

## **TRANSIT GOODS**

### **Section 1 General provisions**

#### **Article 436 (definitions)**

In application of this heading, the following definition shall apply:

1. means of transportation:
  - road vehicles, trailer or semi-trailer,
  - railway cars,
  - vessels,
  - aircrafts,
  - containers, defined pursuant to Article 328 item 7 hereof;
2. authority of departure: the customs authority with which the transit procedure starts;
3. authority of destination: the customs authority with which, for the purposes of concluding the transit procedure, the goods which are transported within the transit procedure are surrendered
4. authority of security: the Customs Administration or such customs authority whom the Customs Administration has authorized to accept the security.

### **Section 2**

#### **Article 437 (use of transit procedure for customs goods)**

In the customs territory or across it the customs goods shall be transported in the transit procedure, unless otherwise provided by other customs regulations.

#### **Article 438 (use of transit procedure for domestic goods)**

(1) Within the transit procedure, domestic goods shall be transported pursuant to Article 99 paragraph 1 item 2 of the Customs Law.:

- in which the refund or exemption from customs debt are conditional upon the re-exportation of goods from the customs territory or their introduction into duty free zone, customs warehouse, or putting them in other customs procedure save for the procedure of putting into free circulation, or

- which was in the procedure of inward processing, within the system of the customs debt refund put into free circulation, and is being transported with the intent to export the obtained products from the customs territory, and the requirements for submittal of request in accordance with Article 132 of the Customs Law have been met and the participant intends to submit such a request.

(2) The goods declared for exportation, which did not leave the customs territory, shall be deemed to be domestic goods, provided it is demonstrated that the exportation declaration and customs formalities have been cancelled, as well the effect of such customs formalities.

### **Section 3 Customs status of goods**

#### **Article 439 (passengers' personal luggage)**

The goods which the passengers transport with them or which are within their personal luggage and are not intended for commercial use are the domestic goods, provided they are declared as domestic goods and the trueness of declaration is not suspected. The customs authority may request further documents.

**Article 440**  
**(transportation of customs goods by post)**

To the customs goods which is, pursuant to Article 99 paragraph 2 item 4 of the Customs Law, transported between the two places within the customs territory by post (including the package post), the customs authority shall attach the label or request the label in accordance with Addendum 35 hereto on the package and accompanying documents.

**Section 4**  
**Implementation of transit procedure**

**Division 1**  
**Procedure**

**Article 441**  
**(documents for implementation of transit procedure)**

(1) The goods which need to be transported in the transit procedure should, in accordance with this division, be declared for the transit through the use of transit declaration. As a rule, transit declaration shall be filled out on the form UCD in accordance with this Decree.

(2) Under the conditions defined in Articles 446 to 448 hereof, as well as nomenclature from transit declaration, loading specification after the model from Addendum 36 hereto may be used. The use of these loading specifications shall not affect the obligations to be fulfilled at the dispatch, exportation, or other procedure or obligation pertaining to the forms which should be submitted in these procedures. Any commercial document in compliance with the requirements referred to in Articles 445 to 448 hereof and provisions of Articles 442 to 444 hereof, may be used in the loading specifications.

**Article 442**  
**(characteristics of the paper for the forms)**

(1) For the forms of loading specifications, self-copying paper should be used that weighs at least 44 g per a square meter and is sufficiently firm not to tear or crease in routine use.

(2) For the forms of certificates of security and certificates of abandonment of the security instrument submittal, woodless writing paper weighing at least 100g per a square meter should be used. The paper should be crossed out on both sides with the pattern on which any mechanical or chemical falsifying is visible. Crossing out shall be:

- in the certificate of security - green;
- in the certificate of exemption from provision of security - light blue.

(3) The paper which is used in accordance with paragraphs 1, 2 and 3 of this Article is white, save for the paper for loading specifications referred to in Article 441 hereof which the declarant may chose.

**Article 443**  
**(size of the form)**

(1) Size of the loading specification form: 210 x 297mm, and may be by 5mm shorter or by 8mm longer.

(2) Size of the certificate of security and the form of the certificate of exemption from the provision of security instrument is 210 x 148mm.

**Article 444**  
**(filling out and corrections of the forms)**

(1) Any form of the certificate of security and the certificate of exemption from provision of security instrument shall be marked by a number, so that it can be distinguished from other forms.

(2) Forms of the certificate of security and certificate of exemption from provision of security instrument shall be filled out using the typewriter or a mechanographic procedure, etc.

(3) Loading specifications may be filled out by the typewriter or using the mechanographic procedure, etc., or in clear handwriting, and later on they may be filled out in ink and with printed letters.

(4) Forms referred to in paragraph 1 of this Article shall not be corrected by deletions or covering of errors. The modifications shall be made in such a manner that any incorrect written data shall be crossed out and, if necessary, the correct data shall be added. Each of such modifications shall be confirmed by the person who has signed the statement. The customs authority shall certify it in explicit manner.

**Article 445**  
**(characteristics of loading specifications)**

(1) The form of loading specifications shall contain:

- a) the text "loading specifications"
- b) 70 x 55mm box, divided into the upper part of 70 x 15, intended for entry of the abbreviation "TCG", and lower part of 70 x 40 mm, intended for entry of the data listed in Article 448 paragraph 3 hereof;
- c) columns according the following sequence and with the following texts:

- ordinal number,
- designations, numbers, number and type of the packaging, description of goods, and designation and number of the documents from the previous procedure
- country of dispatch/exporting country;
- gross weight (kg)
- space for official remarks.

(2) The users may discretionarily determine the width of columns; the column under the heading "space for official remarks" shall be at least 30mm wide. Moreover, the users may, for their own purposes, use the blank space outside the boxes listed in paragraph 1 items a), b) and c) of this Article.

**Article 446**  
**(use of loading specifications)**

(1) Only front side of the form may be used for the loading specification.

(2) Every item of the goods that is indicated in the loading specification shall have an ordinal number.

(3) Inserted next to each individual item of the goods, if necessary, shall be the remarks, appended documents, certificates and approval.

(4) Without delay below the last inscription a horizontal line should be inserted. The empty box should be crossed out and therefore prevent that anything is inserted in it later.

