


Annex 3: Customs Evaluation - Application Assessment Check List

 <p>CUSTOMS AUTHORITY</p>	<p>LICENSING AND OPERATION RULES FOR A TEMPORARY STORAGE AREA UNDER CUSTOMS CONTROL</p> <p>CUSTOMS ASSESSMENT CHECK LIST</p>
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Important: The Customs Officer(s) conducting the Assessment of compliance against the Licensing and Operation Rules for a Bonded Warehouse, must examine the Applicant's Self-Assessment that is presented together with the Application and review if his/her answers are in line with the Rules.

Warehouse Name _____ / Code _____ / Date ____/____/____

Customs Officer (s) Conducting the Assessment: _____

SECTION 1: DOCUMENTARY ASSESSMENT

Nr	CONDITION	Complies		Reasons for NOT complying or Remarks
		YES	NO	
1.	Application form, from Part A to Part G, has been completed and is duly signed by applicant.			
2.	All applicable supporting documents, as specified in the Application form and in the Licensing and Operation Rules, are attached.			
3.	Copies of attached documents are legible and all information is current at the time submitting the Application.			

SECTION 2: ASSESSMENT OF COMPLIANCE WITH RELEVANT LICENSING AND OPERATION RULES

Rule Nr.	CONDITION	Complies		Reasons for NOT complying or Remarks
		YES	NO	
Rule 1.	Customs Control, Storage Period, Abandonment and Owner's Recovery			
	1. Customs Control Licensee and premises managers have been made aware of the requirement to provide access to the proposed premises for Customs officials at any reasonable time and without prior warning.			
	2. Temporary Storage period c) If applicant is applying for Renewal of License, has he/she provided a list (stock take) of any goods in bond that have exceeded the thirty (30) or twenty (20) business days period of storage?			
	d) Applicant understands that temporary storage period cannot be extended?			

	3. Abandonment Owner/ depositary of the goods in temporary storage understands that he /she must enter such goods for home use (IM4 DAU) or expressly abandon them, before the end of the legal storage period, otherwise the goods will be deemed abandoned.			
	4. Owner's Recovery of Abandoned Goods c) Owner/ depositary understands that in order to recover the abandoned goods, he/she must apply in writing to Customs Director General d) Owner/ depositary understands that recovery of abandoned goods is subject to an additional State charge of 5% on the Customs value , plus any duties, taxes and/or penalties that may be applicable (CC Art 273, paragraph 2).			
Rule 2	Licensee to be a Fit and Proper Person			
	a) Applicant has a good personal record of honesty, respect and compliance with TL laws, particularly with Customs and Taxation laws;			
	b) Applicant is a person established in East Timor who can provide suitable tax and financial guarantees to Customs to operate the temporary storage;			
	c) Applicant is able to provide evidence of the economic need for this type of storage;			
	d) Applicant is able to provide the company's or personal financial statements, including bank's statements for the last 6 months.			
Rule 3	When Temporary Storage Status Applies and Cargo Packaging			
	1. Status Applicant understands that that temporary storage status is only for imported goods that are presented to Customs immediately after arrival by sea, air or land.			
	2. Cargo Packaging Indicate how the cargo you intend to receive in temporary storage will be packed, including brief details of the area to be stored in:			
	a) FCL containers			
	b) LCL containers			
	c) Loose cargo			
Rule 4	Physical Address, Ownership, Site Plans, Changes and Cargo Handling Equipment			

1. Physical Address Applicant is providing the address where the temporary storage area will be established and operate, including street number or lot, district, municipality, and town.			
2. Ownership Applicant is able to provide evidence of ownership of the land/property where the Temporary Storage area will be situated. (Copy of Ownership Title)			
3. Site Plans Applicant to provide 2 certified copies of proposed premises plan (A3 size max) outlining ALL of the following details:			
a) area to be licensed must be outlined in RED			
b) location of access points including doors, windows, roller shutters, and vehicular access			
c) location of an appropriate area set aside for Customs officers to conduct <u>cargo examinations</u> .			
d) location of facilities for Customs officers to conduct compliance checks including, but not limited to, office space, desk, chair, and access to temporary storage records.			
e) If the proposed licensed area only forms part of a building, the remaining areas of the building and usage/tenants must be noted,			
f) If the proposed licensed area is a whole building, surrounding features should be noted (secure complex, fencing, public roads, other buildings, etc).			
4. Changes to Licensed Premises Layout, Structures or Approved Conditions.			
a) Applicant understands that licensees are not allowed to make any changes to the layout, structures or any other physical or electronic component of the <u>approved licensed areas</u> , without prior formal authorization from Customs.			
b) Applicant understands that licensees are not allowed to <u>enter into any contractual obligations or practical arrangements</u> involving the use of the licensed premises for storage by third parties, without prior formal authorization from Customs.			
c) Applicant understands that for Customs to consider any changes to premises, the licensee must apply in writing to National Director Customs Compliance Management (NDCCM), giving full details of proposed change, justifying that change will not affect their license terms and conditions, and that Customs control will not be affected.			
5. Cargo Handling Equipment Cargo handling equipment, such as weighing scales, moving and staking equipment will be available on the premises, <u>in accordance with the type of goods being or to be stored.</u>			

