



CUSTOMS AUTHORITY

Director General Customs Authority Administrative Instruction



Standard Operating Procedure (SOP) for:

“Customs Clearance of the Diplomatic Bag from Accredited Diplomatic Missions -2020

SOP Number _____ of ____/____/2020

PART A: SOP INTRODUCTION

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1. Standard Operating Procedure (SOP) Title

This SOP will be officially known as:

“Customs Clearance of the Diplomatic Bag from Accredited Diplomatic Missions – 2020”.

2. Scope

This SOP is limited to the customs formalities for the fast inward 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 Director General of the Customs Authority under 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”.*

4. SOP Validity and Changes

This SOP comes into effect on the date the Director General signs and dates it in **Section 13** of this SOP. Any changes to this SOP must be approved and signed by the Director General, 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, being this an area managed either by

the Customs Authority or by an authorized temporary storage or courier operator;

- b) Customs will clear a diplomatic bag, upon request from an authorized mission official, without the need to lodge a formal Declaração Única 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 arriving into Timor-Leste, that are property of a diplomatic mission accredited with the GoTL;
- b) declared in the Inward 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 carrier must inform Customs upon arrival of the means of transport:

- a) that a diplomatic bag is included in the Manifest, and place where such diplomatic bag will physically stored, pending Customs clearance; or
- b) if the diplomatic bag has been entrusted to the captain or master of the means of transport, he/she must inform immediately of this fact to the Customs officer receiving the Manifest who will ensure the carrier receives and securely stores the Diplomatic Bag.

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 credential 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 Director General, on the following matters:
 - The number of diplomatic bags processed,
 - Average time in processing a diplomatic bag, from the time a diplomatic mission request their clearance to their release through ASYCUDA World.
- f) Proposing to the Director General, 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 sea ports; 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 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 collect the diplomatic bag, upon its release from Customs Control;
- d) Completed "Request for Customs Clearance of Diplomatic Bag" form, duly sign by a responsible Diplomatic mission person.

