



## CUSTOMS AUTHORITY

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# Commissioner's Administrative Instruction



Standard Operating Procedure (SOP) for:

## “Customs Export Clearance of the Diplomatic Bag from Accredited Diplomatic Missions -2024

SOP Number 04 of 19 / 07 / 2024

## PART A: SOP INTRODUCTION

1. Standard Operating Procedure (SOP) Title
2. Scope
3. Authorization
4. SOP Validity and Changes
5. Objectives of this SOP
6. When this Procedure Applies
7. Applicable Legislation Summary
9. Procedure Owner
10. Enforcing this Procedure
11. Minimum Documents Required

## 1. Standard Operating Procedure (SOP) Title

This SOP will be officially known as:

***“Customs Export Clearance of the Diplomatic Bag from Accredited Diplomatic Missions – 2024”.***

## 2. Scope

This SOP is limited to the customs formalities for the fast outward clearance of the “Diplomatic Bag” (or “pouch”) from diplomatic missions duly accredited with the GOTL, in accordance Article 13 of the Vienna Convention on Diplomatic Relations, 1961.

It excludes other related procedures, such as:

- a) Clearance of personal effects and/ or motor vehicles from diplomats and other diplomatic personnel;
- b) Clearance of goods in commercial quantities for the exclusive use of an accredited diplomatic mission;
- c) Clearance of commercial goods consigned to NGO’s under bilateral agreements between the country represented by the diplomatic mission and the Government of Timor-Leste (GoTL).

## 3. Authorization

This SOP is authorized by the Commissioner of the Customs Authority under the following provisions:

- a) the Customs Organic Law, Decree Law 2/2020 of 8 January 2020, Chapter III Organic Structure, Section 1 Organs, Article 9 (1c) “Commissioner of the Customs Authority”, that allows the Commissioner to: *“approve the administrative rules and/or instructions necessary for the operation of the Customs Authority, including the application of Customs legislation”.*

## 4. SOP Validity and Changes

This SOP comes into effect on the date the Commissioner signs and dates it in **Section 13** of this SOP. Any changes to this SOP must be approved and signed by the Commissioner, and the SOP properly updated and circulated to relevant Customs personnel.

## 5. Objectives of this SOP

The objectives of this procedure are to provide clear instructions on how to:

- a) ensure the safety and inviolability of the Diplomatic Bag upon the carrier’s notification of its arrival into a Customs controlled area in Timor-Leste ready for Export, being this an area

managed either by the Customs Authority or by an authorized temporary storage, Ground Agent or courier operator;

- b) Customs will clear a diplomatic bag, upon request from an authorized mission official, without the need to lodge a formal Goods Declaration (*Pt.Declaracao Unica Aduaneira -DAU*) and its release from Customs control, after completion of the minimal formalities described in this SOP;

## 6. When this Procedure Applies

This procedure applies to shipments that are:

- a) diplomatic bags being exported from Timor-Leste, that are property of a diplomatic mission accredited with the GoTL;
- b) declared in the Outward Manifest of a means of transport under an Airway Bill or other document; and
- c) duly labelled externally as “diplomatic bag” or the carrier has indicated this character.

### Note:

The Diplomatic Mission, Ground Agent or Courier must inform Customs:

- a) that a diplomatic bag is to be Exported, included in the Airway Bill or Manifest, and place where such diplomatic bag will be physically stored before departure, pending Customs clearance;

## 7. Applicable Legislation Summary

The following legislation applies fully or partially to this procedure. A complete copy of the applicable provisions are available at **ANNEX 1** of this SOP:

### A. Customs Code Decree Law 14/2017 – 5 April 2017

#### Article 153: Verbal declaration

Goods with no commercial value may be subject to a verbal declaration on import or export, upon authorization of Customs, when:

- a) Contained in traveller’s personal baggage;
- b) For use of or shipped by individuals;
- c) For use of or shipped by other entities.

## B. Vienna Convention on Diplomatic Relations, 1961

### Article 13: Accreditation

A Head of Mission is considered as taken up his functions when he either has presented his credentials or when he has notified his arrival and has presented a true copy of his credentials to the Ministry of Foreign Affairs of the receiving State.