**Article 447**  
**(use of incomplete loading specifications)**

(1) The Customs Administration may, as the specification pursuant to Article 441 paragraph 2 hereof, approve the specification which fully complies with the requirements referred to in Articles 441 and 445 paragraph 2 hereof.

(2) Specifications referred to in paragraph 1 of this Article shall be approved only if:

a) they are issued by the company in which the documents are being prepared through computer data processing;

b) they are formed and filled out in such a manner that they allow the customs authorities to control them;

c) inserted for each item of goods is the number, type, designations and numbers of packaging, description of goods, the country of dispatch or exportation country, and gross weight and kilograms.

(3) Used as the specifications in accordance with paragraph 1 of this Article may also be the lists with the description of goods, which are made with the purpose of carrying out the dispatch/exportation formalities and even if such lists are issued by the companies which do not generate their documents through computer data processing.

(4) The Customs Administration may approve that the companies and entrepreneurs which generate their business documents through computer data processing and which, in accordance with paragraphs 1 and 2 of this Article, have the approval to use the list according to a specific model, shall also use these lists in the transit procedure that concerns only one type of goods, provided this is necessary because of the data processing programs used by these companies.

#### **Article 448 (records of the loading specifications)**

(1) If the main payer uses the loading specification for the consignment which contains more than one type of goods, then boxes 15, 33, 38 and, if necessary, boxes 44 and 31 in the transit declaration form shall be crossed out. This form shall not be used for entry of the designation and number, number and type of the package and description of goods, and it may not be supplemented by the supplementations "bis" of the unique customs document.

(2) The loading specification referred to in paragraph 1 of this Article should be appended in a number of copies equal to the number of copies of the transit declaration to which it pertains.

(3) When accepting the declaration specifications referred to in paragraph 1 of this Article, it shall be assigned the same register number as the transit declaration to which it pertains. This number shall be inserted using the seal which also includes the name of the authority of departure, or by hand. In such case, official seal of the customs authority shall also be affixed. In addition, it may be affixed the signature of the customs officer of the authority of departure.

(4) Where one transit declaration is appended more than one specification, the main payer shall designate them with ordinal numbers. The number of appended specifications shall be inserted in box 4 "specifications" of the transit declaration.

#### **Article 449 (TCG, TCGbis)**

(1) When the goods are transported in the transit procedure through the customs territory, main payer shall insert, in the third division of the box 1 of the used form, the abbreviation "TCG". In the event the supplementary forms are used, the main payer shall insert the abbreviation "TCG bis" in the third division of box 1 of the used supplementary form. Declaration for transit procedure should be supplemented with one or more than one form in accordance with this Decree. In such event, the abbreviation "TCG bis" shall be inserted in the third division of the box 1 of the suitable form.

- (2) Transit declaration shall be signed by the main payer.
- (3) If the transit procedure follows some other customs procedure, such procedure or suitable customs documents should be indicated in the transit declaration TCG.

**Article 450**  
**(use of transit declaration)**

- (1) The same means of transportation may be used for loading of goods with more than one authorities of departure, and unloading of goods with more than one authorities of destination.
- (2) Allowed to be indicated in a single transit declaration is only the goods which were or will be loaded on one means of transportation intended for transportation from the same authority of departure to the same authority of destination.
- (3) In accordance with paragraph 2 of this Article, a single means of transportation shall be deemed to be the following means of transportation which are transporting the goods and which shall remain one unit:
- a) road vehicle with one or more than one trailer or semi-trailer,
  - b) more than one railway car,
  - c) containers which were loaded on a single means of transportation.

**Article 451**  
**(procedure for transit declaration)**

- (1) The authority of departure shall receive the transit declaration and enter it in the records; it shall specify the timeline within which the goods should be surrendered to the authority of destination, and, in a suitable manner, ensure the identity of goods.
- (2) In the events referred to in Article 463 hereof, or if the customs authority deems it necessary, the authority of departure may determine a specific route of the transit of goods. Exceptionally, at the request of main payer, this route may be changed only by the competent customs authority. The customs authority shall insert the corresponding remark in the transit declaration and it shall without delay notify the authority of departure. The customs authority shall take all measures necessary to ensure efficacious prevention of irregularities.
- (3) In the event of vis major, the carrier may abandon the specified route. The goods and the transit declaration should be without delay presented to the nearest customs authority. The customs authority shall without delay notify the authority of departure about the change and insert the corresponding remark in the transit declaration.
- (4) The authority of departure shall insert in the transit declaration the corresponding data, retain a copy intended for it and hand over the remaining copies to the main payer or his agent.

**Article 452**  
**(ensuring the identity of goods)**

- (1) As a rule, the identity of goods shall be ensured by affixing the customs designations.
- (2) Customs designations shall be affixed:
- 1. to the load space, if the means of transportation already has the approval on the basis of other regulations, or if it was recognized by the authority of departure as being fit for affixation of designations,
  - 2. and, in exceptional cases, on the packaging.
- (3) The means of transportation which are fit for affixation of customs designations are those:

- to which customs designations may be affixed easily and efficaciously;
- which are made in such a manner that it is not possible to add or take the goods without leaving visible traces of damage or breakage of customs designations;
- in which there are no hidden spaces in which it would be possible to hide the goods;
- whose load spaces are accessible for customs control.

(4) The authority of departure shall not affix customs designations where the identity of goods can be determined on the basis of the description in the transit declaration or in accompanying documents, taking into account other measures for ensuring the identity, if any.

#### **Article 453**

##### **(submittal and use of the copies of transit declaration to be returned to the payer)**

(1) The transportation of the goods shall be accompanied by the copies of transit declaration which the authority of departure shall hand over to the main payer or his agent.

(2) Copies of transit declaration should be at any time presented to the customs authority, at their request.

#### **Article 454**

##### **(loading and unloading under surveillance of the customs authority)**

Where the goods are loaded or unloaded with a customs authority located between the authority of departure and the authority of destination, copies of transit declaration should be submitted to the customs authority of departure.

#### **Article 455**

##### **(reloading of goods)**

(1) In justifiable cases, the goods referred to in transit declaration may be reloaded, without a new declaration, to other means of transportation under surveillance of the customs authority. In such event, the customs authority shall insert the suitable remark in the transit declaration.

(2) The customs authority may, under the conditions it determines at its discretion, approve the reloading of goods without direct customs surveillance. In the event of such reloading, the carrier shall insert the suitable remark in the transit declaration and notify the customs authority so that this reloading can be officially confirmed.

