



Customs Authority

Director General Customs Authority Administrative Instruction



Standard Operating Procedure (SOP):

“Container Transfer Between Customs Controlled Areas - 2019”

SOP _____ of ____/____/2019

1. Standard Operating Procedure (SOP) Title

This SOP will be officially known as:

“Container Transfer Between Customs Controlled Areas - 2019”

2. Scope

This SOP is limited to the transfer of containers between one Customs controlled area to another Customs controlled area, such as Dili Seaport to a Customs Authorized Bonded Warehouse and Customs Authorised Dry Port.

3. Applicable Legislation

The Director General of the Customs Authority issues this SOP in accordance to the following provisions:

- a) the Customs Organic Law, Decree Law 9/2017, Chapter V, (Powers of Management and Leadership Positions), Article 59 (1c) “Powers of the Director General”, that allows the DG to: *“approve the administrative rules and/or instructions necessary for the operation of the Customs Authority, including the application of Customs legislation”*
- b) the Customs Code , Decree Law 14/2017:
 - Article 20 “Authorisation Required”;
 - Article 25 “Customs Supervision of an Area Under Customs Control”;
 - Article 28 “Warehouse Transfers”; and
 - Article 29 “Cancelation of Authorisation”;

A complete copy of the applicable provisions are available at **ANNEX 4** of this SOP.

4. Validity and Changes

This SOP enters into force on the date the Director General signs and dates it in **Section 12** of the SOP. Any changes to this SOP must be approved and implemented by the Director General, and the SOP updated and circulated to relevant Customs personnel.

5. Objectives of this SOP

The objectives of this Standard Operating Procedure are to provide clear instructions on:

- a) Who is eligible to apply for authorization to use a gate pass;
- b) Who is responsible for submitting the request;

- c) Use of the standardized electronic templates within the AW System;
- d) Process completed by the Customs Authority;
- e) Removal of containers from CA control at the seaport;
- f) Arrival of the container at its nominated destination back into Customs control; and
- g) Minimalize opportunities for procedural abuse or malfeasance.

6. When this Procedure Applies

This procedure applies to goods contained within Full Container Loads (FCL) and Less than Container Load (LCL) that are removed from a Customs controlled area and moved to a Customs authorized warehouse, prior to the submission of a DAU and clearance within the Customs process.

7. When this Procedure Does Not Apply

This procedure does not apply to goods that have already been cleared for the purposes of Customs regulatory formalities through submission, acceptance and acquittal of a DAU.

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 contained within this SOP in all Customs areas under his/her control;
- b) Ensuring that all relevant officers have access to a written copy and training on this procedure;
- c) Ensuring that ASYCUDA World (AW) is available to support this procedure;
- d) Applying remedial measures should the provisions of this procedure not be followed;
- e) Proposing to the Director General, any changes or amendments to this SOP when operational circumstances so demand.

9. Enforcement and compliance with this Procedure

All relevant staff shall apply and enforce this procedure, as per the following laws:

- a) Customs Organic Decree Law No. 9/2017;
- b) Customs Code Decree Law No. 14/2017;
- c) Public Service Statute Law No. 8/2004, article 40 - 2(c); and
- d) Public Service Statute Law No. 8/2004, article 43;

10. Minimum Documents and other Requirements

Completion of the electronic authorization and request within AW:

- a) Application to operate as an approved carrier for moving goods under Customs supervision (as identified at **ANNEX 1**);
- b) Container Pass Request (as identified at **ANNEX 2**).

11. SOP Narrative Process Description

Annual Approval

To enable the use of the “Container Pass” within the AW system, the warehouse operator must apply for an annual approval from the Director General to enable Customs staff to check the request is genuine for the transfer of containers between Customs warehouses. Only warehouse operators will have the use of this procedure and the annual approval will act as a preventative measure to stop abuse of this process by those who do not operate a Customs warehouse facility and try to use it to remove goods prior to the completion of the Customs clearance process.

The authorization will be completed within the AW system and provide a reference for Customs staff when processing the “Container Pass” request.

1. Submission for Approval

The warehouse operator will complete the Annual Approval document within the AW system and submit it for approval. All relevant fields must be completed accurately otherwise the application may be rejected by the CA. There will be no requirement to provide any associated or supporting documentation as part of this approval as the applicant is an authorised Customs warehouse operator. An example of this approval is at **ANNEX 1**.

2. Authorization of Annual Approval

The CA Director General, or his or her designee, will assess the approval request to confirm the applicant is an authorised Customs warehouse operator and will approve or reject the Annual Approval. In the event that the request is approved, it will be lodged in the AW system for reference by Customs staff and the warehouse operator will be able to access the Container Pass template in AW. In the event that the request is not approved, the requestor will be notified along with the reasons as to why.

Container Pass

1. Submission of Request

In the event that goods contained within Full Container Loads (FCL) or Less than Container Loads (LCL) need to be moved from a Customs controlled area to a Customs authorized warehouse, the requestor must complete an electronic application within ASYCUDA World (AW). All relevant fields must be completed accurately otherwise the application may be rejected by the CA. There will be no requirement to provide any associated or supporting documentation as part of this application. An example of this authorization is at **ANNEX 2**.

