

# **Specific Annex E**

## **Chapter 1**

### **Customs transit**

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### Customs transit

#### Definitions

For the purposes of this Chapter :

- E1./  
F4.     **"authorized consignee"** means a person empowered by the Customs to receive goods directly at his premises without having to present them at the office of destination;
- E2./  
F5.     **"authorized consignor"** means a person empowered by the Customs to send goods directly from his premises without having to present them at the office of departure;
- E3./  
F1.     **"control office"** means the Customs office responsible for one or more "authorized consignors" or "authorized consignees" and, in this respect, performing a special control function for all Customs transit operations;
- E4./  
F7.     **"Customs transit"** means the Customs procedure under which goods are transported under Customs control from one Customs office to another;
- E5./  
F6.     **"Customs transit operation"** means the transport of goods from an office of departure to an office of destination under Customs transit;

E6./ **"office of departure"** means any Customs office at which a Customs transit  
F2. operation commences;

E7./ **"office of destination"** means any Customs office at which a Customs transit  
F3. operation is terminated;

E8./ **"transport-unit"** means :  
F8.

- (a) containers having an internal volume of one-cubic metre or more, including demountable bodies;
- (b) road vehicles, including trailers and semi-trailers;
- (c) railway coaches or wagons;
- (d) lighters, barges and other vessels; and
- (e) aircraft.

## **Principle**

### **1. Standard**

Customs transit shall be governed by the provisions of this Chapter and, insofar as applicable, by the provisions of the General Annex.

## **Field of application**

### **2. Standard**

The Customs shall allow goods to be transported under Customs transit in their territory :

- (a) from an office of entry to an office of exit;
- (b) from an office of entry to an inland Customs office;

- (c) from an inland Customs office to an office of exit; and
- (d) from one inland Customs office to another inland Customs office.

### **3. Standard**

Goods being carried under Customs transit shall not be subject to the payment of duties and taxes, provided the conditions laid down by the Customs are complied with and that any security required has been furnished.

### **4. Standard**

National legislation shall specify the persons who shall be responsible to the Customs for compliance with the obligations incurred under Customs transit, in particular for ensuring that the goods are produced intact at the office of destination in accordance with the conditions imposed by the Customs.

### **5. Recommended Practice**

The Customs should approve persons as authorized consignors and authorized consignees when they are satisfied that the prescribed conditions laid down by the Customs are met.

## **Formalities at the office of departure**

*(a) Goods declaration for Customs transit*

### **6. Standard**

Any commercial or transport document setting out clearly the necessary particulars shall be accepted as the descriptive part of the Goods declaration for Customs transit and this acceptance shall be noted on the document.

### **7. Recommended Practice**

The Customs should accept as the Goods declaration for Customs transit any commercial or transport document for the consignment concerned which meets all the Customs requirements. This acceptance should be noted on the document.

*(b) Sealing and identification of consignments*

**8. Standard**

The Customs at the office of departure shall take all necessary action to enable the office of destination to identify the consignment and to detect any unauthorized interference.

**9. Recommended Practice**

Subject to the provisions of other international conventions, the Customs should not generally require that transport-units be approved in advance for the transport of goods under Customs seal.

**10. Standard**

When a consignment is conveyed in a transport-unit and Customs sealing is required, the Customs seals shall be affixed to the transport-unit itself provided that the transport-unit is so constructed and equipped that :

- (a) Customs seals can be simply and effectively affixed to it;
- (b) no goods can be removed from or introduced into the sealed part of the transport-unit without leaving visible traces of tampering or without breaking the Customs seal;
- (c) it contains no concealed spaces where goods may be hidden; and
- (d) all spaces capable of holding goods are readily accessible for Customs inspection.

The Customs shall decide whether transport-units are secure for the purposes of Customs transit.

**11. Recommended Practice**

Where the accompanying documents make it possible unequivocally to identify the goods, the latter should generally be transported without a Customs seal or fastening. However, a Customs seal or fastening may be required :

- where the Customs office of departure considers it necessary in the light of risk management;
- where the Customs transit operation will be facilitated as a whole; or

- where an international agreement so provides.

## **12. Standard**

If a consignment is, in principle, to be conveyed under Customs seal and the transport-unit cannot be effectively sealed, identification shall be assured and unauthorized interference rendered readily detectable by :

- full examination of the goods and recording the results thereof on the transit document;
- affixing Customs seals or fastenings to individual packages;
- a precise description of the goods by reference to samples, plans, sketches, photographs, or similar means, to be attached to the transit document;
- stipulation of a strict routing and strict time limits; or
- Customs escort.

The decision to waive sealing of the transport-unit shall, however, be the prerogative of the Customs alone.

## **13. Standard**

When the Customs fix a time limit for Customs transit, it shall be sufficient for the purposes of the transit operation.

