



CUSTOMS AUTHORITY

Commissioner's Administrative Instruction



Standard Operating Procedure (SOP) for:

"Licensing for Private Declarants 2023"

SOP Number 01 of 08 / 03 / 2023

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SOP INTRODUCTION

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1. STANDARD OPERATING PROCEDURE TITLE

This Standard Operating Procedure (SOP) will be officially known as:

"Licensing for Private Declarants - 2023"

2. SCOPE

This SOP is limited to the formalities to be followed by Customs staff for the requirements of Importers or Exporters or their nominated person(s) to be licensed to enable them to submit a Customs goods declaration (DAU) without the need of a Customs Broker, in relation to:

- Application
- Suitability Assessment of Applicant
- Skills and Knowledge requirements
- Licensing
- Record Keeping
- Customs Procedures

The formalities described above represent the "licensing rules" provided as guidance to potential selfdeclarants.

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. OBJECTIVES

The objectives of this SOP are to provide clear instructions to Customs Officials on how to:

- Evaluate and process applications for obtaining or renewing a License to be a self-declarant to submit Customs Declarations as an Importer, Exporter, or nominated representative without the need for a Customs Broker;
- b) Completion of training provided by Customs and issuing of license to practice.
- c) Describe in detail the requirements for the licensing and operation as a private self-declarant.

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d) Describe the variety of controls that Customs may exercise on a licensed self-declarant for non-compliance with the Customs Codes and any additional requirements imposed under the terms of the license.

5. APPLICABLE LEGISLATION

The following legislation applies to this procedure.

A. Organic Structure of the Customs Authority, DL 2/2020, 8 January

Article 9, 1c: Power of the Commissioner to "approve administrative rules and/or instructions"

B. Customs Code Decree Law 14/2017 - 5 April 2017

The main legal provisions applicable are contained in the Customs Code Decree Law 14/2017 Section I - Power to Declare (Articles 30 and 31) Section II Official Broker (Articles 32 to 42).

Article 30 (1) - Entities Qualified to act as brokers or declarants.

a) owners or consignees of the goods or an intermediary or qualified employee to submit declarations to the Customs Service.

Article 31 - Bond

The requirement for all persons intending to make declarations to the Customs service provides a bond.

Article 32 (2) - License Requirement.

Requirement of a valid official license issued by the Commissioner to make a Customs Declaration. A Brokers license not required for self-declarant or owner, consignee.

Heading XIX Customs Offences

Article 334 to Article 363

Heading XVI - Incurrence of the Customs Debt

Article 306 (1a) - The introduction of goods into free circulation

Article 307 - Timing of the Customs debt

Chapter IV - Guarantee of the Customs Debt.

Article 323(1) – Guarantee required to ensure payment of the Customs debt

Article 325 – Customs may determine the form, type, and amount for the guarantee in accordance with article 31 of the Customs Code.

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6. PROCEDURE OWNER

The owner of this procedure is the National Director Customs Compliance Management (NDCCM), 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;
- Ensuring that the ASYCUDA World (AW) is available for this process at the locations where it is required;
- d) Ensuring that any 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;
- e) Taking corrective measures in case this procedure is not followed strictly, as described in this SOP;
- f) Obtain monthly statistics, and submit them with his/her comments and/or recommendations to the Director General, on the following matters:
 - Any declarant that tried to mislead, deceive or threaten a client with the objective of defrauding that client;
 - The professional performance of the declarant has been considered unsatisfactory based on mistakes committed in the Customs Declarations;
 - The declarant was not actively exercising his or her activity.
 - g) Proposing to the Commissioner, any changes or amendments to this SOP when operational circumstances so demand.

7. ENFORCING THIS PROCEDURE

This procedure should be enforced by Customs Officers:

- a) Customs officers assessing Applications for a License as a private Declarant;
- Customs officers performing checks and other duties at authorized Importers or Exporters' premises; and
- c) Customs internal auditors verify procedures followed by officers in the process of administering applications and granting approvals to successful candidates.

