

National Workshop on RKC

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“General Annex”

Department of Revenue and Customs

Contents of GA

- **Chap 1 General Principle**
- **Chap 2 Definition**
- **Chap 3 Clearance & Customs Formalities**
- **Chap 4 Duties & Taxes**
- **Chap 5 Security**
- **Chap 6 Customs Control**
- **Chap 7 Application of Information Technology**
- **Chap 8 Relationship between Customs & Third Parties**
- **Chap 9 Information, Decisions & Rulings supplied by Customs**
- **Chap 10 Appeals in Customs Matters_**

Content of GA (Details)

- Chap 1 General Principle
- Chap 2 Definition
- Chap 3 Clearance & Customs Formalities
 - Competent Customs Offices
 - The Declarant
 - Persons entitled to act as a declarant
 - Responsibilities of the declarant
 - The Goods Declaration
 - Goods declaration format and contents
 - Documents supporting the Goods declaration
 - Lodgement, registration and checking of the declaration
 - Special procedures for authorized persons
 - Examination of Goods
 - Time required for examination of goods
 - Presence of the declarant of examination of goods
 - Sampling by the Customs
 - Errors
 - Release of Goods
- Chap 4 Duties & Taxes
 - Assessment, collection and payment of Duties & Taxes
 - Deferred payment of Duties and Taxes
 - Repayment of duties and taxes
- Chap 5 Security
- Chap 6 Customs Control
- Chap 7 Application of Information Technology
- Chap 8 Relationship between Customs & Third Parties
- Chap 9 Information, Decisions & Rulings supplied by Customs
 - Information of General application
 - Information of a specific nature
 - Decisions and Rulings
- Chap 10 Appeals in Customs Matters
 - Right of Appeal
 - Form and Ground of Appeal
 - Consideration of Appeal

Chapter 1 & 2

Chapter 1: General Principle

■ S1.1

The definition, standards and transitional standards in GA shall apply to Customs procedures and practices specified in GA, and insofar as applicable, Customs procedures and practices in the SA.

■ S1.2

The conditions to be fulfilled and Customs formalities to be accomplished for Customs procedures and practices in GA and SA shall be specified in national legislation.

■ S1.3

The Customs shall institute and maintain formal consultative relationships with trade.

Chapter 2: Definitions

| | | |
|---|----------------------------------|---|
| Appeal | Customs law | Goods declaration |
| Assessment of duties & taxes | Customs office | Import duties & taxes |
| Audit based control | Customs territory | Mutual Administrative Assistance |
| Checking the goods declaration | Decision | Omission |
| Clearance | Declarant | Person |
| Customs | Due date | Release of goods |
| Customs control | Duties & taxes | Repayment |
| Customs duties | Export duties & taxes | Security |
| Customs formalities | Examination of goods | Third party |

Chapter 3

Chapter 3: Clearance & Other Customs Formalities

- **1. Establishment of Customs Offices**
- **2. Rights and responsibility of the declarant**
- **3. The Goods Declaration (format/contents and supporting document)**
- **4. Lodgement, registration and checking of the declaration**
- **5. Amendment or withdrawal of the Goods declaration**
- **6. Checking the Goods declaration**
- **7. Special procedures for authorised persons**
- **8. Examination and sampling of the Goods**
- **9. Errors**
- **10. Release of Goods**
- **11. Abandonment or destruction of goods**

Chapter 3: Clearance & Other Customs Formalities

1. Establishment of Customs Offices

- **Establishment and designation of a Customs offices (3.1)**
 - **Customs shall designate Customs offices at which goods may be produced or cleared**
 - **In determining the competence and location of those offices, and their hours of business, requirement of trade to be taken into account**

- **Hours of Business and places of clearance (3.2)**
 - **At the request of the person concerned and for reasons deemed valid by the Customs, the Customs shall perform the functions outside the designated hours of business or away from Customs offices subject to availability.**
 - **Any expenses chargeable by the Customs shall be limited to the approximate cost of services rendered.**

Chapter 3: Clearance & Other Customs Formalities

1. Establishment of Customs Offices

- Juxtaposed Customs offices (3.3)

---- Where Customs offices are located at a common border crossing, Customs concerned shall correlate the business hours and the competence

- Cooperation at juxtaposed Customs offices (3.4)

---- At common border crossing, Customs shall, whenever possible, operate joint control

- New Customs offices at common border (TS3.5)

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

Chapter 3: Clearance & Other Customs Formalities

2. Rights and responsibility of the declarant

- The declarant (3.6)

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

- A person who can be a declarant (3.7)

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

- Responsibility for particulars given (3.8)

---- The accuracy of particulars on Goods declaration & payment of duties

Chapter 3: Clearance & Other Customs Formalities

2. Rights and responsibility of the declarant

- Drawing samples (3.9)

---- The declarant shall be allowed (1) to inspect the goods & (2) to draw samples, under condition laid down by Customs, before lodging the goods declaration.

- Goods declaration for samples (3.10)

---- 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.