#### **Article 456**

##### **(damage to the customs designations)**

(1) Where, in the course of transportation, the customs designations are damaged due to a cause beyond the control of the carrier, the carrier shall be under obligation to without delay notify the nearest customs authority, which shall compose the suitable minutes. The customs authority shall affix new customs designations.

(2) In the event of an accident due to which the reloading to other means of transportation is necessary, paragraph 1 of this Article shall accordingly apply.

(3) If the goods should be without delay divided or entirely unloaded due to a direct danger, the carrier may act at his own risk, which fact shall be inserted in the transit declaration. Paragraph 1 of this Article shall accordingly apply.

(4) If the carrier is not able to meet the timeline referred to in Article 451 hereof due to an accident or other event in the course of transportation, it shall without delay notify the customs authority referred to in paragraph 1 of this Article, which shall insert the suitable remark in the transit declaration.

**Article 457**  
**(procedure with the authority of destination)**

- (1) The goods and transit declaration shall be presented to the authority of destination.
- (2) The authority of destination shall, in a copy of transit declaration, insert the results of verification and without delay submit one copy to the authority of departure, while the other copy shall remain with the authority of destination.
- (3) Transit procedure may also be concluded with the customs authority other than the one which is specified in the transit declaration. In such event, this customs authority shall become the authority of destination.
- (4) In the events referred to in Article 463 hereof or, if the customs authority deems it necessary, the competent customs authority may, at the request of main payer and upon the consent of the customs authority of departure, change the authority of destination. Competent customs authority shall without delay notify the former authority of destination about this change and insert a suitable official note in the transit declaration.
- (5) The timeline for submittal of goods with the authority of destination, which is to be specified by the authority of departure, shall be binding for other customs authorities and they shall not be able to change it.
- (6) Where goods were submitted with the authority of destination only after the expiry of the timeline specified by the authority of departure, such timeline shall be approved if the authority of destination demonstrates that the timeline was exceeded due to the reasons for which neither the carrier or main payer was responsible.

**Article 458**  
**(certificate of receipt)**

- (1) Certificate of receipt shall be confirmed at the request of the person who has surrendered with the authority of destination the goods accompanied with corresponding transit declaration.
- (2) For the confirmation of the receipt, which shall demonstrate that the transit declaration and the goods listed in it are presented to the authority of destination, the cutout at the back of the copy 5 UCD shall be used.
- (3) The certificate of receipt shall be filled out by the participant in advance. Next to the part intended for the authority of destination, it may also contain other data that refer to the consignment of goods. The note of the authority of destination shall be binding only for the data in the part intended for such authority.

**Division 2**  
**Security for customs debt in the transit procedure**

**Subdivision 1**  
**General provisions**

**Article 459**

- (1) Security instruments pursuant to Article 103 of the Customs Law shall apply throughout the customs territory.
- (2) Security may be general, which applies to more than one transit procedures, or individual, which applies to a single transit procedure.

(3) Security shall be solidary, issued by any natural or legal person meeting the requirements referred to in Article 460 hereof.

(4) Form of the security instrument referred to in paragraph 3 of this Article shall comply with the:

- model in Addendum 37 hereto, if it pertains to general security;
- model in Addendum 38 hereto, if it pertains to individual security;

**Article 460**  
**(guarantors and types of security instruments)**

(1) The bank guarantees issued by the banks with registered office in the territory of Montenegro or cash deposit may be used as the security instruments.

(2) If the participant wishes to use the cash deposit as the general security instrument, they shall pay the funds to a specific deposit account with the Customs Administration, and, in the event of using a cash deposit for an individual security, they shall pay the funds to a specific deposit account with the customs authority requesting the security for payment of customs debt. In such event, at the request of the participant, the deposit shall be returned after the transit procedure is concluded.

**Subdivision 2**  
**General security**

**Article 461**  
**(use of general security)**

(1) General security shall be approved only to the persons who meet the following requirements:

- a) have the registered office, namely residence in Montenegro;
- b) have regularly used the transit procedure in preceding 6 months as main payers or consigners, and for whom the customs authority believes that they are able to fulfil their obligations.
- c) have not gravely or repeatedly breached the customs or taxation regulations.

(2) General security shall be deposited with the Customs Administration.

(3) The Customs Administration shall determine the amount of security, accept the security instrument, and issue to the main payer the approval to, within the limits of the amount of general security, instigate the transit procedures with any authority of departure. The records of the approval holders and other elements of general security shall be kept with the Customs Administration.

(4) The person who has received the approval referred to in paragraph 3 of this Article shall, under the conditions referred to in Articles 465 to 468 hereof, be issued one or more than one certificate of security, corresponding to the model from Addendum 39 hereto.

(5) Inserted in the transit declaration shall be the number of general security from the register of approvals with the Customs Administration.

(6) The Customs Administration shall cancel the approval and, consequently, the certificate issued on the basis of approval, when the requirements referred to in paragraph 1 of this Article are not met.

**Article 462**  
**(determination of the level of general security)**



(1) Save in the event referred to in paragraph 2 of this Article, general security shall be determined in the manner referred to in paragraphs 4 and 5 of this Article, namely at the level of 100% of the customs debt which was incurred or which might be incurred in importation. The level of general security may not be below € 5,000 and, in the event of the transit of cigarettes and strong alcoholic drinks, it may not be below € 300,000.

(2) The Customs Administration may, in the manner referred to in paragraphs 4 and 5 of this Article, determine the general security at the level of minimum 30% of the customs debt which might be incurred in importation, but not below € 5,000, if:

- a) the participant has for a year regularly used the procedure with the general security;
- b) the participant has fully complied with his financial obligations in the above period;
- c) the security determined in this manner covers the full amount of customs debt;
- d) the goods are not listed in Addendum 40 hereto.

(3) The exception referred to in paragraph 2 of this Article may be rendered null and void if the specified requirements are not met.

(4) To determine the level of general security, the Customs Administration shall, for the period of 8 days, prepare the assessment of:

- a) the transportations of goods performed under customs surveillance;
- b) the customs debt, taking into account the highest rates applied in Montenegro.

(5) The assessment referred to in paragraph 4 of this Article shall be made on the basis of commercial and financial documents of the person who has submitted the request pertaining to the transit of goods in the preceding year. The result shall be divided by 52.