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8. ADHERENCE TO THIS PROCEDURE

This procedure must be strictly adhered to by all parties, and at all times. Failure to follow the provisions contained within this SOP may include, but shall not be limited to:

- a) Customs Staff: Disciplinary action, from suspension without salary payment to dismissal, or other appropriate punitive action being taken against you";
- Entities qualified to act as declarants: from temporary blockage of your access to ASYCUDAWorld, up to removal of your license to operate as a declarant by the Customs Authority;
- c) The application of administrative penalties and/ or commencement of criminal proceedings being taken against you.

9. SUBMISSION OF APPLICATION

To be licensed as a private declarant, the nominated person must complete the application form and attach all the necessary supporting documentation to enable the Customs Authority to process your application.

Application forms for this process for Importers or Exporters are attached at ANNEX 1

Application forms for Accredited Diplomatic Missions and International Donor Organizations are attached at **ANNEX 2**

10. DECLARANT'S PERSONNEL

If you wish to use an employee on your behalf as the Importer or Consignee, there is a provision for this within the Customs Code Art. 30 (1a):

 To the owners or consignees of the goods, whether they appear personally or through the intermediary of their duly qualified employees with the associated power of attorney or private broker identity document;

Therefore, the person you nominate or appoint to act on your behalf as the declarant must have a power of attorney from you. This does not have to be notarized and an example of a power of attorney template is attached at **ANNEX 3**.

For mission staff members nominated from an accredited Diplomatic Mission, the requirement is only a letter of appointment and must be signed by an appropriate ranking official within the mission.

The nominated person must have a good personal record of honesty, respect, and compliance with TL laws, particularly with Customs and Taxation laws.

If you are issued with a license, you will be fully responsible for the performance and conduct of that person(s).

11. INFRASTRUCTURE

Suitable IT infrastructure and internet connectivity are required in order to use the Customs system ASYCUDAWorld (AW).

AW system, being web-based, enables Customs Administrations and traders to conduct a wide range of transactions online, specifically submitting Customs Declarations.

If your application is successful, the Customs Authority will provide you with access to the AW.

12. GUARANTEE ARRANGEMENTS

- 1. The Importer or Exporter shall execute a bond in the amount set by Customs to cover the liability for any duties or taxes on goods they are importing or exporting. (Customs Code Art. 31 Bond)
 - a) The Commissioner requires all persons intending to make declarations to the Customs Service to provide a bond of no less than USD 10,000. The Commissioner may determine that the Bond can be greater up to a maximum of USD 40,000 depending on:
 - The type of goods;
 - The sums involved;
 - The number of declarations presented to Customs;
 - As well as cases of repeated breaches of Customs Legislation.
 - b) Deputies for the persons who are required to provide a bond for making declarations to the Customs Authority must also be covered by this bond.
- 2. The Commissioner can stipulate the type of guarantee that is required to cover the amount of the bond to cover liability for duties and taxes. (Customs Code Art. 325)

The Guarantee may be posted in the form of a:

- Cash deposit;
- Bank Guarantee;
- Bond;
- Surety;
- Mortgage surety or;
- any other form stipulated by the Customs Authority.

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- 3. For the purpose of this procedure, the Commissioner has decided that the guarantee will be in the form of a Bank Guarantee for the amount set as per Customs Code Art. 31. This will be indicated in the approval license.
- 4. Accredited Diplomatic Missions covered under the Vienna Convention, and organizations covered under:
 - Convention on the Privileges and Immunities of the United Nations, and;
 - Convention on the Privileges and Immunities of the Specialized Agencies

In the case of Accredited Diplomatic Missions and International Donors who claim relief from Customs duties and tax on their goods when imported into the territory, the guarantee will be in the form of a formal promissory note or letter of commitment signed by the appropriate ranking official within the mission for the amount set as per Customs Code Art. 31. This will be indicated in the approved license.

13. DOCUMENT REQUIREMENTS FOR IMPORTERS, EXPORTERS, AND CONSIGNEES

The following documents will be required for this procedure.