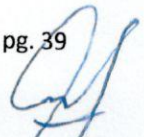
Rule 5	Physical Security of Proposed Premises	
	<p>1. Premise's Perimeter Fence</p> <p>a) is strong and at least 2.5 mts high to secure goods and prevent intrusion (3 mts advisable);</p> <p>b) Unpacked/ deconsolidated goods, which may be contained in cartons, boxes, receptacles or units, (including motorbikes), will be stored in a warehouse building(s) fully enclosed by solid walls and ceilings, with secure access doors;</p> <p>c) Passenger motor vehicles may be stored in fully enclosed area within the temporary storage premises. The minimum requirement for this enclosure is a chain link fence with secure access door.</p> <p>2. Alarms and/or security personnel</p> <p>Are operating at the premises at all times (e.g. 24/7). CCTV system may also be required (give details);</p> <p>3. Accessibility</p> <p>Premises are easily accessible by road, and situated in a location which facilitates both Customs control and the business.</p>	
Rule 6	Licensee Responsibilities	
	<p>1. Responsibility for Goods and Taxes</p> <p>Applicant acknowledges that responsibility for the goods and any taxes <u>starts</u> when:</p> <p>a) the goods are directly unloaded from a means of transport onto the licensed temporary storage area (e.g sea port, airport terminal, or land border); or</p> <p>b) a request for an ASYCUDA World (AW) Container Pass is submitted for their transport to his/her licensed temporary storage facility.</p> <p>Applicant acknowledges that responsibility for the goods and any taxes <u>ends</u> when:</p> <p>c) the owner of the goods assigns them a Customs regime by means of a DAU, complete their clearance and an AW Exit Note is validated upon physical exit of the goods from the licensed premises; or</p> <p>d) the owner/ custodian expressly abandons the goods and these are formally received by Customs</p> <p>2. Guarantee</p> <p>a) Applicant will be able to execute a guarantee of at least 50% of customs duties and taxes due on the goods to be temporarily stored. This guarantee (CC Art 23 and Art 202, para 1) can be either be a cash deposit or a bank guarantee.</p> <p>b) <u>For GoTL institutions only</u>. If applicant for a License is a government institution, the Director General</p>	

	may waive the guarantee, subject to the provision of a <i>Compromiso de Pagamento Voucher</i> (CPV).			
	3. Insurance Applicant may choose to have insurance for loss, damage or burglary of these goods within their building insurance. Provide details of any insurance you may have.			
	4. Premises keeper Minimum Operating skills and Competencies The licensee has a "premises keeper" a person with demonstrated experience, skills and competencies to operate the licensed premises in compliance with all Customs requirements. In particular, this will include stock control and security, preparing and submitting monthly reports, operating ASYCUDA World and liaising with Customs on a regular basis (see Rule 7)			
Rule 7	Records and monthly Reports			
	a) Applicant acknowledges that he/she is responsible for maintaining accurate records for each transaction into and out of the temporary storage, <u>using the Manifest and Container Pass in ASYCUDA World.</u>			
	b) The applicant acknowledges that he/she must submit to Customs, in the first week of each month, a stock report for the previous month.			
Rule 8	Must Have Access to ASYCUDA World and Office space for Customs Staff			
	1. ASYCUDA World and Computer Equipment If approved, applicant must have in his premises a latest model personal computer, loaded with ASYCUDA World, a printer and internet access in order to view the Manifest and operate the Container Pass function.			
	2. Access to office for Customs staff. Access to a secure office, equipped with suitable furniture and computer with internet for accessing ASYCUDA World, must be provided for Customs staff when they attend the premises to exercise controls.			
Rule 9	Goods that may be stored in a Temporary Storage Area			
	As a general rule most imported goods may be allowed into temporary storage, but restrictions may apply to certain goods. Indicate if you intend to store any of the following:			
	a) prohibited and/or restricted goods under Customs or other legislation, which may be detained;			
	b) goods harmful to people or the environment, that need to be stored in special places;			
	c) flammable goods, with exception of petroleum products that need to be store in special places;			
	d) poisonous goods, unless they are stored in special isolated and sealed area.			
	Activities Permitted in a Licensed Temporary storage			