(6) For the person who request the general security for the first time, the Customs Administration shall, in concert with the user of the right, through the sample method, determine the average value and customs debt for the weekly volume of transit circulation.

(7) The Customs Administration shall, on annual basis, review the level of general security, taking into account the data of the authorities of departure and the data of main payers and, if necessary, determine a new level of security.

**Article 463**  
**(temporary prohibition of the use of general security)**

(1) The Customs Administration may, for the purpose of implementing the transit procedure, temporarily prohibit the use of general security, if it pertains to the goods for which the Customs Administration has found that they present the increased risk and that there is a possibility of misuse.

(2) Prohibition of the use referred to in paragraph 1 of this Article may subsist for maximum 12 months and the Customs Administration may extend such timeline.

**Article 464**  
**(sensitive goods)**

For the sensitive goods listed in Addendum 40 hereto, the following measures shall apply:

- a) tariff mark shall be inserted in the transit declaration;
- b) in all copies of the transit declaration, the remark "SENSITIVE GOODS" shall be diagonally inserted, in red, in minimum dimension of 100 x 10mm;
- c) pages of the transit declaration containing the remark referred to in item b) of this Article shall be returned to the authority of departure not later than on the business day following the day when the

consignment and transit declaration were presented to the authority of destination. Without delay after such presentation, the authority of destination shall, in the prescribed manner, notify the authority of departure about the receipt of consignment.

**Article 465**  
**(authorized persons)**

(1) The main payer shall, when the certificate of security is issued or at any time during the validity period of the certificate, put on the back of the certificate the names of persons with the power of attorney to sign the declaration for transit procedure in his name. Inserted shall be the name and surname of the person and his signature will be attached. The appointment shall be made by inserting the surname and name of the authorized person and specimen of his signature. Any insertion of the authorized person the main payer shall confirm by affixing his signature. Main payer may, in the certification of security, cross out the box which he does not intend to use.

(2) The main payer may cancel the insertion of the authorized person on the back of the certificate.

**Article 466**  
**(authorized person)**

The person, inserted on the back of the certificate of security to be presented to the authority of departure, shall be deemed to be the authorized agent of the main payer.

**Article 467**  
**(validity period, extension)**

Validity period of the certificate of security may not exceed the validity period of security.

**Article 468**  
**(cancellation of security)**

(1) In the event of the cancellation of security instrument, the main payer shall without delay return to the Customs Administration any certificates of general security whose validity period has not expired.

(2) The Customs Administration may cancel the certificate of security and duly notify the customs authority.

**Subdivision 3**  
**Individual security**

**Article 469**  
**(individual security)**

Security instrument for the individual transit procedure shall be submitted to the authority of departure which shall specify the level of security.

**Subdivision 4**  
**Common provisions for subdivisions 1 to 3**

**Article 470**  
**(cessation of obligations)**

(1) Pursuant to Article 222 paragraph 4 of the Customs Law, the guarantor shall, upon the expiry of the timeline of twelve months after the receipt of transit declaration, be relieved from the obligation referred to in the guarantee that was submitted, unless the customs authority has notified him that the transit procedure was not properly concluded.

(2) Where the customs authority, within the timeline referred to in paragraph 1 of this Article, has notified the guarantor that the transit procedure was not properly concluded, the guarantor shall be notified that he shall pay or may be under obligation to pay the amount for which he guarantees in the respective transit procedures. Such notification the guarantor must receive not later than three years after transit declaration was accepted. If the guarantor does not receive the notification within the above timeline, he shall be relieved from his obligations arising from the guarantee that was submitted.

### **Irregularities; proving the correctness**

#### **Article 471 (release of the security instrument)**

If the consignment was not surrendered to the authority of destination, the security instrument for transit procedure shall be released only upon the payment of customs debt or not later than after expiry of three years, unless it is demonstrated to the competent authorities that the transit procedure was properly concluded in the manner referred to in Article 472 hereof.

#### **Article 472 (procedure in undelivered consignments)**

(1) If the consignment was not surrendered to the authority of destination and the place of breach is not possible to identify, the authority of departure shall without delay notify the main payer, and not later than before expiry of the 11<sup>th</sup> month after the receipt of transit declaration.

(2) Indicated in the notification referred to in paragraph 1 of this Article shall be, in the first place, the timeline within which the authority of departure should submit the evidence that transit procedure was properly concluded. Such timeline shall be one month after the notification referred to in paragraph 1 of this Article. Where the above evidence is not submitted, customs debt shall be calculated after expiry of such deadline.

#### **Article 473 (evidence of proper implementation of transit procedure)**

The evidence of proper conclusion of transit procedure shall be submitted pursuant to Article 472 hereof to the competent authorities in such a manner that:

a) the customs or commercial document is submitted, which was confirmed by the customs authority and from which it is apparent that the goods were surrendered with the authority of destination or, in the events referred to in Article 484 hereof, with the authorized consignee. This document shall contain the data for determination of the identity of goods; or

b) the customs document is submitted, which was issued by other country, about subjecting the goods to the customs procedure, or a transcript or photocopy of such document. The transcript or photocopy shall be certified by the authority which has confirmed the original, or the competent authority of the country concerned or of Montenegro. The document shall contain the data for determination of the identity of goods.

### **Section 5 Domestic transit procedure**

#### **Article 474 (transportation of goods through foreign customs territory)**

(1) Transportation of domestic goods through foreign customs territory shall be performed in accordance with the provisions about the transit procedure hereof. For such goods, the transit declaration shall be submitted with the authority of departure with which the goods temporarily enters the other

country. Description of the goods in transit declaration shall be such that it unambiguously enables determination of the identity of goods at the time of their re-entry in Montenegro. The customs authority shall, at the time of the exit of goods, inspect the goods and insert in box D that actual status of goods corresponds to the data in the transit declaration. The authority of destination shall, at the time of re-entry in Montenegro, put the goods into free circulation on the basis of transit declaration, and submit copy 5 UCD to the authority of departure.

(2) Submittal of the security for transportation of goods referred to in paragraph 1 of this Article shall not be required.

(3) By way of derogation from paragraph 1 of this Article, consignment note CIM or handover note TR may be used for the transportation of goods through foreign customs territory in railway traffic. In such event, paragraph 1 of this Article shall accordingly apply.

