

Processing pod customs surveillance

Division 1 General provisions

Article 310 (requirements for issuance of the approval for instigation of procedure)

(1) Procedure of processing under customs surveillance may be approved by the customs authority where the requirements referred to in Article 136 of the Customs Law are met, if it pertains to the goods from the column 1 of the description from Addendum 23 hereto, which should be the subject of the processing procedures listed in column 2 of Addendum 23.

(2) It shall be deemed that economic requirements referred to in Article 136 paragraph 3 item 5 of the Customs Law are met in the events listed in the Addendum referred to in paragraph 1 of this Article.

Subdivision 1 Issuance of approval - routine procedure

Article 311 (approval)

Approval referred to in Article 312 hereof shall be issued on the basis of the request which shall be generated pursuant to Article 176 hereof and filled out on the form whose contents correspond to the model from Addendum 12 C hereto. The request shall be submitted with the customs authority.

Article 312

(1) By way of derogation from Article 316 hereof, approval for the procedure of processing under customs surveillance shall be issued on the form the contents of which correspond to the model from Addendum 13 C hereto.

(2) With the purpose of ensuring proper implementation of the procedure, the customs authority may, intending to facilitate the control, request that the approval holder keeps records of the goods from which clearly visible shall be the quantity of imported goods for which the procedure of processing under customs surveillance was instigated, the quantity of processed products, and other data necessary for surveillance over the implementation of the processing and for proper calculation of customs debt, if any.

(3) The records referred to in paragraph 2 of this Article shall be presented by the approval holder, at the request of the surveillance customs authority for the purposes of implementing the surveillance over proper implementation of the procedure.

(4) The records kept by the approval holder for his own commercial needs and which facilitates surveillance over the implementation of the procedure of processing under customs surveillance, may, upon the consent of the customs authority, be used as the records referred to in paragraph 2 of this Article.

Article 313 (validity period)

(1) Validity period of the approval for implementation of the procedure of processing under customs surveillance shall be determined by the customs authority, taking into account specific needs of the requested procedure of processing.

(2) Where validity period of the approval referred to in paragraph 1 of this Article is longer than two years, the customs authority shall ex officio check the compliance with the requirements for issuance of the approval in the time intervals specified in the approval.

Article 314
(timeline for implementation of the procedure and its extension)

(1) The approval referred to in Article 312 hereof shall specify the timeline within which other customs allowed use or utilization pursuant to Article 137 of the Customs Law shall be approved for the processed products. Account should be taken of the time required for implementation of the processing procedure and the time required for the processed products to allowed new allowed use or utilization.

(2) Exceptionally, if so required under the circumstances, the timeline referred to in paragraph 1 of this Article may be extended even after expiry of the timeline that was originally determined in the approval.

Article 315
(determination of the goods consumption norm)

(1) The norm for the obtained products or the method for determination of such norm should be, if possible, determined on the basis of the production data. The norm shall be subsequently checked in the approval holder's records.

(2) The norm of the consumption of goods or the method for determination of the norm referred to in paragraph 1 of this Article shall be subjected to subsequent checks by the customs authority.

Subdivision 2
Issuance of approval - simplified procedure

Article 316
(declaration for instigation of the procedure as the request for issuance of approval)

(1) Where for the instigation of the procedure of processing under customs surveillance simplifications referred to in Article 84 of the Customs Law are not applied, authorized customs authority may allow that the submittal of the declaration for instigation of the procedure of processing under customs surveillance shall be deemed to be the submittal of the request for approval.

(2) The receipt of the declaration for instigation of the procedure shall be deemed to be the issuance of the approval for implementation of the procedure of processing under customs surveillance, where the requirements for issuance of the latter are met.

(3) Appended to the declaration referred to in paragraph 1 of this Article shall be the document which shall contain the following data, provided they are not covered by the box 44 of the unique customs document:

- a) name and address of the applicant and the company, if the person submitting the request is not at the same time the declarant;
- b) name, namely the company and address of the person performing the processing, if such person is not the applicant, namely the declarant;
- c) description of the procedure of processing;
- d) trade or technical description of processed products;
- e) the norm or method for determination of the norm, if that is a more appropriate method for determination of the norm;
- f) the timeline for achievement of new, allowed use or utilization of imported goods, namely obtained products;
- g) the place where it is envisaged that processing procedure will be performed.

- (4) Articles 177, 183 and 184 hereof shall accordingly apply to the simplifications from this Article.

2. Division Instigation procedure

Article 317 (competences)

- (1) Save in the events referred to in Article 316 hereof, the approval holder may be submitted the declaration for instigation of the procedure of processing under customs surveillance only with the customs authority or the customs authority indicated in the approval.
- (2) In the event referred to in Article 316 hereof, the declaration for instigation of the procedure of processing under customs surveillance shall be submitted with the authorized customs authority.