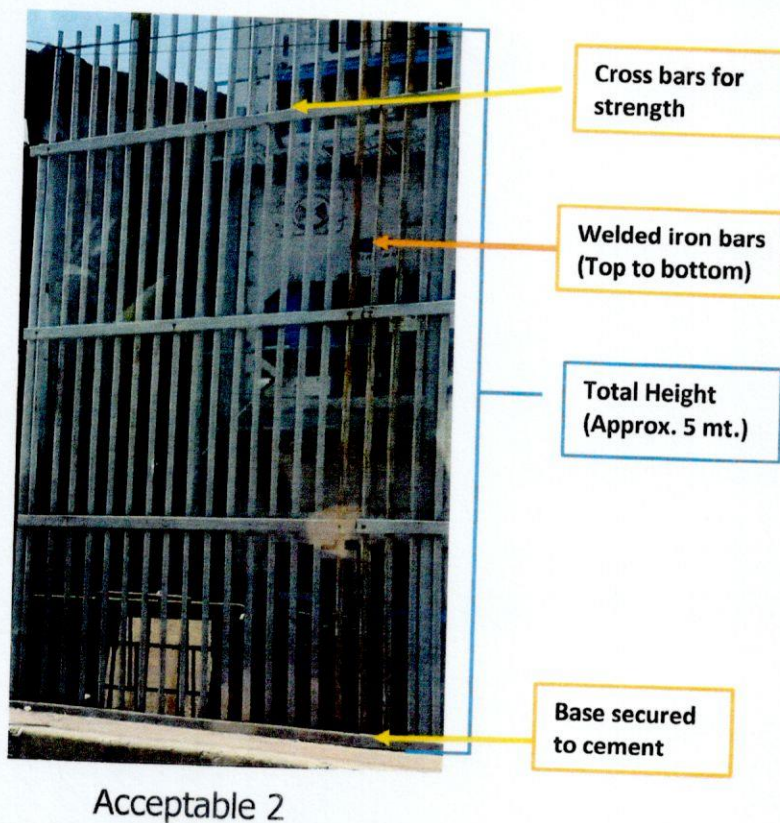
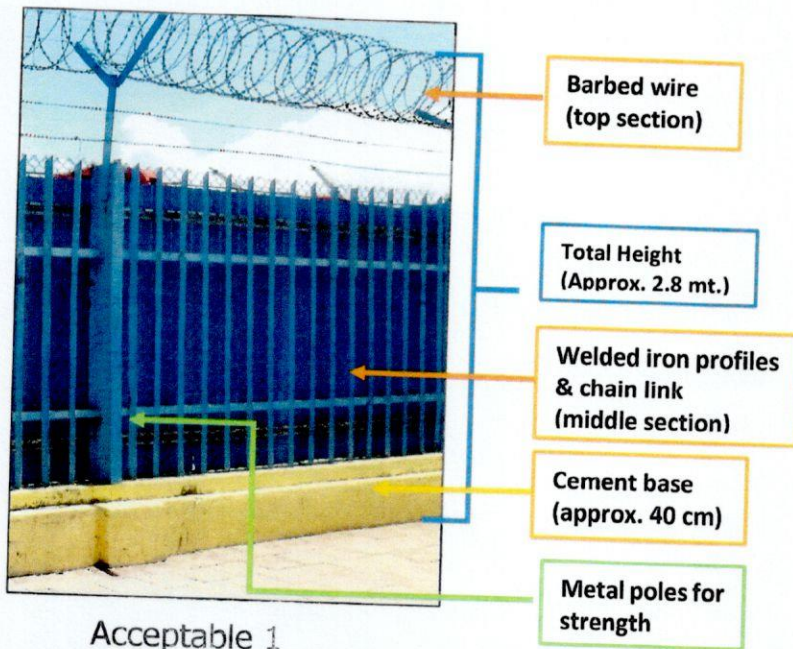
Rule 10	<i>Indicate if the operations you intend to perform in the temporary storage are included in those described in the letters a) to h) below:</i>			
	a) Storage;			
	b) Customs Examination of goods;			
	c) Moving/stacking the goods within the authorized premises;			
	d) Unpacking/ deconsolidation of LCL containers;			
	e) Counting, measuring, weighing			
	f) Taking samples;			
	g) Minor reassembly of goods which have been disassembled for transport.			
	h) Transfers to another licensed temporary storage premises, with prior previous approval from Customs and within the 30/ 20 business days limit.			
Rule 11	Licensee's Standard Operating Procedures (SOPs)			
	Applicant understands that he/she is required to have documented SOPs for the operations to take place within the temporary storage (give details).			
Rule 12	Movement of Goods between Customs Controlled Areas			
	1. General Principle Applicant understands that no goods can be moved from one licensed temporary storage area to another licensed temporary storage area, or other type of Customs controlled area, without prior authorization from Customs.			
	2. Transfer from a licensed temporary storage to other temporary storage area Applicant understands that any transfer of goods or containers, from one licensed temporary storage area to another licensed temporary storage area, must first be approved by Customs and executed by means of an AW Container Pass. This Container Pass must be validated in AW at the exit point, and then at the entry point in the receiving area.			
Rule 13	Duration of License (2 years) – Renewal and Non-Renewal			
	1. Director General may establish additional conditions Applicant understands that in accordance to Article 22 of the Customs Code, the Director General of the Customs Authority may set <u>any additional conditions or restrictions</u> necessary to operate a Temporary Storage place or premise.			
	2. License duration will be two years. Applicant understands that he Director General has determined <u>as a condition</u> , that any license to operate			