## **Section 6 Simplified procedures**

### **Division 1 Simplification of transit procedure with the authority of departure and the authority of destination**

#### **Article 475 (general provision)**

When the goods are transported in the transit procedure, the formalities may be simplified in accordance with this division.

#### **Subdivision 1 Formalities with the authority of departure**

#### **Article 476 (authorized consigner)**

The Customs Administration may, to the person meeting the requirements referred to in Article 483 hereof and intending to transport the goods in the transit procedure (hereinafter referred to as: authorized consigner) approve to perform this activity without surrendering the goods and the transit declaration for such goods with the authority of departure.

#### **Article 477 (requirements for the status of authorized consigner)**

(1) Approval pursuant to Article 476 hereof shall be issued only to persons:

1. who are regularly dispatching the goods;
2. who, with their records, enable the customs authorities to conduct surveillance over the transit;
3. who have submitted the general security referred to in Article 459 hereof,
4. who have not gravely or repeatedly breached the customs or taxation regulations.

(2) The Customs Administration shall cancel the approval if the authorized consigner no longer meets the requirements referred to in paragraph 1 of this Article.

#### **Article 478 (approval)**

The approval issued by the Customs Administration shall contain the following data:

- a) customs authorities, which as the authorities of departure are the competent authorities for the transit;
- b) the timeline and any other details pertaining to the notification of the consignment envisaged for the transit, which is to be performed by the authorized consigner with the authority of departure so that the latter can, before the goods are dispatched, perform the control, if necessary;
- c) the timeline within which the goods should be surrendered with the authority of destination;

**Article 479**  
**(specific provisions for transit declaration)**

(1) It shall be determined in the approval referred to in Article 476 hereof that the box to be filled out in the transit declaration for the notification for transit procedure:

- a) should be in advance inserted the seal of the customs authority and the signature of the customs officer, or
- b) the authorized consigner should insert in the box the imprint of the characteristic metal seal which is approved by the Customs Administration and which corresponds to the model from Addendum II hereto. The imprint of this seal may be in advance placed on the form, provided the printing is made by the print shop on the basis of the corresponding approval of the Customs Administration.

(2) Authorized consigner shall add to the box C by inserting the date of dispatch and the transit declaration number in accordance with the approval.

(3) The Customs Administration may approve that other forms be used, which shall bear a distinguishing mark.

**Article 480**  
**(filling out the transit declaration)**

(1) Not later than at the dispatch of goods, the authorized consigner shall submit the correctly filled out transit declaration in such a manner that the copies 1 and 4 in the box "Control authority of departure" is inserted the timeline for submittal of goods to the authority of destination, the measures for ensuring the identity, and the remark: "SIMPLIFIED PROCEDURE".

(2) After the dispatch, copy 1 of transit declaration should be without delay sent to the authority of departure. The Customs Administration may specify in the approval that copy 1 of transit declaration is to be sent to the authority of departure without delay when such declaration is filled out. Other copies shall accompany the goods in accordance with Articles 441, 445 and 473 hereof.

(3) If the authority of departure, when dispatching the consignment, performs the control, it shall indicate: "Control authority of departure" on copies 1 and 4 of transit declaration.

**Article 481**  
**(validity period of transit declaration)**

Properly filled out and, pursuant to Article 480 hereof, supplemented transit declaration shall have the validity period equal to that of the transit declaration for routine transit procedure. The authorized consigner, who has signed the declaration, shall become the main payer.

**Article 482**

(1) The Customs Administration may relieve the authorized consigner from the obligation to sign the transit declarations which were made through electronic or automatic data processing, provided they bear the imprint of the characteristic seal that corresponds to the model from Addendum 11 hereto. This approval shall be issued under the condition that the authorized consigner undertakes, with the Customs Administration, in writing, that they shall act as the main payer in all transit procedures in which the transit declaration with the imprint of characteristic seal will be used.

(2) The transit declaration generated in accordance with paragraph 1 of this Article shall be inserted, in the box envisaged for the signature of main payer, the remark "RELIEVED FROM SIGNATURE".

**Article 483**  
**(obligations of the authorized consigner)**

(1) Authorized consigner shall:

1. apply the customs regulations, and primarily the provisions of this division and the requirements for implementation of simplifications, as specified in the approval;

2. safeguard the specific seal or the form with the imprint of the seal of the authority of departure or the imprint of the characteristic seal.

(2) In the event the forms which were in advance affixed the imprint of the seal of the authority of departure or the imprint of the characteristic seal are misused, regardless of who has misused the forms and regardless of any demeanor or other liability, the authorized consigner shall be liable for payment of the customs debt payable for the goods which is being transported with these forms, if they fail to demonstrate to the customs authority that they have taken all measures listed in item 2 paragraph 1 of this Article.

**Subdivision 2**  
**Formalities with the authority of destination**

**Article 484**  
**(authorized consignee)**

(1) The Customs Administration may approve that the goods that are transported in the transit procedure need not be surrendered to the authority of destination, if they are intended for a person who meets the requirements referred to in Article 491 hereof (hereinafter referred to as: authorized consignee) and holds a suitable approval that is issued by the Customs Administration.

(2) In the events referred to in paragraph 1 of this Article, the main payer for the transit procedure, shall meet their obligations referred to in Article 102 paragraph 1 of the Customs Law at the time when the copies of transit declaration that have accompanied the goods and the goods in unaltered condition are surrendered to the authorized consignee within the prescribed timeline, in their company or at the place specified in the approval, taking into account the measures for ensuring the identity.

(3) For each consignment which was surrendered in accordance with paragraph 2 of this Article, the authorized consignee shall, at the request of the carrier, issue the certificate to confirm that they have received the transit declaration and the goods.

**Article 485**  
**(requirements for the status of authorized consignee)**

(1) The approval referred to in Article 484 hereof shall be issued by the Customs Administration only to the persons who:

1. regularly receive the goods through the transit procedure;
- 2., with their records, enable the customs authorities to perform surveillance over their business;
3. have not gravely or repeatedly breached the customs or taxation regulations.

(2) The Customs Administration may cancel the approval if the authorized consigner no longer meets the requirements referred to in paragraph 1 of this Article, namely in the approval.