PART B: PROCEDURE DETAILS

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

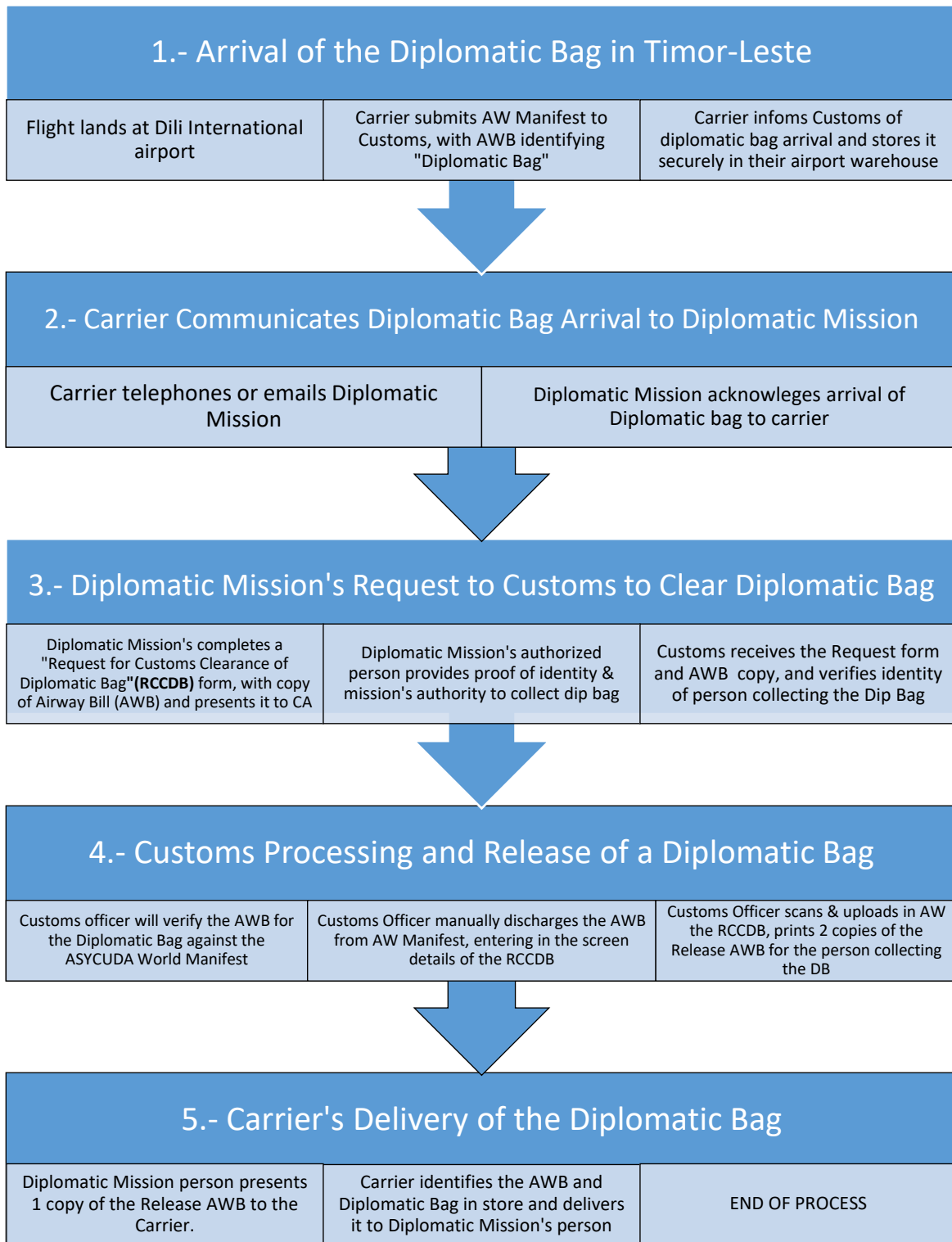
ANNEXES

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 using the Manual Acquittal of the Manifest in ASYCUDA World, therefore without the need of using an authorized Customs Broker; and
- e) All the diplomatic mission need to do is to request the clearance to Customs at Dili Airport, using a form designed to that effect where minimal information is required.

12.1. Arrival of the Diplomatic Bag in Timor-Leste

1. The process starts with the landing of an aircraft at Dili International, where Diplomatic Bags usually arrive;
2. Upon arrival of the flight the carrier submits to Customs an electronic Manifest through ASYCUDA World (AW) where an Airway Bill would identify any Diplomatic Bags;
3. Carrier will inform Customs of a Diplomatic Bag arrival and will securely store it in their Temporary Storage warehouse at Dili International Airport.

To ensure the security of the cargo all temporary storage licensees operate under the “double key system” where the licensee hold one key and Customs the other, meaning that the warehouse cannot be opened/ closed without both the licensee and Customs being present.

12.2. Carrier Communicates the Diplomatic Bag Arrival to Diplomatic Mission

1. Carrier would normally inform the consignee, in this case a Diplomatic Mission, of the arrival of a particular diplomatic bag, as indicated in the relevant Airway Bill (AWB);
2. Is up to the Diplomatic Mission to acknowledge the communication from the carrier, according to their own practices;

12.3. Diplomatic Mission’s Request to Customs to Clear Diplomatic Bag

1. The Diplomatic Mission authorized person, being this a member of the diplomatic or administrative staff, completes a “Request for Customs Clearance of a Diplomatic Bag”(RCCDB) form (see **ANNEX 2**) and submits it to the Customs Supervisor at Dili International Airport, with a copy of the relevant Airway Bill (AWB) for the Diplomatic Bag;
2. On presentation of a completed and signed RCCDB, the person submitting the form must present to the Customs officer receiving this form suitable identification and authority to collect the bag from the Diplomatic Mission;
3. The Customs officer will:
 - receive the RCCDB and supporting Airway Bill (AWB),
 - 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.

12.4. Customs Processing and Release of a Diplomatic Bag

1. The Customs officer processing the RCCDB will verify details of the Airway Bill against the electronic manifest in ASYCUDA World (see screen below);

2. The Customs officer will access the Manifest Manual Discharge screen in ASYCUDA World and enter details of the RCCDB form presented by the Diplomatic Mission, including date, name of Diplomatic Mission, and name of person collecting the diplomatic bag. (see Manifest Manual Discharge screen below)

ASYCUDA

Manifest - Manual discharge

Manual Discharge Information

Document reference
Diplomatic letter reference 01

Description
Request for Customs Clearance of Diplomatic Bag of
AUSTRALIAN MISSION in TIMOR LESTE
dated 17 January 2020

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3. The Customs Officer will scan and upload into AW the RCCDB form, print 2 copies of the Released Airway Bill and hand them over to the person collecting the Diplomatic Bag.