For application purposes:

- a) Completed Application form (see ANNEX 1)
- b) copy of Personal Identification document,
- Power of attorney (if an employee is acting on behalf of the importer/consignee)
 (see ANNEX 3)
- d) copy of Tax Identification Number,
- e) copy of Business Registration,
- f) copy of Tax Clearance Certificate (DIVIDAS),
- g) banking details, including recent statements,
- h) details of the proposed Bank Guarantee,
- i) Details of the office where you intend to operate.

14. DOCUMENT REQUIREMENTS FOR ACCREDITED DIPLOMATIC MISSIONS

Accredited Diplomatic Missions, UN bodies, and International Donor agencies:

a) Completed Application form (see ANNEX 2),

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- b) Copy of Official Mission Identification document,
- c) Letter of Appointment for nominated Mission personnel appointed for this process,
- d) Copy of Tax Identification Number,
- e) Copy of Tax Clearance Certificate,

15. CUSTOMS ASSESSMENT OF THE APPLICATION

Customs officials when assessing an Application, will check all the necessary supporting documentation has been provided and is in date where applicable.

If the application conforms with the requirements for being licensed as a private declarant and the assessment has been completed, you will be notified and the nominated person(s) will be put forward to attend the next available training course.

16. TRAINING

To be qualified to act as a declarant, the applicant must complete a training course in the ASYCUDAWorld system to enable the use of the AW system and functionality to fulfill the Customs requirements for declaring goods. Training courses will be provided by the Customs Authority.

17. APPROVAL AND ISSUING OF A LICENSE

When the applicant or nominated employee has provided all the necessary supporting documents, completed the training courses, and posted the bank guarantee, he/she will be approved and licensed by the Commissioner as a declarant and considered qualified to make goods declarations to the Customs Authority without the need of an Official Customs Broker.



18. 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, "Licensing for Private
 Declarants 2023";
- 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

day of

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Jose Antonio Fatima Abilio

Commissioner

Customs Authority

Timor-Leste

(official Customs seal)

19. SOP AMENDMENTS RECORD

Approval Date	Version Number	Developer(s) name	Reviewer(s) name

ANNEX 1

CUSTOMS AUTHORITY



APPLICATION FOR IMPORTER/CONSIGNEE TO BE LICENSED AS DECLARANT - COMMERCIAL

Customs Code DL 14/2017, Articles 30 (a), 31 (1) and (2), and 32 (1)

Submit to National Director Customs Compliance Management (NDCCM), Dili

Pan	Part A: APPLICANT IDENTIFICATION AND CONTACT DETAILS — COMMERCIAL (USE SEPARATE FORM FOR EMBASSIES, ETC)				
1. Ap	pplicant's Name: (Company or Individual) – Attach a phot	tocopy of your Passport o	National Ider	ntification card.	
2. De	esignation:	3. Business Registration	Nr:		
4. Ta	x Identification Nr	5. Tax Clearance Certific	ate Nr (Divida	as)	
6. Po	stal Address:				
7. Te	lephone Nr (obligatory): 8. Fax Nr	9. Email add	ress (obligator	ry):	
10.	After hours contact name and position (<i>if same, write "c</i>	as 1 above"):			
11.	Employees working for you who may represent you in (Customs Clearance forma	lities		
	Name:	Position:			1
	Name:	Position:			
	Name:	Position:			
	Name:	Position:			
	Name:	Position:			
PAI	RT B: APPLICANT'S FITNESS TO BE	A LICENSEE			
12.	Please answer the following questions by marking YES	or NO in the relevant boxe	es below:		
	a) Have you ever been convicted for a criminal offens	se in East Timor:	YES 🗆	NO □	
	b) Have you ever been convicted for a breach of the	Tax Laws of East Timor:	YES 🗆	NO □	
	c) Have you ever been convicted for Customs infringement in East Timor:		YES	NO □	
13.	If you have answered YES to any of the questions in 12				
	Note: If your answers to the questions in Nr immediately disqualified for holding a License		o be false o	r untrue, you will be	