### Article 27: Free Communication of Mission (summary).

1. The receiving State shall permit and protect free communication on the part of the mission.
2. The official correspondence shall be inviolable;
3. The Diplomatic bag shall not be opened or detained;
4. The packages constituting the diplomatic bag must bear visible external marks of their character and contain only diplomatic documents or articles intended for official use

## 8. Procedure Owner

The owner of this procedure is the **National Director Operations (NDO)**, who is responsible for:

- a) The implementation and standardized application of all the provisions in this procedure, in all Customs areas under his/her control;
- b) Ensuring that officers in the operational areas under his/her control have access to a written copy and training on this procedure;
- c) Ensuring that the alternative manual process is only used where AW is not available, or when there has been a power failure, or other reason for the temporary interruption of the system;
- d) Taking corrective measures in case this procedure is not followed strictly, as described in this SOP;
- e) Obtain from the Customs Airport Director monthly statistics, and submit them with his/her comments and/or recommendation to the Commissioner, on the following matters:
  - The number of diplomatic bags processed,
  - Average time in processing a diplomatic bag, from the time a diplomatic mission requests their clearance to their release through ASYCUDA World.
- f) Proposing to the Commissioner, any changes or amendments to this SOP when operational circumstances so demand.

## 9. Enforcing this Procedure

This procedure should be enforced by Customs Officers at:

- a) Dili International Airport, and any other international airport where diplomatic bags normally arrive;
- b) Customs proclaimed seaports; and
- c) Customs proclaimed land border posts.

## 10. Minimum Documents Required

The following documents will be required for this procedure:

- a) ASYCUDA World electronic or hard copy Airway Bill or Manifest;
- b) Copy of the relevant Airway Bill that identifies the diplomatic bag and the diplomatic Mission it is addressed to;
- c) Valid personal identification document (e.g. Passport or national Identification card) of the diplomatic mission's person who would physically deliver the diplomatic bag, for release from Customs Control to enable Exportation;
- d) Completed "Request for Customs Clearance of Diplomatic Bag" form, duly signed by a responsible Diplomatic mission person.

