

## CHAPTER 1

### GENERAL PRINCIPLES

#### 1.1. Standard

The Definitions, Standards and Transitional Standards in this Annex shall apply to Customs procedures and practices specified in this Annex and, insofar as applicable, to procedures and practices in the Specific Annexes.

#### 1.2. Standard

The conditions to be fulfilled and Customs formalities to be accomplished for procedures and practices in this Annex and in the Specific Annexes shall be specified in national legislation and shall be as simple as possible.

#### 1.3. Standard

The Customs shall institute and maintain formal consultative relationships with the trade to increase co-operation and facilitate participation in establishing the most effective methods of working commensurate with national provisions and international

## CHAPTER 2

### DEFINITIONS

For the purposes of the Annexes to this Convention

E1./ F23. **“appeal”** means the act by which a person who is directly affected by a decision or omission of the Customs and who considers himself to be aggrieved thereby seeks redress before a competent authority;

E2./ F19. **“assessment of duties and taxes”** means the determination of the amount of duties and taxes payable;

E3./ F4. **“audit-based control”** means measures by which the Customs satisfy themselves as to the accuracy and authenticity of declarations through the examination of the relevant books, records, business systems and commercial data held by persons concerned;

E4./ F15. **“checking the Goods declaration”** means the action taken by the Customs to satisfy themselves that the Goods declaration is correctly made out and that the supporting documents required fulfil the prescribed conditions;

E5./ F9. **“clearance”** means the accomplishment of the Customs formalities necessary to allow goods to enter home use, to be exported or to be placed under another Customs procedure;

E6./ F10. **“Customs”** means the Government Service which is responsible for the administration of Customs law and the collection of duties and taxes and which also has the responsibility for the application of other laws and regulations relating to the importation, exportation, movement or storage of goods;

E7./ F3. **“Customs control”** means measures applied by the Customs to ensure compliance with Customs law;

E8./ **“Customs duties”** means the duties laid down in the Customs tariff to which goods are liable on

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- F11. entering or leaving the Customs territory;
- E9./ F16. **“Customs formalities”** means all the operations which must be carried out by the persons concerned and by the Customs in order to comply with the Customs law;
- E10./ F18. **“Customs law”** means the statutory and regulatory provisions relating to the importation, exportation, movement or storage of goods, the administration and enforcement of which are specifically charged to the Customs, and any regulations made by the Customs under their statutory powers;
- E11./ F2. **“Customs office”** means the Customs administrative unit competent for the performance of Customs formalities, and the premises or other areas approved for that purpose by the competent authorities;
- E12./ F25. **“Customs territory”** means the territory in which the Customs law of a Contracting Party applies;
- E13./ F6. **“decision”** means the individual act by which the Customs decide upon a matter relating to Customs law;
- E14./ F7. **“declarant”** means any person who makes a Goods declaration or in whose name such a declaration is made;
- E15./ F5. **“due date”** means the date when payment of duties and taxes is due;
- E16./ F12. **“duties and taxes”** means import duties and taxes and/or export duties and taxes;
- E17./ F27. **“examination of goods”** means the physical inspection of goods by the Customs to satisfy themselves that the nature, origin, condition, quantity and value of the goods are in accordance with the particulars furnished in the Goods declaration;
- E18./ F13. **“export duties and taxes”** means Customs duties and all other duties, taxes or charges which are collected on or in connection with the exportation of goods, but not including any charges which are limited in amount to the approximate cost of services rendered or collected by the Customs on behalf of another national authority;
- E19./ F8. **“Goods declaration”** means a statement made in the manner prescribed by the Customs, by which the persons concerned indicate the Customs procedure to be applied to the goods and furnish the particulars which the Customs require for its application;
- E20./ F14. **“import duties and taxes”** means Customs duties and all other duties, taxes or charges which are collected on or in connection with the importation of goods, but not including any charges which are limited in amount to the approximate cost of services rendered or collected by the Customs on behalf of another national authority;
- E21./ F1. **“mutual administrative assistance”** means actions of a Customs administration on behalf of or in collaboration with another Customs administration for the proper application of Customs law and for the prevention, investigation and repression of Customs offences;
- E22./ F21. **“omission”** means the failure to act or give a decision required of the Customs by Customs law within a reasonable time on a matter duly submitted to them;
- E23./ F22. **“person”** means both natural and legal persons, unless the context otherwise requires;
- E24./ F20. **“release of goods”** means the action by the Customs to permit goods undergoing clearance to be placed at the disposal of the persons concerned;