**Article 486**

**(approval)**

(1) The approval which is issued by the Customs Administration shall contain the following data:

1. the customs authority, which is, as the authority of destination, the competent authority for surveillance over the consignments received by the authorized consignee.;

2. the timeline and the manner in which the authority of destination shall be notified about arrival of the consignment, in view of customs surveillance measures, if any.

(2) Save in the events referred to in Article 488 hereof, the Customs Administration may specify in the approval that the authorized consignee may have disposal over the received goods without cooperation of the authority of destination.

**Article 487**

**(obligations of the authorized consignee)**

(1) About the consignments which have reached the authorized consignee or other place specified in the approval, the authorized consignee shall:

1. without delay and in the manner which is specified in the approval, notify the authority of destination about any surplus, deficit, substitutes, or other irregularities, and about any damage to the customs designations,

2. the authority of destination shall without delay send the copies of the transit declaration that accompanied the goods and, at the same time, insert the date of arrival and the condition of affixed customs designations.

(2) The authority of destination shall insert the envisaged notes in the copies of transit declaration.

**Subdivision 3**

**Restrictions in the simplification of transit procedure**

**Article 488**

**(restrictions for individual types of goods)**

For the individual types of goods, the Customs Administration may restrict the simplification formalities referred to in Article 476, namely Article 484 hereof.

**Article 489**

**(CIM, handover note TR)**

(1) If the release from submittal of the declaration for transit procedure with the authority of departure applies to the goods that is transported in accordance with Articles 490 to 518 hereof, with the consignment note CIM or handover note TR, the customs authority shall determine the measures necessary to provide the marks on copies 1, 2 and 3 of the consignment note CIM, or copies 1, 2 and 3A of the handover note TR with the abbreviation TGG.

(2) Where the goods that are transported in accordance with Articles 490 to 518 hereof, are intended for the authorized consignee, the Customs Administration may, without prejudice to Article 484 paragraph 2 and Article 487 paragraph 1 item 2 hereof, determine that the copies 1, 2 and 3 of the consignment note CIM, and copies 1, 2 and 3A of the handover note TR, be submitted to the authority of destination directly by the railway association or transportation company.

**Division 2**

**Simplification of the formalities in transportation of goods in railway transportation**

**Subdivision 1**  
**General provisions**

**Article 490**  
**(simplification in railway transportation)**

Where the goods are transported in the transit procedure, relevant formalities for transportation of goods, which are to be carried out by registered contractors of railway transportation services in Montenegro (hereinafter referred to as: contractors of railway transportation services), shall be, on the basis of international consignment note CIM, simplified in accordance with Articles 491 to 502 and Article 518 hereof.

**Article 491**  
**(transit declaration in railway transportation)**

Consignment note CIM shall apply for the goods that is transported in the transit procedure as if it were transit declaration.

**Article 492**  
**(railway records of consignments)**

Contractors of railway transportation services shall present the records, which are kept with the central accounting service, to the customs authority, for the purpose of control.

**Article 493**  
**(customs duty payer in railway transportation)**

(1) The contractors of railway transportation services, who assume for transportation the goods accompanied by the consignment note CIM, which is valid as the transit declaration, shall be the main payers for such transit procedure.

(2) The contractor of railway transportation services shall be the main payer for the transit procedure for the consignments which enter the customs territory and were assumed for transportation by foreign railway companies.

**Article 494**  
**(designation of consignments)**

(1) The contractor of the railway transportation services shall on mandatory basis designate the consignments in transit procedure with the label on the consignment note CIM that corresponds to the model from Addendum 47 hereto.

(2) The label referred to in paragraph 1 of this Article shall be affixed to the consignment note CIM, and in the event of the closed load - to the railway car, and in other cases - on the package, namely the packages.

(3) The label referred to in paragraph 1 of this Article may be replaced by the imprint of seal, of green color and with the inserted pictogram from Addendum 47 hereto.

**Article 495**  
**(changes to transportation)**

(1) In the event of any changes to the contract on transportation because of which:

a) the transportation which should have be concluded outside the customs territory, concludes in the customs territory, or



b) the transportation which should have been concluded in the customs territory, concludes outside the customs territory,

the contractor of railway transportation services shall realize the change to the contract on transportation only upon previous approval of the authority of departure.

(2) In all other cases, the contractor of railway transportation services may realize the amended contract on transportation and without delay notify the authority of departure about the change.

**Article 496**  
**(procedure with the authority of departure)**

(1) If the transportation in the transit procedure is instigated in the customs territory, it should be concluded in it and the consignment note CIM shall be presented to the authority of departure.

(2) The authority of departure shall clearly insert in the box intended for the customs authority, in copies 1, 2 and 3 of the consignment note CIM, the abbreviation "TGG", which shall be confirmed by the seal of the authority of departure.

(3) All copies of the consignment note CIM shall be returned to the participant.

(4) The duties of the authority of destination shall be performed by such customs authority in whose territory the railway station of destination is located. Where the goods were put into free circulation at an interim station, or if other customs procedure was determined for such goods, the duties of the authority of destination shall be assumed by such customs authority in whose territory such station is located.

(5) Because of the performance of control over the transit procedure pursuant to Article 492 hereof, the contractor of the railway transportation services shall be under obligation to put on disposal of the customs authority all consignment notes CIM.

**Article 497**  
**(sealing of vehicle)**

If the measures taken by the contractor of the railways transportation services to ensure the identity of goods are satisfactory, the authority of departure shall affix seals on the means of transportation or the packages.

**Article 498**  
**(procedure with the authority of destination)**

(1) In the events referred to in Article 496 paragraph 4 hereof, the contractor of the railway transportation services shall submit the copies 2 and 3 of the consignment note CIM to the authority of destination.

(2) The authority of destination shall return to the contractor of railway transportation services copy 2 of the consignment note CIM without delay after it inserts in the note, and shall keep copy 3.

**Article 499**  
**(transportation which concludes outside the customs territory)**

(1) If the transportation is instigated in the customs territory and it should be concluded outside it, provisions Articles 496-497 hereof shall apply.

(2) Duties of the authority of destination shall be assumed by such customs authority in whose territory the border railway station over which the consignment leaves the customs territory is located.

(3) No formalities need to be carried out with the authority of destination.