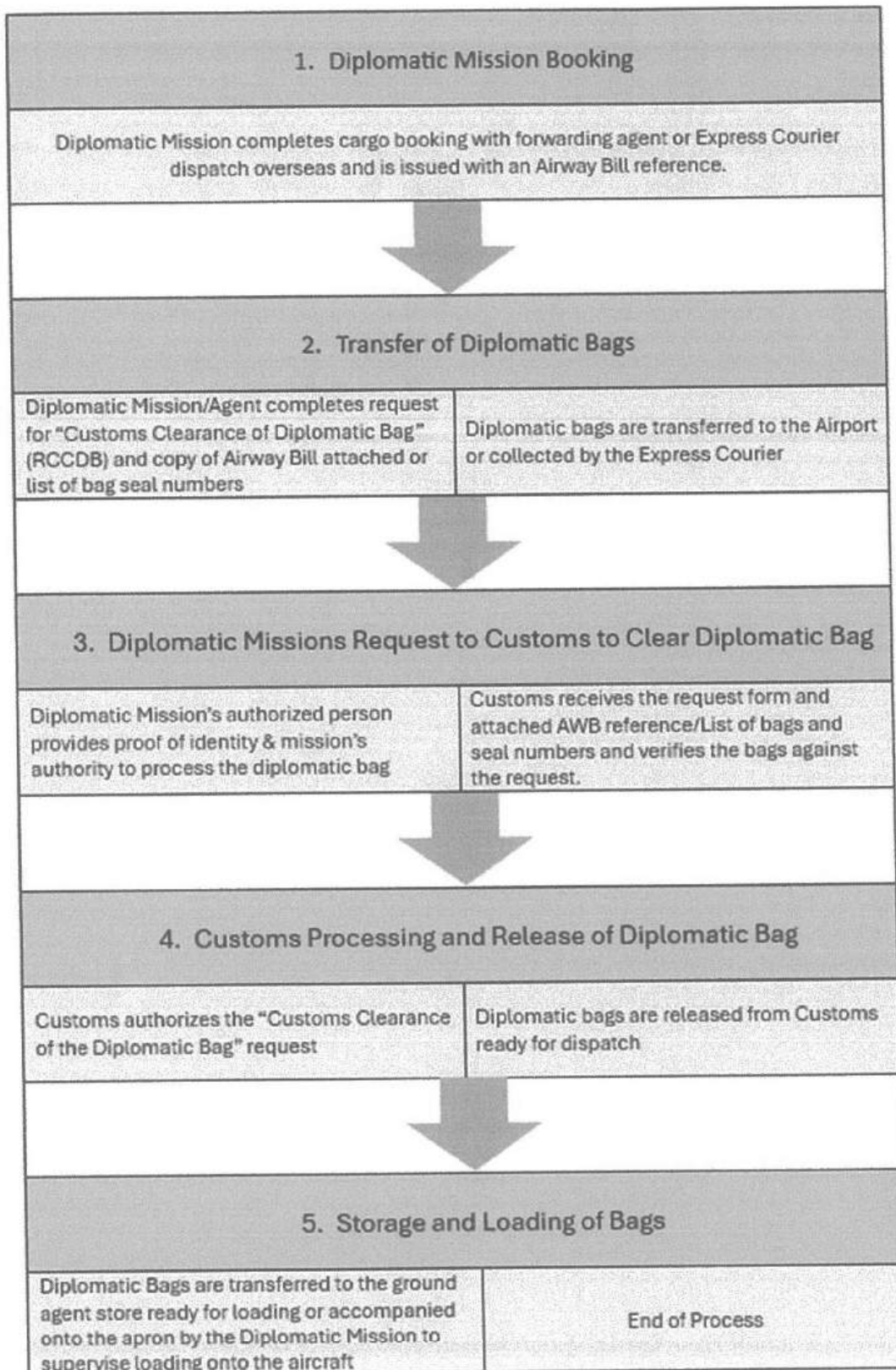
## PART B: PROCEDURE DETAILS

11. Process Diagram
12. Standard Operating Procedure (SOP) Narrative Description
13. Commissioner's Approval, Directives and Dissemination
14. SOP Amendments Record

### **ANNEXES**

- ANNEX 1: Detailed applicable Legislation
- ANNEX 2: Request for Custom Clearance of a Diplomatic Bag (RCCDB) form
- ANNEX 3: Screen Shots of ASYCUDA World AWB and Manual Acquittal.

## 11. Process Diagram





## 12. SOP Narrative Description

### Preamble

The overall considerations of this SOP are:

- a) Full adherence to the provision of Article 27.3 of the Vienna Convention on Diplomatic Relations, 1961 in that *"The Diplomatic bag shall not be opened or detained"*;
- b) To provide a fast clearance of a Diplomatic Bag, through a simplified procedure;
- c) This procedure does not require the Diplomatic Mission to obtain approval from the Ministry of Foreign Affairs and Cooperation for the clearance of the Diplomatic Bag;
- d) The Customs clearance and release will be done by a Customs officer, therefore without the need of using an authorized Customs Broker; and
- e) All the diplomatic mission needs to do is to request clearance to Customs at Dili Airport, using a form designed to that effect where minimal information is required.

### 12.1. Diplomatic Mission Booking

1. The process starts with the Diplomatic Mission making a cargo booking with the Carrier, Forwarding Agent, or Express Courier to dispatch Diplomatic Bags to an overseas location;
2. Carrier, Forwarding Agent or Express Courier will provide the Diplomatic Mission with an Airway Bill reference or shipping reference number.
3. The Express Courier will collect Diplomatic Bags.

### 12.2. Transfer of Diplomatic Bags

1. Diplomatic Mission completes the request for "Customs Clearance of Diplomatic Bag" (RCCDB) and attaches copy of the Airway Bill, Shipping Reference Number or list of bag seal numbers;
2. Diplomatic Bags are transferred to the Airport by the Diplomatic Mission or collected by the Express courier;

### 12.3. Diplomatic Missions Request to Customs to Clear Diplomatic Bags

1. Diplomatic Mission's authorized person provides proof of identity and mission's authority to process the Diplomatic Bag;
2. Customs receives the request form and attaches the AWB reference/list of bags and seal numbers and they verify the bags against the request;

#### **12.4. Customs Processing and Release of Diplomatic Bags**

1. Customs authorizes the “Customs Clearance of the Diplomatic Bag” request
2. Diplomatic bags are released from Customs for dispatch to the selected carrier;
3. The Customs officer will:
  - receive the RCCDB and supporting Airway Bill (AWB), List of bags and seal numbers,
  - verify the identity of the person submitting the RCCDB, and
  - acknowledge receipt of the RCCDB entering his/her name, signature, date and Customs stamp in the “For Customs Use Only” part at the bottom of the form.