- E25./ F24. **“repayment”** means the refund, in whole or in part, of duties and taxes paid on goods and the remission, in whole or in part, of duties and taxes where payment has not been made;
- E26./ F17. **“Security”** means that which ensures to the satisfaction of the Customs that an obligation to the Customs will be fulfilled. Security is described as “general” when it ensures that the obligations arising from several operations will be fulfilled;
- E27./ F26. **“Third party”** means any person who deals directly with the Customs, for and on behalf of another person, relating to the importation, exportation, movement or storage of goods.

## **CHAPTER 3**

### **CLEARANCE AND OTHER CUSTOMS FORMALITIES**

#### **Competent Customs offices**

##### **3.1. Standard**

*The Customs shall designate the Customs offices at which goods may be produced or cleared. In determining the competence and location of these offices and their hours of business, the factors to be taken into account shall include in particular the requirements of the trade.*

##### **3.2. Standard**

*At the request of the person concerned and for reasons deemed valid by the Customs, the latter shall, subject to the availability of resources, perform the functions laid down for the purposes of a Customs procedure and practice outside the designated hours of business or away from Customs offices. Any expenses chargeable by the Customs shall be limited to the approximate cost of the services rendered.*

##### **3.3. Standard**

*Where Customs offices are located at a common border crossing, the Customs administrations concerned shall correlate the business hours and the competence of those offices.*

##### **3.4. Transitional Standard**

*At common border crossings, the Customs administrations concerned shall, whenever possible, operate joint controls.*

##### **3.5. Transitional Standard**

*Where the Customs intend to establish a new Customs office or to convert an existing one at a common border crossing, they shall, wherever possible, co-operate with the neighbouring Customs to establish a juxtaposed Customs office to facilitate joint controls.*

**The declarant**

(a) *Persons entitled to act as declarant*

**3.6. Standard**

*National legislation shall specify the conditions under which a person is entitled to act as declarant.*

**3.7. Standard**

*Any person having the right to dispose of the goods shall be entitled to act as declarant.*

(b) *Responsibilities of the declarant*

**3.8. Standard**

*The declarant shall be held responsible to the Customs for the accuracy of the particulars given in the Goods declaration and the payment of the duties and taxes.*

(c) *Rights of the declarant*

**3.9. Standard**

*Before lodging the Goods declaration the declarant shall be allowed, under such conditions as may be laid down by the Customs :*

(a) *to inspect the goods; and*

(b) *to draw samples.*

**3.10. Standard**

*The Customs shall not require a separate Goods declaration in respect of samples allowed to be drawn under Customs supervision, provided that such samples are included in the Goods declaration concerning the relevant consignment.*

**The Goods declaration**

(a) *Goods declaration format and contents*

**3.11. Standard**

*The contents of the Goods declaration shall be prescribed by the Customs. The paper format of the Goods declaration shall conform to the UN-layout key.*

*For automated Customs clearance processes, the format of the electronically lodged Goods declaration shall be based on international standards for electronic information exchange as prescribed in the Customs Co-operation Council Recommendations on information technology.*

**3.12. Standard**

*The Customs shall limit the data required in the Goods declaration to only such particulars as are deemed necessary for the assessment and collection of duties and taxes, the compilation of statistics and the application of Customs law.*

**3.13. Standard**

*Where, for reasons deemed valid by the Customs, the declarant does not have all the*

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information required to make the Goods declaration, a provisional or incomplete Goods declaration shall be allowed to be lodged, provided that it contains the particulars deemed necessary by the Customs and that the declarant undertakes to complete it within a specified period.

**3.14. Standard**

If the Customs register a provisional or incomplete Goods declaration, the tariff treatment to be accorded to the goods shall not be different from that which would have been accorded had a complete and correct Goods declaration been lodged in the first instance.

The release of the goods shall not be delayed provided that any security required has been furnished to ensure collection of any applicable duties and taxes.

**3.15. Standard**

The Customs shall require the lodgement of the original Goods declaration and only the minimum number of copies necessary.

(b) Documents supporting the Goods declaration

**3.16. Standard**

In support of the Goods declaration the Customs shall require only those documents necessary to permit control of the operation and to ensure that all requirements relating to the application of Customs law have been complied with.