**Article 500**  
**(transportation which concludes in the customs territory)**

- (1) If the transportation is instigated outside the customs territory and it should be concluded in it, duties of the authority of departure shall be assumed by the customs authority in whose territory the border railway station over which the consignment enters the customs territory is located.
- (2) No formalities need to be carried out with the authority of departure.
- (3) Duties of the authority of destination shall be assumed by such customs authority in whose territory the border railway station is located. Procedures envisaged in Article 498 hereof shall be performed with the authority of destination.
- (4) Where the goods were put into free circulation at an interim station or where other customs procedure was implemented for such goods, duty of the authority of destination shall be assumed by such customs authority in whose territory this station is located. This customs authority shall certify copies 2 and 3 and the additional copy of the copy 3, which is submitted by the contractor of railway transportation services, and affix to them the following designation: "CLEARED". This authority shall, after certifying them, without delay return copies 2 and 3 to the contractor of railway transportation services, and retain the additional copy of copy 3.
- (5) Procedure specified in paragraph 4 of this Article shall not apply to excise products pursuant to the Law on Excise Taxes.
- (6) For the procedures mentioned in paragraph 4 of this Article, the surveillance customs authority of the station of destination shall have the right to check the text which the customs authority competent for surveillance of the interim station has inserted into copies 2 and 3.

**Article 501**  
**(transportation across the customs territory)**

- (1) If the transportation is instigated outside the customs territory and should be concluded outside it, then the duties of the authority of departure and the authority of destination shall be assumed by the customs authorities specified in Article 500 paragraph 1, namely in Article 499 paragraph 2 hereof.
- (2) No formalities need to be carried out with the authority of departure and the authority of destination.

**Article 502**  
**(domestic goods)**

In the events referred to in Articles 500 and 501 hereof, these goods shall be deemed to be the customs goods.

**Subdivision 2**  
**Provisions pertaining to the goods transported in large containers**

**Article 503**  
**(transportation in large containers)**

Where the goods are transported in the transit procedure, the simplifications pursuant to Article 504 hereof shall accordingly apply to the transportation of goods in large containers which are, for the contractors of railway transportation services, performed by transportation companies on the basis of the

handover note TR. Such transportation may, besides the railway transportation, include other types of transportation for the railway station of departure to the railway station of destination.

#### **Article 504 (definitions)**

In implementation of this subdivision, the following terms shall have the following meanings:

1. "transportation company": the company founded by the contractors of railway transportation services for transportation of goods in large containers, using the bills of handover TR, whose member is the railway company;

2. "large container": the container defined pursuant to Article 328 item 7 hereof:  
- with the properties that enable efficacious affixation of seals; this applies only in the event when the sealing is required pursuant to Article 531 hereof;  
- of such dimensions that the area of the floor between the four outside angles is minimum 7 m<sup>2</sup>;

3. "handover note TR": a bill issued when contract of transportation was concluded, on the basis of which the transportation company transports one or more large containers in the international traffic from the consignor to the consignee. Every handover note TR shall, for the purposes of identification, have the series number inserted in its upper right corner. The number shall consist of eight digits, with letters TR before them.

Handover note TR shall consist of the following copies, in the following order:

- No. 1: copy for the management of the transportation company;
- No. 2: copy for the representative of the transportation company at the railway station of destination;
- No. 3A: copy for the customs authority;
- No. 3B: copy for the consignee;
- No. 4 : copy for the management of the transportation company;
- No. 5: copy for the representative of the transportation company at the railway station of departure;
- No. 6: copy for the consigner.

All copies of the handover note TR, except for copy 3A, shall have, on the right side, a 4 cm wide green margin;

4. "proof for large containers": hereinafter "proof": the document appended to the handover note TR, which constitutes its integral part and with which more than one large container is being transported from the railway station of departure to the same railway station of destination, with which customs formalities are to be carried out.

Proof shall be issued in the number of copies identical to the number of copies of the handover note TR to which it pertains.

Number of the proofs shall be inserted in the box intended for the insertion of the number of proofs and in the right upper corner of the handover note TR.

In the upper right corner of each proof, series number of the pertaining handover note TR shall be inserted.

5. "nearest suitable railway station": the railway station or terminal that is nearest to the place of loading or unloading and where the containers specified in item 2 of this Article can be reloaded.

#### **Article 505 (handover note TR as the transit declaration)**

Handover note TR, used by the transportation company, shall, for the goods that is transported in the transit procedure, have the effect of the transit declaration.

**Article 506**  
**(records)**

- (1) Transportation company shall be under obligation to put the records, kept with the central accounting services, on disposal of the customs authorities for the control purposes.
- (2) Transportation company shall be under obligation to submit to the customs authority, at its request, all documents, records or information pertaining to the consignments that are concluded or are in progress, as required by this authority.
- (3) In the event when, pursuant to Article 505 hereof, the bills of handover TR have the effect of the transit declaration or transit documents, the transportation company or his agent shall notify:
  - a) the authority of destination, if they receive copy 1 of the handover note TR without a note;
  - b) the authority of departure, if they did not receive copy 1 of the handover note TR and the transportation company is not able to determine whether a particular consignment was surrendered with the authority of destination in accordance with regulations or not, or whether the consignment has, in the events pursuant to Article 514 hereof, left the customs territory.

**Article 507**  
**(railways as the main payer)**

- (1) The contractors of railway transportation services shall be the main payers for the consignments they have assumed for transportation.
- (2) The contractors of railway transportation services shall be the main payers for the transit procedure for consignments referred to in Article 503 hereof that enter the customs territory and were assumed for transportation by foreign railways.

**Article 508**  
**(transportation which takes place outside the railway traffic)**

Where, in the course of transportation which does not take place in the railway traffic, to the railway station of departure or from the railway station of destination, it is necessary to carry out the customs formalities, then it shall be allowed to insert only one large container in the individual handover note TR.

**Article 509**  
**(designation of transportation)**

- (1) Transportation company shall designate the transportation that takes place pursuant to the transit procedure, with a label with the pictogram supplied in the model in Addendum 47 hereto. The label shall be attached to the handover note TR and to the large containers.
- (2) The label referred to in paragraph 1 of this Article may be replaced by the imprint of seal, in green and with the pictogram from Addendum 47 hereto.