14.	Does th	xperience: he applicant or any of the people nominated in Nr 11 above, have any prior experience in the preparation of Import or Goods Declarations (DAU)? YES NO If YES, please provide a brief outline:
PA	RT C:	OFFICE FROM WHERE YOU INTEND TO OPERATE - FACILITIES
15.	Propo	sed Office address:
16.	DESCRIPTION OF REAL PROPERTY.	ge of Import/Export related documents (The Customs Code Article 18, requires you to maintain records years):
17.	Comp	uter / Printer and Internet facilities. (Please mark the appropriate box below);
		I/ we have the latest desktop computer(s) able to upload Java to operate ASYCUDA World
		I/we have a modern printer.
		I/we have an Internet connection (please mention provider)

PAR	T D: NUMBER, TYPE, AND ORIGIN OF	IMF	PORT/ EXPORT CONSIGNMENTS PER YEAR	
18.	Import Consignments per year. (Please mark the appropriate box below); 1 to 5 6 to 15 Over 15	19.	appropriate box below); 1 to 5 6 to 15 Over 15	
22.	Type of Import Goods. (Please describe below); 1. 2. 3. 4. 5. 6. Country of Origin of Import Goods. (Please describe below); 1. 2. 3.	21.	Type of Export Goods. (Please describe below); 1. 2. 3.	
PART E: GUARANTEE (SECURITY BOND) ARRANGEMENTS 23. Bank Details for Guarantee: (Provide details of the proposed banking guarantee. Also, attach past 6 months bank statements):				
PA	ART F: ATTACHED DOCUMENT	rs		
24	. Check List of Attached Documents for this Application. (*attached all relevant documents required to pro accepted)	This o	checklist is for the applicant to verify that he/she has s this application. Copies of valid documents are	

☐ Passport or National Identity Card of main applicant.	☐ Copy of Bank Statements (past 6 months)	
☐ Tax Identification (TIN)	☐ Other documents (describe below)	
☐ Up-to-date Tax Clearance (Dividas)		
PART G: APPLICANT'S DECLARATION, SIG	NATURE AND DATE	
25. Applicant's declaration		
 a) By signing and dating this form in boxes provided hereby and in any additional sup by me/us are, to the best of my/our know 	pporting material of any kind, shape, or form provided rledge, true and correct.	
 b) I/we understand that providing false, untrue, or misleading information in this application and/or supporting material may result in this application being rejected by Customs 		
26. Signature, name and position:	27. Date:	

FOR Customs use only				
A. APPLICATIO	N RECEIPT			
Date Application Name and sign received:		ature of NDCCM Secretary NDCC		M Reference Number
To NDCCM for nomination of	Evaluation Officer	Name:	Evaluation Officer	Date:
Evaluation Officer	Nominated:	Date	Receipt	Signature:
B. APPLICATIO	N EVALUATION		100 KB/15 (100 KB)	
Documentary Verification Is the application and supporting documentation complete and correct? YES NO If NO, give details below (if necessary, contact the applicant to obtain additional information and/or missing documents) Field Visit Are the Results of the Field Visit Satisfactory? YES NO Give details below for YES or NO (if necessary, contact the applicant to obtain additional information and/or missing documents. If space				

C. EVAL	UATOR RECOMMENDATION	Company of the Compan	
Are require	ments met for granting a De	clarant License?	
YES 🗆	requirements are met.		
NO 🗆	requirements are NOT met	(Give details belo	ow)
Details of requ	uirements not being met:		
Application	granted/rejected		
I recommend a		REJECTED (Give details)	for rejection below)
Evaluator'	s Name, Signature and Date		
Evaluator's	s Name, Signature and Date	Signature:	Date:

D. NATIONAL DIRECTOR CUSTOMS COMPLIANCE MANAGEMENT APPROVAL / REJECTION

Based on the recommendation of the Customs Evaluator I hereby:				
☐ Approve the granting of	a Declarant License for a period of two (3) years, from the date of this ap	pproval.		
This approval is subject t	to any special conditions set out in SECTION E "Additional License Condition	ons", below		
Reject the granting of a I	Declarant License. (See reasons below)			
Reasons for rejection:				
	a .			
		,		
Ivo Manuel da				
Ressurreicao F. Gomes				
Compliance Management	National Director Customs Compliance Management Signature and Stamp Date:			
E. APPLICANT INFORMED OF RESULT				
Applicant informed:				
NDCCM Secretary: To inform Applicant of the	by email to (name)	Date:		
Application Result by phone to (name) Date:		Date:		
	by post to (address)			

	F. ADDITIONAL LICENSE CONDITIONS					
Are	Are there any Additional License Conditions?					
	NO.					
	YES. (See details belo	ow)				
Addi	tional Conditions:					
						
0101010101	Manuel da surreicao F. Gomes					
Nat	tional Director Customs mpliance Management	Signature and Stamp	Date:			

Private Declarant Application Form [English], version 1 - 24 February 2023

CUSTOMS AUTHORITY



APPLICATION FOR IMPORTER/CONSIGNEE TO BE LICENSED AS DECLARANT

(ACCREDITED DIPLOMATIC MISSION, UN BODY OR SPECIALIZED AGENCY)

Customs Code DL 14/2017, Articles 30 (a), 31 (1) and (2), and 32 (1)

Submit to National Director Customs Compliance Management (NDCCM), Dili

PAF	RT A: APPLICANT IDENTIFICATION AND	D CONTACT DETAILS – DIPLOMATIC		
21. pl	Applicant's Name: (Authorized person from Embassy, or UN Body or Specialized Agency) – Attach a photocopy of your Passport or National Identification card.			
22.	Designation:	23. Accredited Embassy of: (country):		
24.	Tax Identification Nr	25. UN Body or Specialized Agency):(full name of UN body or Specialized Agency)		
26.	Postal Address			
27.	Telephone Nr (obligatory): 28.	Fax Nr . 29. Email address (obligatory):		
30.	After hours contact name and position (if same, w	vrite "as 1 above"):		
31.	Employees of the Embassy, UN Body or Specialized .	Agency who may represent you in Customs Clearance formalities		
	Name:	Position:		
	Name:	Position:		
	Name:	Position:		
PA	RT B: APPLICANT'S EXPERIENCE	TO BE A LICENSEE		
32.	Prior Experience:			
		n Nr 11 above, have any prior experience in the preparation of Import or Export		
	Goods Declarations (DAU)? YES □	NO ☐ If YES, please provide a brief outline:		

PAI	PART C: OFFICE FROM WHERE YOU INTEND TO OPERATE - FACILITIES			
33.	Proposed Office address :			
		s Code Article 18, requires you to maintain records for 5		
	years):			
35.	Computer / Printer and Internet facilities. (Please mark the a	nnranrigta hav halawl		
33.	☐ I/ we have the latest desktop computer(s) able to uplo			
	☐ I/we have a modern printer.			
)		
	☐ I/we have an Internet connection (please mention pro	vider)		
PA	RT D: NUMBER, TYPE, AND ORIGIN OF	IMPORT/ EXPORT CONSIGNMENTS PER YEAR		
36.		37. Export Consignments per year. (Please mark the		
	appropriate box below);	appropriate box below); ☐ 1 to 5		
	□ 1 to 5 □ 6 to 15	☐ 6 to 15		
	□ Over 15	□ Over 15		
23	7. 8. 9. 10. 11. 12. Country of Origin of Import Goods. (Please describe below); 4.	22. Type of Export Goods. (Please describe below); 4. 5. 6.		
	5.			
	6.			
PA	RT E: SECURITY (BOND) ARRANGEMEN	NTS		
2	28. Commitment letter or Promissory Note: Important Note: Your Mission, or UN Body, Specialized Agency are not required to provide a Bank Guarantee, but a Commitment letter or Promissory Note is required to cover any duties/taxes levied on goods not subject to Exemptions or compliance with clearance formalities required by law):			