**3.17. Standard**

Where certain supporting documents cannot be lodged with the Goods declaration for reasons deemed valid by the Customs, they shall allow production of those documents within a specified period.

**3.18. Transitional Standard**

The Customs shall permit the lodgement of supporting documents by electronic means.

**3.19. Standard**

The Customs shall not require a translation of the particulars of supporting documents except when necessary to permit processing of the Goods declaration.

**Lodgement, registration and checking of the Goods declaration**

**3.20. Standard**

The Customs shall permit the lodging of the Goods declaration at any designated Customs office.

**3.21. Transitional Standard**

The Customs shall permit the lodging of the Goods declaration by electronic means.

**3.22. Standard**

The Goods declaration shall be lodged during the hours designated by the Customs.

**3.23. Standard**

Where national legislation lays down a time limit for lodging the Goods declaration, the time

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allowed shall be sufficient to enable the declarant to complete the Goods declaration and to obtain the supporting documents required.

**3.24. Standard**

At the request of the declarant and for reasons deemed valid by the Customs, the latter shall extend the time limit prescribed for lodging the Goods declaration.

**3.25. Standard**

National legislation shall make provision for the lodging and registering or checking of the Goods declaration and supporting documents prior to the arrival of the goods.

**3.26. Standard**

When the Customs cannot register the Goods declaration, they shall state the reasons to the declarant.

**3.27. Standard**

The Customs shall permit the declarant to amend the Goods declaration that has already been lodged, provided that when the request is received they have not begun to check the Goods declaration or to examine the goods.

**3.28. Transitional Standard**

The Customs shall permit the declarant to amend the Goods declaration if a request is received after checking of the Goods declaration has commenced, if the reasons given by the declarant are deemed valid by the Customs.

**3.29. Transitional Standard**

The declarant shall be allowed to withdraw the Goods declaration and apply for another Customs procedure, provided that the request to do so is made to the Customs before the goods have been released and that the reasons are deemed valid by the Customs.

**3.30. Standard**

Checking the Goods declaration shall be effected at the same time or as soon as possible after the Goods declaration is registered.

**3.31. Standard**

For the purpose of checking the Goods declaration, the Customs shall take only such action as they deem essential to ensure compliance with Customs law.

**Special procedures for authorized persons**

**3.32. Transitional Standard**

For authorized persons who meet criteria specified by the Customs, including having an appropriate record of compliance with Customs requirements and a satisfactory system for managing their commercial records, the Customs shall provide for :

- release of the goods on the provision of the minimum information necessary to identify the goods and permit the subsequent completion of the final Goods declaration;

- clearance of the goods at the declarant's premises or another place authorized by the Customs;

and, in addition, to the extent possible, other special procedures such as :

- allowing a single Goods declaration for all imports or exports in a given period where goods are

*imported or exported frequently by the same person;*

*- use of the authorized persons' commercial records to self-assess their duty and tax liability and, where appropriate, to ensure compliance with other Customs requirements;*

*- allowing the lodgement of the Goods declaration by means of an entry in the records of the authorized person to be supported subsequently by a supplementary Goods declaration.*

### **Examination of the goods**

*(a) Time required for examination of goods*

#### **3.33. Standard**

*When the Customs decide that goods declared shall be examined, this examination shall take place as soon as possible after the Goods declaration has been registered.*

#### **3.34. Standard**

*When scheduling examinations, priority shall be given to the examination of live animals and perishable goods and to other goods which the Customs accept are urgently required.*

#### **3.35. Transitional Standard**

*If the goods must be inspected by other competent authorities and the Customs also schedules an examination, the Customs shall ensure that the inspections are co-ordinated and, if possible, carried out at the same time.*

*(b) Presence of the declarant at examination of goods*

#### **3.36. Standard**

*The Customs shall consider requests by the declarant to be present or to be represented at the examination of the goods. Such requests shall be granted unless exceptional circumstances exist.*

#### **3.37. Standard**

*If the Customs deem it useful, they shall require the declarant to be present or to be represented at the examination of the goods to give them any assistance necessary to facilitate the examination.*

*(c) Sampling by the Customs*

#### **3.38. Standard**

*Samples shall be taken only where deemed necessary by the Customs to establish the tariff description and/or value of goods declared or to ensure the application of other provisions of national legislation. Samples drawn shall be as small as possible.*

### **Errors**

#### **3.39. Standard**

*The Customs shall not impose substantial penalties for errors where they are satisfied that such error is inadvertent and that there has been no fraudulent intent or gross negligence. Where they consider it necessary to discourage a repetition of such errors, a penalty may be imposed*

but shall be no greater than is necessary for this purpose.

