where an appeal is to the Customs they shall not, as a matter of course, require that any supporting evidence be lodged together with the appeal but shall, in appropriate circumstances, allow a reasonable time for the lodgement of such evidence.

C. CONSIDERATION OF APPEAL

10.10. Standard

The Customs shall give its ruling upon an appeal and written notice thereof to the appellant as soon as possible.

10.11. Standard

Where an appeal to the Customs is dismissed, the Customs shall set out the reasons therefor in writing and shall advise the appellant of his right to lodge any further appeal with an administrative or independent authority and of any time limit for the lodgement of such appeal.

10.12. Standard

Where an appeal is allowed, the Customs shall put their decision or the ruling of the independent or judicial authority into effect as soon as possible, except in cases where the Customs appeal against the ruling.