3. Acceptance of Request

The CA Director of Port Operations, or his or her designee, will be responsible for accessing AW to identify any requests received.

4. Assessment of Request

The CA Director of Port Operations, or his or her designee, will be responsible for reviewing and approving or rejecting all requests. In the event that the request is approved, the requestor will be required to print off a copy of the paper authorization. An example of this authorization is at **ANNEX 3**. In the event that the request is not approved, the requestor will be notified along with the reasons as to why.

5. X-ray scanning of Container

The container being removed to a Customs authorized bonded warehouse or temporary storage facility, may be selected for scanning prior to it leaving Dili Seaport and validation of the Container Pass at the Exit Gate

6. Validation at the Exit Gate

- a) Upon arrival at the exit gate, the driver of the vehicle will be required to provide a copy of the paper authorization to the CA official located at the exit gate;
- b) The CA official will scan the bar code at the base of the authorization and locate the record within AW. In the event that the bar scan is unavailable or cannot be located, the CA official will search for the record via the container number. Once located, the CA official will confirm the authenticity of the paper authorization against the details contained within AW;

- The CA official will then undertake a physical examination of the exterior of the container for the purposes of verifying: Container number
 - Seal number
 - That the seal is correctly fitted to the container doors and intact
 - Transporting vehicle number
 - Drivers name
- c) Once the request has been authenticated and relevant checks undertaken, the CA official will validate the record within AW to confirm that the container is leaving the Customs controlled area;
- d) The paper authorization will then be returned to the transport driver who will retain this as a travelling copy en-route to the Customs authorized warehouse;

7. Validation at the Entry Gate at the Authorized Warehouse

- a) Upon arrival at the entry gate, the driver of the vehicle will be required to provide a copy of the paper authorization to the CA official located at the entry gate;
- b) The CA official will scan the bar code at the base of the authorization and locate the record within AW. In the event that the bar scan is unavailable or cannot be located, the CA official will search for the record via the container number. Once located, the CA official will confirm the authenticity of the paper authorization against the details contained within AW;
- The CA official will then undertake a physical examination of the exterior of the container for the purposes of verifying:
 - Container number
 - Seal number
 - That the seal is correctly fitted to the container doors and intact
 - Transporting vehicle number
 - Drivers name
- c) In the event that there are any discrepancies identified, the CA official will notify the CA Director of Port Operations, or his or her designee, immediately. The container must then be moved to a secure area prior to it being examined by CA officials;
- d) Once the request has been authenticated and relevant checks undertaken, the CA official will acquit the record within AW to confirm that the container has arrived at the Customs controlled area.

END OF PROCESS

12. Director General Approval, Directives and Dissemination

By virtue of Article 59 (1c) of Decree Law 9/2017 that allows the DG 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, ***“Container Transfer Between Customs Controlled Areas - 2019”***; and
- b) **Direct** that this SOP be communicated to all CA staff, and for all relevant CA staff to implement, apply and enforce all parts of this SOP, as described;
- c) **Direct** that this SOP shall come into effect the day after the signed date below and is implemented in its entirety.

Signed on the day of 2019

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(official Customs seal)

Jose Abilio

Director General
Customs Authority
Timor Leste

13. SOP Amendments Record

1. Original Development and Approval

Original SOP Approval Date	Version Number	Developer (s) Name
	v.1 (version one)	

2. Amendments

Date Approved by DG	Version Number	Developer (s) name	Reviewer(s) name

END OF SOP

ANNEX 1 – Annual Approval



AUTORIDADE ADUANEIRA

APPLICATION TO OPERATE AS AN APPROVED CARRIER FOR MOVING GOODS UNDER CUSTOMS SUPERVISION



PART I - APPLICATION			
Applicant Details			
Name:		Signature:	
Position:		Date:	Click here to enter a date.
Email Address:		Contact Number:	
Justification for Request			
PART 2 – APPROVAL			
Customs Authority – Director General			
This request has been considered, and is hereby: APPROVED <input type="checkbox"/> REJECTED <input type="checkbox"/>			
Reason(s) for Rejection:			
Name:		Position:	
Signature:		Date:	Click here to enter a date.
Customs Authority – ASYCUDA Team			
A carrier identification number has been created for this carrier in accordance with this request on:			Click here to enter a date.
A copy of this authorization has been uploaded within ASYCUDA World and linked to the carrier identification number on:			Click here to enter a date.
Name:		Position:	
Signature:		Date:	Click here to enter a date.

ANNEX 2 - Electronic AW Container Pass Request

100 %

 **ASYCUDA**

Container Pass Number

SAD Information

Customs Office	<input type="text"/>	Importer	<input type="text"/>
SAD Reg Number	2018 <input type="text"/>	Declarant	<input type="text"/>
SAD Reg Date	<input type="text"/>		<input type="text"/>

Container No. 