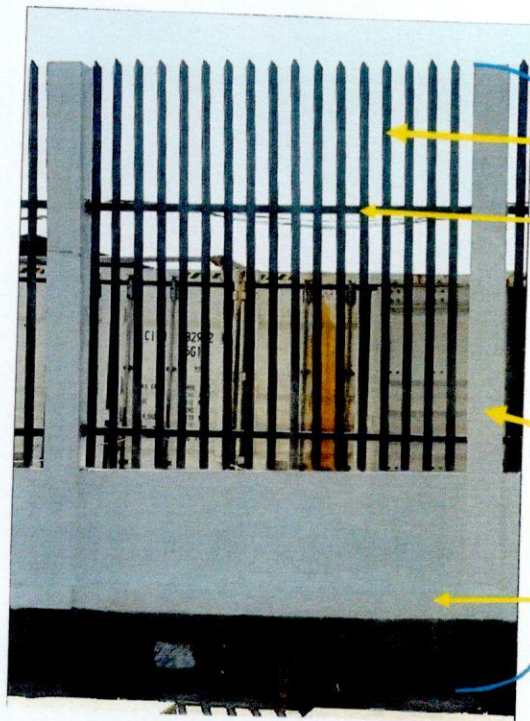
	a Temporary Storage place/ premise will have a duration of two (2) calendar years, from the date such license is issued by the Customs Authority.			
	3. Licensee Responsible to Apply for Renewal Applicant understands that the <i>licensee is responsible</i> for formally applying to Customs <i>for the renewal</i> of a Temporary Storage license, at least one (1) calendar month, before the date of expiration of the license.			
	4. Obligation to inform Customs of License Non-Renewal Applicant understands that if the <i>licensee does not intend to renew</i> Temporary Storage license, he/she must inform Customs in writing of this, at least two (2) calendar months before the date of expiration of the license. In this case the licensee must clear all goods from the Temporary Storage before the expiration of the license.			