## **14. Recommended Practice**

At the request of the person concerned, and for reasons deemed valid by the Customs, the latter should extend any period initially fixed.

## **15. Standard**

Only when they consider such a measure to be indispensable shall the Customs :

- (a) require goods to follow a prescribed itinerary; or
- (b) require goods to be transported under Customs escort.

## Customs seals

### 16. Standard

Customs seals and fastenings used in the application of Customs transit shall fulfil the minimum requirements laid down in the Appendix to this Chapter.

### 17. Recommended Practice

Customs seals and identification marks affixed by foreign Customs should be accepted for the purposes of the Customs transit operation unless :

- they are considered not to be sufficient;
- they are not secure; or
- the Customs proceed to an examination of the goods.

When foreign Customs seals and fastenings have been accepted in a Customs territory, they should be afforded the same legal protection in that territory as national seals and fastenings.

### 18. Recommended Practice

Where the Customs offices concerned check the Customs seals and fastenings or examine the goods, they should record the results on the transit document.

## Formalities en route

### 19. Standard

A change in the office of destination shall be accepted without prior notification except where the Customs have specified that prior approval is necessary.

### 20. Standard

Transfer of the goods from one means of transport to another shall be allowed without Customs authorization, provided that any Customs seals or fastenings are not broken or interfered with.

## **21. Recommended Practice**

The Customs should allow goods to be transported under Customs transit in a transport-unit carrying other goods at the same time, provided that they are satisfied that the goods under Customs transit can be identified and the other Customs requirements will be met.

## **22. Recommended Practice**

The Customs should require the person concerned to report accidents or other unforeseen events directly affecting the Customs transit operation promptly to the nearest Customs office or other competent authorities.

### **Termination of Customs transit**

## **23. Standard**

National legislation shall not, in respect of the termination of a Customs transit operation, require more than that the goods and the relevant Goods declaration be presented at the office of destination within any time limit fixed, without the goods having undergone any change and without having been used, and with Customs seals, fastenings or identification marks intact.

## **24. Standard**

As soon as the goods are under its control, the office of destination shall arrange without delay for the termination of the Customs transit operation after having satisfied itself that all conditions have been met.

## **25. Recommended Practice**

Failure to follow a prescribed itinerary or to comply with a prescribed time limit should not entail the collection of any duties and taxes potentially chargeable, provided the Customs are satisfied that all other requirements have been met.

### **International agreements relating to Customs transit**

## **26. Recommended Practice**

Contracting Parties should give careful consideration to the possibility of acceding to international instruments relating to Customs transit. When they are not in a position to accede to such international instruments they should, when drawing up bilateral or multilateral agreements with a view to setting up an international Customs transit procedure, take account therein of Standards and Recommended Practices in the present Chapter.

## APPENDIX

### Minimum requirements to be met by Customs seals and fastenings

A. Customs seals and fastenings shall meet the following minimum requirements :

1. General requirements in respect of seals and fastenings :

The seals and fastenings shall :

- (a) be strong and durable;
- (b) be capable of being affixed easily and quickly;
- (c) be capable of being readily checked and identified;
- (d) not permit removal or undoing without breaking or tampering without leaving traces;
- (e) not permit use more than once, except seals intended for multiple use (e.g. electronic seals);
- (f) be made as difficult as possible to copy or counterfeit.

2. Physical specification of seals :

- (a) the shape and size of the seal shall be such that any identifying marks are readily distinguishable;
- (b) each eyelet in a seal shall be of a size corresponding to that of the fastening used, and shall be positioned so that the fastening will be held firmly in place when the seal is closed;
- (c) the material used shall be sufficiently strong to prevent accidental breakage, early deterioration (due to weather conditions, chemical action, etc.) or undetectable tampering;
- (d) the material used shall be selected by reference to the sealing system used.

3. Physical specification of fastenings :

- (a) the fastening shall be strong and durable and resistant to weather and corrosion;
- (b) the length of the fastening used shall not enable a sealed aperture to be opened or partly opened without the seal or fastening being broken or otherwise showing obvious damage;
- (c) the material used shall be selected by reference to the sealing system used.

4. Identification marks :

The seal or fastening shall be marked :

- (a) to show that it is a Customs seal, by application of the word "Customs" preferably in one of the official languages of the Council (English or French);
- (b) to show the country which affixed the seal, preferably by means of the sign used to indicate the country of registration of motor vehicles in international traffic;
- (c) to enable the Customs office which affixed the seal, or under whose authority the seal was affixed, to be identified, for example, by means of code letters or numbers.

B. Seals or fastenings affixed by authorized consignors and other authorized persons for Customs transit purposes to ensure security for Customs purposes shall offer physical security comparable to that of seals affixed by the Customs and shall make it possible to identify the person who affixed those seals, by means of numbers to be entered on the transit document.

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