Article 318 (filling out the declaration)

- (1) Declaration referred to in Article 317 shall be filled out pursuant to Article 70 of the Customs Law, in the manner provided by the regulations passed on the basis of Article 69 paragraph 2 of the Customs Law.
- (2) By way of derogation from item d) paragraph 3 Article 316 hereof, entry of the goods in the declaration shall correspond to the text indicated in the approval.
- (3) In implementation of Article 70 paragraph 2 of the Customs Law, appended to the declaration shall be the prescribed documents referred to in Article 20 of the Rules on Filling out of the Document.

Article 319 (simplified procedures)

- (1) Simplified procedures referred to in Article 84 of the Customs Law shall apply in accordance with Articles 157 i 158 hereof.
- (2) The Customs Administration shall not issue the approval for implementation of the simplified declaring on the basis of bookkeeping entries pursuant to Article 158 hereof to the persons which do not keep the records of goods pursuant to Article 312 paragraph 2 hereof.
- (3) Supplementary declaration referred to in Article 84 paragraph 3 of the Customs Law shall be submitted in the prescribed time intervals, but not later than the time when the form for calculation procedure is submitted.

Division 3 Conclusion of procedure

Article 320

- (1) Procedure of processing under customs surveillance shall be concluded for the quantity of imported goods which, with application of the norms, correspond to the quantity of processed products or for the quantity of unaltered imported goods for which the new allowed use or utilization was approved.
- (2) Where it is so required under the circumstances, pursuant to Article 138 of the Customs Law, in respect of the part of imported goods which is included in the processed products, Articles 260 do 263 hereof shall accordingly apply.

Article 321 (competences)

(1) Save in the events when Article 316 hereof is applied, the declaration for conclusion of the procedure of processing under customs surveillance shall be submitted to the customs authority which is specified in the approval.

(2) In the events simplifications referred to in Article 316 hereof, the declaration referred to in paragraph 1 of this Article shall be submitted to the authorized customs authority.

(3) The surveillance customs authority, in the event referred to in Article 316 hereof, may approve that the declaration referred to in paragraph 1 of this Article be submitted with other customs authority that that specified in paragraphs 1 and 2 of this Article.

Article 322
(filling out the declaration)

(1) Declaration for conclusion of procedure shall be filled out in accordance with the provisions for the requested new customs procedure, namely use or utilization.

(2) Description of the processed products or imported goods in unaltered condition in the declaration referred to in paragraph 1 of this Article shall correspond to the data from the approval.

(3) In respect of the Addendum to the declaration, paragraph 3 Article 254 hereof shall apply.

Article 323
(simplifications in conclusion of procedure)

Simplified procedures, referred to in Article 84 of the Customs Law, shall apply to the conclusion of procedure pursuant to Article 160 paragraph 1 hereof.

Article 324
(calculation)

(1) Approval holder shall be under obligation to submit to the surveillance customs authority the calculation procedure not later than thirty days after the date before which the procedure of processing under customs surveillance is to be concluded.

(2) Calculation referred to in paragraph 1 of this Article shall contain:

a) data, which makes it possible to identify the approval, on the basis of which the procedure of processing under customs surveillance is performed;

b) quantity and type of imported goods, and the data about declarations pertaining to the instigation procedure;

c) tariff mark of the customs tariff of imported goods;

d) customs value of imported goods;

e) the norm of the imported goods consumption;

f) nature and quantity of processed products and the data about declarations pertaining to the conclusion of procedure;

g) costs of processing, where provisions of Article 326 indent 4 hereof shall apply;

h) tariff mark of the customs tariff of processed products.

(3) Where simplified procedure is applied for instigation or conclusion of the procedure of processing under customs surveillance, for the implementation of this Article, the documents referred to in Article 84 paragraph 3, 4 and 5 of the Customs Law shall be deemed to be the declaration, namely other documents.

Article 325
(simplification of the calculation)

- (1) The surveillance customs authority may approve:
1. that the calculation referred to in Article 324 hereof is generated in the computer or in any other agreed form;
 2. that the calculation is generated on the declaration for instigation of procedure.
- (2) Article 268 hereof shall apply.
- (3) The surveillance customs authority may by itself generate the calculation procedure, taking into account the timelines referred to in paragraph 1 Article 324 hereof. Decision for such manner of the generation of the calculation shall be specified in the approval.

Article 326
(customs value)

Pursuant to Article 44 paragraph 3 of the Customs Law, customs value of the processed products for which the declaration for putting into free circulation was submitted, shall be determined on the basis of one of the following values, as selected by the declarant at the time of receiving the declaration.

1. customs value of identical or similar products which are produced in other country, determined at the same of approximately the same time;
2. selling price, provided this price is not affected by the relationship between the buyer and the seller;
3. selling price of identical or similar products on domestic market, provided such price is not affected by the relationship between the buyer and the seller;
4. customs value of imported goods, to which the costs of processing are added.

Article 327
(application of economic policy measures)

- (1) Where specific measures of economic policy apply to the imported goods at the time of receiving the declaration for putting into free circulation, such measures shall not apply to the processed products, unless they also apply to the products identical to the processed products.
- (2) In the event referred to in paragraph 1 of this Article, these measures shall apply to such quantity of imported goods which was actually used in the production of processed that were put into free circulation.