

## **Customs Warehousing Procedure**

### **Article 105**

The customs warehousing procedure may allow storage in a customs warehouse of the following:

- 1) foreign goods, which at that time are not subject to import customs duties and commercial policy measures, and
- 2) domestic goods intended for export, which by being placed in the customs warehouse becomes subject to application of the measures which, in compliance with the specific regulations, are applied to the export of such goods.

Customs warehouse shall mean any place where the goods may be stored under the conditions laid down and approved by the customs office, and which is under customs supervision.

The Government shall provide for the cases where the goods referred to in paragraph 1 of this Article, which are not stored in customs warehouses, may be placed under the customs warehousing procedure.

### **Article 106**

Customs warehouse may be a public warehouse or a private warehouse.

Public warehouse shall mean customs warehouse where any person may store goods.

Private warehouse shall mean customs warehouse intended for warehousing of goods belonging to the holder of the warehouse.

The holder of the warehouse shall mean the person authorized by the customs office to operate the customs warehouse.

The user of the warehouse shall mean a person who is bound by the declaration to place the goods under customs warehousing procedure, or a person to whom the rights and obligations of such person have been transferred.

### **Article 107**

The authorization by the customs office is necessary for the operation of customs warehouse, unless the customs office operates the customs warehouse.

Any person wanting to operate the customs warehouse must submit the application in writing containing all the particulars necessary for issuing of the authorization, with special emphasis on the present economic need for warehousing. The authorization shall specify the requirements for operating the customs warehouse.

The authorization for operation of a customs warehouse may be issued only to persons who are established or residing in the Republic.

The authorization shall specify the type of warehouse and conditions of its operation by the owner, types of goods which may be stored, and other obligations of the holder towards the customs office.

The applicant must produce evidence that he meets all the requirements laid down by special regulations pertaining to storage of certain types of goods, operation of certain businesses or handling of goods are stored in such warehouse.

### **Article 108**

The holder of the warehouse shall be responsible for:

- 1) ensuring that the goods stored in the customs warehouse are not taken or removed from customs supervision,
- 2) fulfilling all obligations arising from customs warehousing procedure,
- 3) complying with special requirements contained in the authorization for opening of customs warehouse.

### **Article 109**

Without prejudice to the provision laid down in Article 108 of this Law, the authorization for public warehouse may determine that the responsibility referred to in Article 108, items 1) and 2) of this Law be transferred solely to the depositor.

The depositor from item 1 of this Article shall be responsible for fulfilling of obligations arising from placing the goods under the customs warehousing procedure.

### **Article 110**

The rights and obligations of the holder of the warehouse may, with the agreement of the customs authorities, be transferred to another person.

### **Article 111**

Without prejudice to the provision laid down in Article 96, the customs office may demand that the holder of the warehouse provide the security that the obligations set forth in Article 108 of this Law shall be fulfilled.

### **Article 112**

The holder of the customs warehouse shall keep stock records of the goods placed under the customs warehousing procedure.

The goods placed under the customs warehousing procedure shall be entered into the stock records as soon as they are brought to the customs warehouse.

As set forth in Article 94 of this Law, the customs office may dispense with stock records kept by the owner of the warehouse, where the responsibility for fulfilling the obligations referred to in Article 108, items 1) and 2) of this Law, lie solely with the depositor, and the goods are stored in the customs warehouse on the basis of a written declaration as a part of a regular procedure, or documents laid down in Article 84, paragraph 1 of this Law.

### **Article 113**

Where there are justified economic reasons which do not jeopardize customs supervision, the customs office may allow:

- 1) domestic goods to be stored on the premises of a customs warehouse, except for the goods referred to in the Article 105 paragraph 1, item 2) of this Law,

- 2) foreign goods to be processed on the premises of a customs warehouse under the inward processing procedure in the Republic, subject to the conditions provided for by that procedure, and
- 3) foreign goods to be processed on the premises of a customs warehouse under the procedure for processing under customs supervision, subject to the conditions provided for that procedure.

In the cases referred to in paragraph 1 of this Article, the goods shall not be deemed to have been in the customs warehousing procedure.

The customs office may require the details on the goods referred to in paragraph 1 of this Article to be entered into the stock records as laid down in Article 112 of this Law.

#### **Article 114**

There shall be no limit to the length of time goods may remain under the customs warehousing procedure.

Exceptionally, the customs authorities may set a period in which the depositor shall assign the goods a new customs-approved treatment or use.

The Minister of Finance may, on the proposal by the Minister of Agriculture and Forestry, lay down specific time periods for some of the types of goods referred to in Article 105, paragraph 1, item 2 of this Law, which are under protective measures of agricultural policy.

#### **Article 115**

Import goods may undergo the usual forms of handling which are performed for the purpose of their preservation, improvement of their appearance or marketable quality or preparation for distribution or resale.

The forms of handling referred to in paragraph 1 of this Article must be authorized in advance by the customs office.

The Minister of Finance may, on the proposal by the Minister of Agriculture and Forestry, lay down cases where such handling of goods subject to protective measures of agricultural policy shall be prohibited.

#### **Article 116**

Where special circumstances so warrant, the goods may be temporarily removed from the customs warehouse.

The customs office must authorize removal of goods in advance and set the conditions on which such removal may take place.

While the goods are outside the customs warehouse, they may undergo usual forms of handling referred to in Article 115 of this Law, and on the conditions set out.

#### **Article 117**

The customs office may authorize the removal of goods having been subject to customs warehousing procedure from one customs warehouse to another.

### **Article 118**

Where a customs debt is incurred in respect of import goods placed under customs warehousing procedure, the cost of warehousing and of preserving goods while they are stored in the warehouse shall not be included in the customs value of the goods provided that they be shown separately from the price actually paid or payable for the goods.

Where the goods have undergone usual forms of handling for the purpose of the Article 115 of this Law, the type of goods, customs value and quantity at the time when the customs debt was incurred may, at the request of the declarant, be taken into account in determining the amount of customs debt as laid down in Article 215 paragraph 1 of this Law, as if the goods had not undergone usual forms of handling.

Where import goods are released for free circulation on the basis of entry into the bookkeeping records, the kind of goods, the customs value and the quantity of goods to be taken into account shall be those applicable to the goods at the time when the goods were placed under the customs warehousing procedure, unless the declarant requests the customs value determined at the time when the customs debt was incurred to be accepted.

Paragraph 3 of this Law shall be applied without prejudice to controls at a later date as referred to in Article 86 of this Law.