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ANNEX 4. Examples of Acceptable and Not Acceptable Perimeter Fences





Welded iron profiles
(middle section)

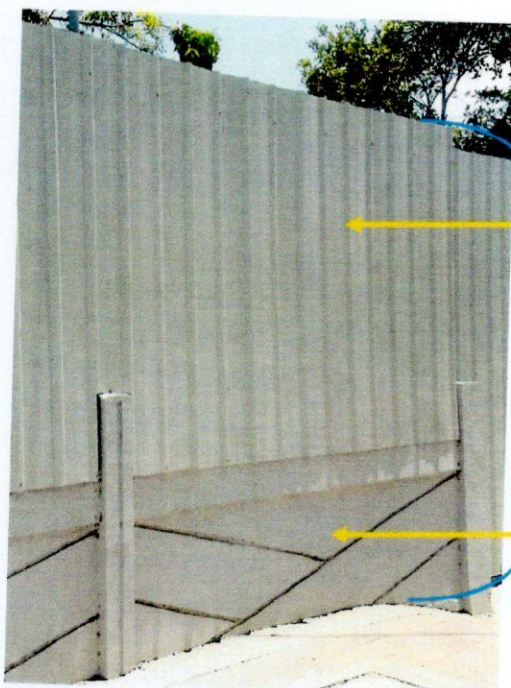
Cross bars for
strength

Total Height
(Approx. 4.5 mt.)

Cement columns
for strength

Cement base
(approx. 1 mt)

Acceptable 3



Metal sheeting
(middle section)

Total Height
(Approx. 2.6 mt.)

Cement base
(approx. 80 cm)

Acceptable 4



NOT ACCEPTABLE 1

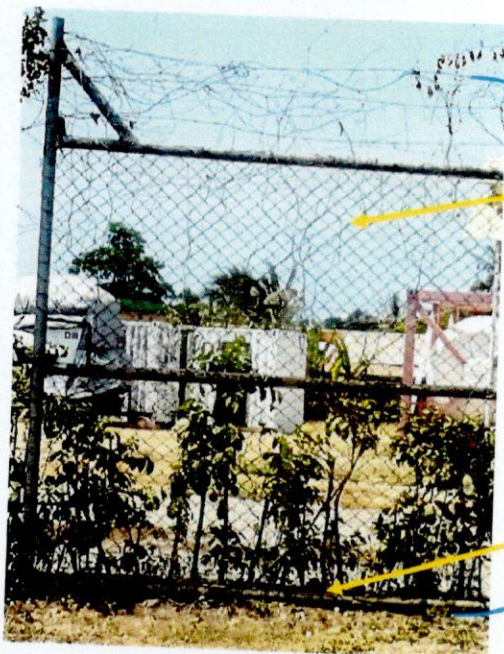
Galvanized metal rods panel (main section)

Total Height (Approx. 2.2 mt.)

Metal poles for strength

Cement base (approx. 40 cm)

Note: This fence *does not prevent intrusion*. Metal rods too separated and can be easily climbed.



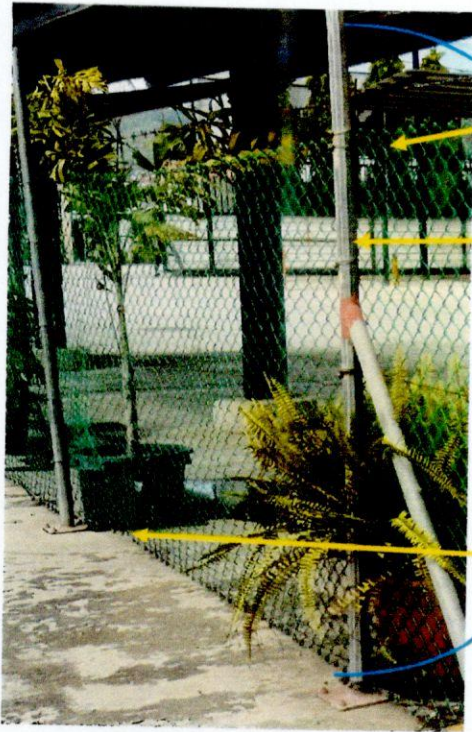
NOT ACCEPTABLE 2

Wire mesh main section (broken in places)

Total Height (Approx. 2.2 mt.)

Metal tube base (not secured)

Note: This fence *does not prevent intrusion*. Wire mesh is thin and broken in several places and can be cut to gain access.



Painted Wire
mesh (main
section)

Metal tube
poles to hold
wire mesh

Total Height
(Approx. 2.2 mt.)

Bottom part of
wire mesh not
secured to floor

Note: This fence *does not prevent intrusion*.
Wire mesh is thin, not secured to floor and
can be lifted or cut to gain access.

NOT ACCEPTABLE 3

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