PA	RT F		ATTACHED DOCUMENTS		
29.	9. Check List of Attached Documents for this Application. (This checklist is for the applicant to verify that he/she has attached all relevant documents required to process this application. Copies of valid documents are accepted)				
	☐ Passport or National Identity Card of main applicant.			Commitment letter/ Promissory Note Other decomments (decomine heles)	
		☐ Tax Identification (TIN)		☐ Other documents (describe below)	
PA	PART G: APPLICANT'S DECLARATION, SIGNATURE AND DATE				
	30. Applicant's declaration				
		c)		6 and 27 below, I/we declare that all information orting material of any kind, shape, or form provided dge, true and correct.	
		d)	I/we understand that providing false, untrand/or supporting material may result in this	rue, or misleading information in this application is application being rejected by Customs	
	31.	Sign	nature, name and position:	32. Date:	

		FOR Customs use only		
A. APPLICATION RECEIPT				
Date Application received:	Name and signati receiving <mark>:</mark>	ure of NDCCM Secretary	NDCCI	VI Reference Number
To NDCCM for	Evaluation Officer	Name:	Evaluation Officer	Date:
nomination of Evaluation Officer	Nominated:	Date	Receipt	Signature:
B. APPLICATION	ON EVALUATION	j		
Documentary Verification and surplication and surplicatio		ntation complete, and corre	ect? YE	S□ NO□ If NO, give
(if necessary, contact th	e applicant to obto	nin additional information o	and/or missing	ı documents)

C. EVALUATOR RECOMMENDATION	
Are requirements met for granting a Declarant License?	
YES □ requirements are met.	
NO □ requirements are NOT met. (Give details below)	
Details of requirements not being met:	
Application granted/rejected	
I recommend a license be: GRANTED ☐ REJECTED ☐ (Give details for rejection below)	
Evaluator's Name, Signature, and Date	
Name: Signature: Date:	
Signature.	

D. NATIONAL DIRECTOR CUSTOMS COMPLIANCE MANAGEMENT APPROVAL / **REJECTION** Based on the recommendation of the Customs Evaluator I hereby: Approve the granting of a Declarant License for a period of two (3) years, from the date of this approval. This approval is subject to any special conditions set out in SECTION E "Additional License Conditions", below Reject the granting of a Declarant License. (See reasons below) Reasons for rejection: Ivo Manuel da Ressurreicao F. Gomes National Director Customs Signature and Stamp Date: Compliance Management APPLICANT INFORMED OF RESULT E. Applicant informed: NDCCM Secretary: by email to Date: (name)_ To inform Applicant of the Date: **Application Result** by phone to (name)_ by post to (address)

F. ADDITIONAL LICENSE CONDITIONS							
Are there any Addit	Are there any Additional License Conditions?						
□ NO.							
☐ YES. (See details below)							
Additional Conditions:							
Ivo Manuel da							
Ressurreicao F. Gomes							
National Director Customs Compliance Management	Signature and Stamp	Date:					

Private Declarant (Embassies, UN Bodies/Agencies) Application Form [English], version 1 - 26 February 2023

EXAMPLE

Power of Attorney

For the Purposes of Article 30, no. 1 a() and (b) of Decree Law 14/2017 (Customs Code)

[Full name of Principal / Owner or Consignee of the Goods], with address at [], holder of identification car
or company registration number [], issued by [], hereby grants power of attorney to [], with address a
[], holder of identification card [], issued by []

For the purposes of requesting any customs or tax declaration for goods before the Customs Authority of Timor-Leste, as well as the provision of any documents regarding these, as well as applications for tax exemption or benefit, all under the terms and for the purposes of Article 30, no. 1 (a) and (b) and no. 4 of Decree Law 14/2017.

This Power of Attorney is valid only for the acts contained herein,	, from the date of its execution until the
termination date set below.	

Signed on [] of [year]
The Principal
[Press name and signature]

Valid until [...]