Location

Truck No.

Vessel Name

Destination

Trailer No.

I acknowledge receipt of Customs Container Pass

Issued By:

Importer's Representative

Name & Signature

Customs Officer

Seals No.

Seals Intact

Expected Arrival Time to Yard

Seals Affixed / Container Released By:

Seals Examined By:

Cargo Agent

Customs Officer



ANNEX 3 - Printout of AW Container Pass



Container Pass for Movement Under Customs Control

Container Pass Number

P 6 20/07/2018

B/L Information

Customs Office *DIL 01 – Dili Seaport*

Voyage Number *1017N*

B/L Reference *AEL0654062*

Departure Date *26/07/2018*

Container Number *CMAU1962600*

Vessel Name *MCP London*

Truck No *TRUCK01*

Destination *AREA01*

Driver Name

Driver ID

I confirm that above information is correct.

Issued By *Name*

Warehouse Operator/Shipping Agents Representative

Name & Signature *Agent*

Administrator:

Seal No *123456*

Seals Intact *Yes*

Expected Arrival Time to Warehouse Facility

26/07/2018 13:10:00

Seals Affixed / Container Released By

Seals Examined By

Cargo Agent

Customs Officer

Name

Name



00018-090-000-012

ANNEX 4 - Applicable Legislation

CUSTOMS CODE - DECREE LAW Nº. 14/2017

Article 20 Authorization Required

No place shall be used as a place as under customs control, unless authorized by the Director General, as defined in the next articles;

- a) For control of any vessel or aircraft arriving in or departing from Timor-Leste or for the loading or unloading of goods transported by them;
- b) For the transshipment of goods;
- c) To hold or store imported goods pending their release by Customs or in temporary storage;
- d) For the embarkation, disembarkation or control of persons arriving in or departing from Timor-Leste;
- e) As a customs warehouse for storage of imported goods; or
- f) As a tax warehouse where, under legislation in force, excisable goods may be produced, processed or held without payment of excise tax.

Article 25 Customs Supervision of an Area Under Customs Control

1. The authorised person shall provide and maintain without charge to the State such operating areas, accommodation, as facilities, buildings, equipment and storage as the Director General shall determine are reasonably necessary and suitable for the carrying out of Customs functions and tasks.
2. The authorised person shall store goods subject to customs supervision in the manner and in at the location as the Director General may direct.
3. Customs may at any time:
 - a) Require the presentation of the goods held or stored in an area under customs control;
 - b) Check and re-check the entry and the exit of the goods, whenever deemed necessary;
 - c) Require the presentation, in a regular way or at random, of inventories of all or of part of the goods held or stored in an area under customs control, as well as undertake audits to the stock records; or
 - d) Nominate Customs officers for or at or the area under customs control.

Article 28 Warehouse Transfers

1. Without prejudice to Article 205, which concerns temporary release of goods from a customs warehouse, the movement of goods placed under the customs warehousing regime shall be permitted only -
 - a) Between authorised customs warehouses;
 - b) On their import, directly to an authorised customs warehouse; and
 - c) On their export, directly from an authorised customs warehouse.
2. The movement of excisable goods held in a tax warehouse without payment of excise tax shall be permitted only.
 - a) To another authorised tax warehouse; and
 - b) On their export directly from an authorised tax warehouse.
3. Movements of excisable goods and goods placed under the customs warehousing regime under this Article are subject to the provision of a guarantee to ensure payment of duty or other charges and ensure the adequate execution of such operations.
4. The Director General shall by regulation:
 - a) Prescribe the conditions under which any movement of goods under this Article shall take place and the associated documents;
 - b) Specify the person that shall or should provide a guarantee required in this Article, which may be the person authorised to operate the tax or customs warehouse sending or receiving the goods, the transporter, or the owner of the goods.

Article 29 Cancellation of an Authorization

1. An authorisation or license issued under this Title shall be revoked, and the presentation of such authorisation or license shall be denied if it is determined that the authorised person, licensee or applicant, as the case may be, or a person who controls or manages the activities of such authorised person, licensee or applicant:
 - a) Has been convicted of a crime under the Penal Code of Timor-Leste which involved the importation or exportation of goods, a breach of secrecy, coercion or obstruction of government or judicial authorities, larceny or other unlawful appropriation of property, fraud, perjury, bribery or other corruption of a public official, embezzlement, forgery, counterfeiting, tax fraud or avoidance of customs duties;
 - b) Has committed a customs offense under Article 354 or counselled, commanded, induced, procured, or knowingly aided or abetted the commission of such a customs offense by any other person, including an officer of Customs.

2. An authorisation or license issued under this Title may be suspended or revoked by Customs if it is determined that the authorised person or licensee, as the case may be, has failed to comply with the conditions set forth in such authorisation or license.
3. The provisions of this Article are without prejudice to the grounds for denial of suspension or revocation requests of authorisations or licenses elsewhere specified in this Title.