#### **12.5. Storage and Loading of Diplomatic Bags**

1. Diplomatic Bags are transferred to the ground agent store ready for loading or accompanied onto the apron by the Diplomatic Mission’s personnel to supervise loading onto the aircraft

**END OF PROCESS**

### 13. Commissioner's Approval, Directives and Dissemination

By virtue of 9 (1c) of Decree Law 2/2020 that allows the Commissioner to: "approve the administrative rules and/or instructions necessary for the operation of the Customs Authority, including the application of Customs legislation", I hereby:

- a) Approve this Standard Operating Procedure (SOP) known as, "**Customs Export Clearance of Diplomatic Bag from Accredited Diplomatic Missions – 2024**";
- b) Direct that this SOP be communicated to all relevant CA staff, and for all CA staff to implement, apply and enforce all parts of this SOP as described; and
- c) Direct that this SOP shall come into effect the day after the signed date below

Signed on the 19 day of July 2024



**Armindo dos Santos**

Acting Commissioner  
Customs Authority  
Timor-Leste

*(official Customs seal)*

#### 14. SOP Amendments Record

Date Approved by Commissioner	Version Number	Developer (s) name	Reviewer(s) name
	1.0	Richard Simmonds/ Ivo Gomes	CA

END OF SOP

## ANNEX 1: Full Text of Applicable Legislation.

### A. Customs Code DL 14/2017

#### Article 153: Verbal Declaration

*Goods with no commercial value may be subject to a verbal declaration on import or export, upon authorization of Customs, when:*

- a) Contained in travellers' personal luggage;*
- b) Intended for or shipped by private persons;*
- c) Intended for or shipped by other entities.*

### B. Vienna Convention on Diplomatic Relations, 1961


#### Article 13

- 1. The head of the mission is considered as having taken up his functions in the receiving State either when he has presented his credentials or when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, in accordance with the practice prevailing in the receiving State which shall be applied in a uniform manner.*

#### Article 27

- 1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.*
- 2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.*
- 3. The diplomatic bag shall not be opened or detained.*
- 4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.*
- 5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy person inviolability and shall not be liable to any form of arrest or detention.*
- 6. The sending State or the mission may designate diplomatic couriers ad hoc. In such cases the provisions of paragraph 5 of this article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.*
- 7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.*

**ANNEX 2: Request for Customs Clearance of Diplomatic Bag (RCCDB) form**

CUSTOMS AUTHORITY 	<b>DIPLOMATIC MISSION REQUEST FOR CUSTOMS CLEARANCE OF DIPLOMATIC BAG</b> (All Ports of Entry Under Customs Authority Supervision)
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PART 1 – Diplomatic Mission Details			
Diplomatic Mission Name:	[REDACTED]		
TIN No:	[REDACTED]		
Contact Person Name	[REDACTED]		
Contact Number:	[REDACTED]	Email:	[REDACTED]
PART 2 – Diplomatic Bag Details			
Airway Bill or Bill of Lading	[REDACTED]	Carrier	[REDACTED]
Date of Arrival/Departure	[REDACTED]	Number of Packages/Bags	[REDACTED]
Supporting documents submitted (if any)	[REDACTED]		
PART 3.- Declaration by Responsible Diplomatic Mission’s Person			
I hereby declare, that the <u>package or packages</u> covered in Airway Bill or Bill of Lading No. [REDACTED], contains Goods with No Commercial Value which form part of the Diplomatic Bag of this Diplomatic Mission, as described in Article 27 of the Vienna Convention on Diplomatic Relations 1961.			
Person’s Name	[REDACTED]	Position	[REDACTED]
Signature:			Diplomatic Mission’s Stamp
Date			
FOR CUSTOMS USE ONLY			
Date Request Received		Authorising Officer’s Name	[REDACTED]
Authorising Officer’s Signature		Customs Stamp	
Date Acquitted in Asycuda World		Officer’s Name Completing Asycuda World	