Chapter 3: Clearance & Other Customs Formalities

3. Goods Declaration

- **Contents and format of the Goods Declaration (3.11)**
 - **Contents of the Goods declaration shall be prescribed by Customs. The paper format shall conform to UN layout.**
 - **Format of e-goods declaration shall be based on International standard.**

- **Minimum data requirements (3.12)**
 - **Customs shall limit the data required in the goods declaration to only such particulars as are deemed necessary for assessment of duties, compilation of statistics & application of Customs law.**

Chapter 3: Clearance & Other Customs Formalities

3. Goods Declaration

- Provisional or incomplete Dec. (3.13)

---- shall be allowed to be lodged

----- provided that it contains necessary particulars & the declarant completes Dec. within a specific time period

----- in case the reasons deemed valid by Customs

----- & in case the declarant does not have all the information

- Tariff Treatment for Provisional/incomplete Dec. (3.14)

---- should not be different from that which would have been accorded to the complete/correct Dec.

Chapter 3: Clearance & Other Customs Formalities

3. Goods Declaration

- **Minimum number of Copies of the Goods declaration (3.15)**
---- shall be required
- **Required Supporting documents (3.16)**
---- necessary to ensure all requirements have been complied with
- **Late presentation of supporting documents (3.17)**
---- shall be allowed if reasons deemed valid
- **Lodgement of supporting documents by electronic means (3.18)**
---- shall be permit
- **Translation of supporting documents (3.19)**
---- Customs shall not require a translation of the particulars of supporting documents except when necessary

Chapter 3: Clearance & Other Customs Formalities

4. Lodgement and Registration of the Goods Declaration

- Lodgement at a designated Customs Office (3.20)

---- Declarant should be allowed to choose the designated Customs office

- Electronic Goods declaration (3.21)

---- shall be allowed to be lodged

- Time of lodgement of Goods declaration (3.22)

---- Declarant can lodge declaration within designated hours.

- Time limit for lodgement of Goods declaration (3.23)

---- In case national legislation lays down a time limit for lodging the goods declaration, the limit shall be sufficient for declarant

- Extension of the time limit (3.24)

---- in case the reasons deemed valid by Customs

- Prior lodgement and registration (3.25)

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

- Refusal to resister a Goods declaration (3.26)

---- Reasons shall be stated to the declaratnt

Chapter 3: Clearance & Other Customs Formalities

5. Amendment or withdrawal of the Goods Declaration

- Amendment of a Goods declaration

[before checking (3.27)]

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

[after checking (TS3.28)]

---- Customs shall permit 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

- Withdrawal of a Goods declaration (3.29)

---- 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 Customs before the goods have been released and that the reasons are deemed valid

Chapter 3: Clearance & Other Customs Formalities

6. Checking the Goods declaration

- **Time of checking the Goods declaration (3.30)**
 - **Checking the goods declaration shall be effected at the same time of as soon as possible after the goods declaration is registered**

- **Checking the Goods declaration (3.31)**
 - **Customs shall take only the actions which is essential to ensure compliance with Customs law**

Chapter 3: Clearance & Other Customs Formalities

7. Special procedures for authorised person (3.32)

- For authorised person who meet criteria specified by the Customs, Customs shall provide for;
 - release of 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 authorised by the Customs

[to the extent possible]

- allowing a single Goods declaration in a given period
- use of the authorised person's commercial records to self-assess their duty and tax liability and to ensure compliance
- allowing the goods declaration by means of an entry in the records of authorised person to be supported subsequently by a supplementary Goods declaration

Chapter 3: Clearance & Other Customs Formalities

8. Examination and sampling of the goods

- Time required for examination of goods (3.33)
- Examination of urgent consignments (3.34)
 - Urgently required goods (incl. live animals, perishable goods)
- Coordinated Inspection with other competent authorities (3.35)
 - Customs shall ensure the inspections are coordinated
 - if possible Customs carries out inspection at the same time
- Presence of declarants at the examination of the goods
 - requests by declarant (3.36); Customs shall allow normally
 - requests by Customs (3.37); Customs require if it is useful
- Sampling by Customs
 - taken if it is necessary as small as possible

Chapter 3: Clearance & Other Customs Formalities

9. Error (3.39)

- Customs shall not impose substantial penalties for errors where they are satisfied that such errors are 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.

(Ex.)

Arithmetical mistake,
errors in transcription
errors in the conversion of foreign currency
incorrect deduction of discount

Chapter 3: Clearance & Other Customs Formalities

10. Release of goods

- Release of goods as soon as possible after examination (3.40)
 - no offence, licences, permits, duties/taxes
- Prior permission for release of goods (3.41)
 - on the basis of a commercial/official document, when Customs are satisfied with all the formalities
- Release of goods before the results of an examination (3.42)
 - when laboratory analysis, detailed technical documents or experts advice is necessary
- Release of goods when an offence has occurred (3.43)
 - Customs shall not wait for the completion of administrative or legal action before they release the goods, provided that the detention the goods are not necessary for the case.