12.5. Carrier's Delivery of the Diplomatic Bag

1. The Diplomatic Mission's person presents to carrier 1 copy of Released AWB;
2. Carrier identifies the AWB Number and details against the Diplomatic Bag stored in the warehouse and delivers it to the Diplomatic Mission's person.

END OF NORMAL CUSTOMS PROCESS

13. Director’s 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, “***Customs Clearance of the Diplomatic Bag from Accredited Diplomatic Missions – 2020***”;
- 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 on the signed date below.

Signed on the.....day of2020

.....

Jose Abilio

Director General
Customs Authority
Timor-Leste

(official Customs seal)

14. SOP Amendments Record

Original SOP Approval Date	Version Number	Developer (s) Name
	v.1 (version one)	Sergio Riveros, DCOP Customs Reform Project

14.1 Amendments

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

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

<p>CUSTOMS AUTHORITY</p> 	<p>DIPLOMATIC MISSION REQUEST FOR CUSTOMS CLEARANCE OF DIPLOMATIC BAG</p> <p>(To be submitted to Dili Airport Customs Supervisor)</p>
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PART 1 – Diplomatic Mission Details			
Diplomatic Mission Name:			
TIN Nr:			
Contact Person Name			
Contact Number:		Email:	
PART 2 – Diplomatic Bag Details			
Airway Bill Nr.		Carrier	
Date of Arrival	Click here to enter a date.	Number of Packages	
Support documents submitted (if any)			
PART 3.- Declaration by Responsible Diplomatic Mission’s Person			
<p>I hereby declare, that the <u>package or packages</u> covered by Airway Bill Nr. _____, contains Goods with No Commercial Value, that only require a verbal declaration (Article 153 of Customs Code, DL 14/2017), and which form part of the Diplomatic Bag of this Diplomatic Mission, as described in Article 27 of the Vienna Convention on Diplomatic Relations 1961.</p>			
Person’s Name		Position	
Signature:		Diplomatic Mission’s Stamp	
Date	Click here to enter a date.		
FOR CUSTOMS USE ONLY			
Date Request Received	Click here to enter a date.	Customs Officer’s Name	
Customs Officer’s Signature		Customs Stamp	

ANNEX 3: Examples of ASYCUDA World Airway Bill and Manual Acquittal Screens

Manifest - Waybill					
Office of departure / arrival DIL02 Airport President Nicolao Lobato					
General Information					
Voyage number	Date of departure	Date of arrival	Time of arrival	Registration number	
VOYAGE NUMBER 01	17/01/2020			/	
Waybill reference number	Waybill type	Nature	Last discharge	Waybill line	
B/L REFERENCE 01	HSB House Sea Bill	23		1	
Previous document		UCR			
Place of loading		Place of unloading			
AUDRW Darwin		TLDIL Dili			
Carrier			Exporter/Shipper		
			Diplomatic Pouch		
			Diplomatic Pouch		
Shipping agent					
Transport					
Mode			Identity		
Nationality					
Notify			Consignee		
4000001			4000001		
AUSTRALIAN MISSON IN EAST TIMOR			AUSTRALIAN MISSON IN EAST TIMOR		
Av. Dos Martires da Patria			Av. Dos Martires da Patria		
VERA-CRUZ			VERA-CRUZ		
DILI			DILI		
TIMOR LESTE			TIMOR LESTE		
Goods Details					
Total containers	Packages codes	Status	Number of degroupped waybills		
0	BG Bag	HSE	0		
Marks & nb.					
Diplomatic Mail Pouch					
Manifested packages	Remaining packages	Manifested gross weight	Remaining gross weight	Volume(CBM)	
1.00		10.000			
Description of goods					
Diplomatic Mail Pouch					
Location					
Declared Values and Seals Details					
P/C Ind	Freight amount and currency				
Value for customs	Value for transport		Value for insurance		
Seals number	Marks		Party		
Information					



Manifest - Manual discharge

Manual Discharge Information

Document reference

Diplomatic letter reference 01

Description

Request for Customs Clearance of Diplomatic Bag of AUSTRALIAN MISSION in TIMOR LESTE dated 17 January 2020

Manual