**Article 510**  
**(amendment to the contract on transportation)**

- (1) In the event of the amendment of the contract on transportation because of which:
  - a) the transportation which should be concluded outside the customs territory concludes in the customs territory, or
  - b) the transportation which should have concluded in the customs territory concludes outside the customs territory, the transportation company shall perform the amended contract on transportation solely upon previous approval of the authority of departure.

(2) In all other events, the transportation company may perform the amended contract on transportation and shall without delay notify the authority of departure about the change.

**Article 511**  
**(presentation of the handover note TR to the authority of departure)**

(1) Where transportation in the transit procedure is instigated in the customs territory and should be concluded in the customs territory, the handover note TR shall be submitted to the authority of departure.

(2) The authority of departure shall in the box intended for the customs, in copies 2, 3A and 3B of the handover note TR, clearly insert the abbreviation TCG. The abbreviation "TCG" shall be confirmed by the stamp of the authority of departure.

(3) All copies of the handover note TR shall be returned to the participant.

(4) For all goods specified in paragraph 2 of this Article, the handover note TR shall be submitted to such authority of destination with which the goods are to be subjected to the customs procedure of putting into free circulation or other customs procedure.

**Article 512**  
**(ensuring the identity of goods)**

Identity of goods shall be ensured pursuant to Article 452 hereof. With regard to the regulations in the railway traffic, in order to ensure the identity of goods, the authority of departure shall, as a rule, affix seals on large containers. However, if the container is sealed, such fact is to be inserted in the box intended for customs notes, in copies 3A and 3B of the handover note TR.

**Article 513**  
**(submittal of copies 1, 2 and 3A of the handover note TR to the authority of destination)**

(1) In the events referred to in Article 511 paragraph 4 hereof, the transportation company shall submit the copies 1, 2 and 3A of the handover note TR to the authority of destination.

(2) The authority of destination shall return copies 1 and 2 to the transportation company without delay after inserting the note, and shall keep the copy 3A.

**Article 514**  
**(instigation of transportation in the customs territory)**

(1) If the transportation is instigated in the customs territory and should be concluded outside it, provisions of Articles 511 and 512 hereof shall apply.

(2) The duty of the authority of destination shall be assumed by the customs authority in whose territory the border railway station over which the consignment leaves the customs territory is located.

(3) No formalities need to be carried out with the authority of destination.

**Article 515**  
**(instigation of transportation outside customs territory)**

(1) If the transportation is instigated outside the customs territory and should be concluded in the customs territory, duties of the authority of departure shall be assumed by the customs authority in whose territory the border railway station over which the consignment enters the customs territory is located. No formalities need to be carried out with the authority of departure.

(2) Duties of the authority of destination shall be assumed by such customs authority with which the goods shall be submitted.

(3) The formalities envisaged in Article 513 hereof need to be carried out with the authority of destination.

**Article 516**  
**(instigation and conclusion of transportation outside the customs territory)**

(1) If the transportation is instigated outside the customs territory and should be concluded outside the customs territory, then duties of the authority of departure and the authority of destination shall be assumed by the customs authorities specified in Article 515 paragraph 1 and Article 514 paragraph 2 hereof.

(2) No formalities need to be carried out with the authority of departure and the authority of destination.

**Subdivision 3**  
**Other provisions**

**Article 517**  
**(loading specifications)**

(1) Where appended to the consignment note CIM or the handover note TR are the loading specifications, Articles 441 paragraph 2 and 445 to 447 hereof shall apply. The number of appended specifications shall be inserted in the box in which the appendices are to be inserted in the consignment note CIM or handover note TR. Also inserted in the specifications should be the number of the train to which the consignment note CIM pertains, or, if applicable, the number of the large container that contains the goods.

(2) In the events referred to in paragraph 1 of this Article, the specifications appended to the consignment note CIM or handover note TR are the integral part thereof and have equal legal effect.

(3) Originals of specifications shall contain the note of the railway station of departure.

**Subdivision 4**  
**Scope of routine and simplified procedures**

**Article 518**  
**(application of routine procedures)**

(1) In the events when the goods are transported in the transit procedure, application of Articles 490 to 517 hereof shall not exclude the possibility of application of the procedures specified in Articles 441 and 445 to 473 hereof. In any case, Articles 492 and 509 hereof shall apply.

(2) In the event referred to in paragraph 1 of this Article, when filling out the consignment note CIM or handover note TR, it shall be necessary to insert, in the box for insertion of addendum, the data about used transit declarations. This data shall contain the type of document, name of the customs authority which has issued the document, and the date and registration number of each individual transit declaration.

(3) Where transit procedure is performed through the handover note TR in accordance with Articles 503 to 516 hereof, paragraphs 1 and 2 of this Article and Articles 490 to 502 hereof shall not apply to the used consignment note CIM. In the consignment note CIM, in its box for addenda, referent to the handover note TR shall be clearly made. This note shall contain the text "Handover note TR", after which series number shall be inserted.

**Section 7**  
**Provisions for specific types of transportation**

**Article 519**  
**(transit procedure in pipelines and electric lines)**

- (1) Transit procedure in transportation of goods through pipelines shall be performed in accordance with paragraphs 2 to 6 of this Article.
- (2) For the goods that are transported through pipelines, the transit procedure shall be instigated at their entry in the customs territory if they reach the territory through electric line, or at the entry into the electric lines if the goods are already located in the customs territory.
- (3) Main payer for the goods referred to in paragraph 2 of this Article shall be the owner of pipelines.
- (4) The owner of electric lines shall be the carrier.
- (5) Transit procedure shall be concluded when the goods that are transported through electric lines reach the consignee's facilities or the consignee's distribution network, and this fact is duly entered in the business documentation.
- (6) The companies which are involved in transportation of goods in accordance with this Article shall keep records and enable to the customs authorities to review their business documentation.
- (7) To the transmission through electric line, paragraphs 2 to 6 of this Article shall accordingly apply.

**Section 8**  
**Transportation in the procedures with TIR or ATA carnets**

**Article 520**  
**(use of TIR or ATA carnets)**

- (1) TIR carnet, namely ATA carnet may be used as the transit declaration for transportation of customs goods across the customs territory or from one place to the other place in the customs territory in accordance with applicable international covenants.
- (2) For the goods for which the TIR and ATA carnets are used for the transportation of goods referred to in paragraph 1 of this Article, the security referred to in Article 459 hereof shall not apply.