Chapter 3: Clearance & Other Customs Formalities

11. Abandonment or destruction of goods

- Repayment or remission of duties and taxes (3.44)

---- When goods have not yet been released for home use, the person concerned shall not be required to pay duties or shall be entitled to repayment under following cases

----- (1) when goods are rendered commercially valueless under Customs control

----- (2) when goods are destroyed by accident

----- (3) on shortages due to the nature of the goods

- Procedure of sale by Customs (3.45)

---- When Customs sells goods which have not been declared within the time allowed the proceeds of the sale shall be made over to those persons entitled to receive them, after the deduction of any duties & expenses

---- if it's impossible, Customs held at their disposal for a specified period

Chapter 4 & 5

Chapter 4: Duties & taxies

1. General (4.1)

2. Assessment of Duties & Taxies (4.2, 4.3, 4.4, 4.5)

3. Payment of Duties & Taxies (4.6, 4.7, 4.8, 4.9, 4.12)

4. Collection of Duties & Taxies (4.10, 4.11, 4.14)

5. Deferred payment (4.15, 4.16, 4.17)

6. Repayment (4.18, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24)

Chapter 4: Duties & taxes

1. General (4.1)

- National legislation shall specify the circumstances when liability to duties & taxes is incurred

2. Assessment of Duties & Taxes (4.2, 4.3, 4.4, 4.5)

- The time period within which the applicable duties are assessed shall be stipulated in national legislation (4.2)
- The factors for assessment of duties and their conditions shall be specified in national legislation (4.3)
 - (ex) tariff classification, value, quantities, origin.....
- The rate of duties shall be set out in official publication (4.4)
- National legislation shall specify the point in time to be taken in to consideration for the purpose of determining the rates of duties (4.5)
 - (ex) arrival, lodgement, registration or release.....

Chapter 4: Duties & taxies

3. Payment of Duties & Taxies

- **National legislation shall specify the methods that may be used to pay the duties & taxies (4.6)**
 - cash, money order, checks or credit cards.....
- **National legislation shall specify the persons responsible fo the payment of duties & taxies (4.7)**
 - importer, agent, broker, transporter.....
- **National legislation shall determine the due date and the place where payment is to be made (4.8)**
- **When national legislation specifies that the due date may be after the release of goods, the date shall be at least ten days after the release with no charge of interests (4.9)**
- **When duties have been paid, a receipt shall be issued unless there is other evidence (4.12)**

Chapter 4: Duties & taxies

4. Collection of Duties & Taxies (4.10, 4.11, 4.13, 4.14)

- **National legislation shall specify the period within which Customs may take legal action to collect duties (4.10)**
- **National legislation shall determine the rate of interest chargeable on amounts of duties that have not been paid by the due date and the conditions of application of such interest (4.11)**
- **National legislation shall specify a minimum value and/or a minimum duties below which no duties will be collected (4.13)**
- **If Customs finds that errors in declaration/assessment caused the duties less than that legally chargeable, Customs shall correct errors and collect the amount unpaid (4.14)**

Chapter 4: Duties & taxies

5. Deferred payment (4.15, 4.16, 4.17)

- **Where national legislation provides for the deferred payment of duties, it shall specify conditions (4.15)**
- **Deferred payment shall be allowed without interest charges to the extent possible (4.16)**
- **The period for deferred payment of duties shall be at least 14 days (4.17)**

Chapter 4: Duties & taxies

6. Repayment (4.18, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24)

- Repayment shall be granted in case;

---- duties have been over charged as a result of an error in assessment (4.18)

---- imported goods are defective or not in accordance with specification provided that;(4.19)

--- goods are returned to supplier,

--- goods have not been worked, repaired or used

---- permission is given for goods originally declared a Customs procedure to be placed under another procedure that reduces or eliminates the amount of duties chargeable (TS 4.20)

Chapter 4: Duties & taxies

6. Repayment

- Notification for repayment shall be made in writing and soon after the decision (4.21)**
- In case overcharges is a results of Customs' error, repayment shall be made as a matter of priority (4.22)**
- In case time limits for claims of repayment are fixed, such limits shall be sufficient duration (4.23)**
- Repayment shall be not granted if the amount involves is less than minimum amount specified in national legislation (4.24)**

Chapter 5: Security

1. Cases & Forms of Security (5.1)

- National legislation shall enumerate the cases in which security is required and specify the forms of security

2. Amount of Security (5.2)

- The Customs shall determine the amount of security

3. Choice of forms of Security (5.3)

- Any form of Security acceptable for Customs shall be allowed to provide

4. Waiver of Security (5.4)

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

Chapter 5: Security

5. General Security (5.5)

- **The Customs shall accept a general security**
 - **in particular, from declarants who regularly declare goods at different offices**

6. Amount of Security at most (5.6)

- **The amount of security shall be as low as possible and, in respect of the payment of duties, shall not exceed the amount potentially chargeable.**

7. Discharge of Security (5.7)

- **Security shall be discharged as soon as possible after the Customs are satisfied that the obligations under which the security have been duly fulfilled**