### **Release of goods**

#### **3.40. Standard**

*Goods declared shall be released as soon as the Customs have examined them or decided not to examine them, provided that :*

- *no offence has been found;*
- *the import or export licence or any other documents required have been acquired;*
- *all permits relating to the procedure concerned have been acquired; and*
- *any duties and taxes have been paid or that appropriate action has been taken to ensure their collection.*

#### **3.41. Standard**

*If the Customs are satisfied that the declarant will subsequently accomplish all the formalities in respect of clearance they shall release the goods, provided that the declarant produces a commercial or official document giving the main particulars of the consignment concerned and acceptable to the Customs, and that security, where required, has been furnished to ensure collection of any applicable duties and taxes.*

#### **3.42. Standard**

*When the Customs decide that they require laboratory analysis of samples, detailed technical documents or expert advice, they shall release the goods before the results of such examination are known, provided that any security required has been furnished and provided they are satisfied that the goods are not subject to prohibitions or restrictions.*

#### **3.43. Standard**

*When an offence has been detected, the Customs shall not wait for the completion of administrative or legal action before they release the goods, provided that the goods are not liable to confiscation or forfeiture or to be needed as evidence at some later stage and that the declarant pays the duties and taxes and furnishes security to ensure collection of any additional duties and taxes and of any penalties which may be imposed.*

### **Abandonment or destruction of goods**

#### **3.44. Standard**

*When goods have not yet been released for home use or when they have been placed under another Customs procedure, and provided that no offence has been detected, the person concerned shall not be required to pay the duties and taxes or shall be entitled to repayment thereof :*

- *when, at his request, such goods are abandoned to the Revenue or destroyed or rendered commercially valueless under Customs control, as the Customs may decide. Any costs involved shall be borne by the person concerned;*

- *when such goods are destroyed or irrecoverably lost by accident or force majeure, provided that such destruction or loss is duly established to the satisfaction of the Customs;*
- *On shortages due to the nature of the goods when such shortages are duly established to the satisfaction of the Customs.*

*Any waste or scrap remaining after destruction shall be liable, if taken into home use or exported, to the duties and taxes that would be applicable to such waste or scrap imported or exported in that state.*

### **3.45. Transitional Standard**

*When the Customs sell goods which have not been declared within the time allowed or could not be released although no offence has been discovered, the proceeds of the sale, after deduction of any duties and taxes and all other charges and expenses incurred, shall be made over to those persons entitled to receive them or, when this is not possible, held at their disposal for a specified period.*

## **CHAPTER 4**

### **DUTIES AND TAXES**

#### **A. ASSESSMENT, COLLECTION AND PAYMENT OF DUTIES AND TAXES**

##### **4.1. Standard**

*National legislation shall define the circumstances when liability to duties and taxes is incurred.*

##### **4.2. Standard**

*The time period within which the applicable duties and taxes are assessed shall be stipulated in national legislation. The assessment shall follow as soon as possible after the Goods declaration is lodged or the liability is otherwise incurred.*

##### **4.3. Standard**

*The factors on which the assessment of duties and taxes is based and the conditions under which they are determined shall be specified in national legislation.*

##### **4.4. Standard**

*The rates of duties and taxes shall be set out in official publications.*

##### **4.5. Standard**

*National legislation shall specify the point in time to be taken into consideration for the purpose of determining the rates of duties and taxes.*

##### **4.6. Standard**

*National legislation shall specify the methods that may be used to pay the duties and taxes.*

##### **4.7. Standard**

*National legislation shall specify the person(s) responsible for the payment of duties*

and taxes.

**4.8. Standard**

*National legislation shall determine the due date and the place where payment is to be made.*

**4.9. Standard**

*When national legislation specifies that the due date may be after the release of the goods, that date shall be at least ten days after the release. No interest shall be charged for the period between the date of release and the due date.*

**4.10. Standard**

*National legislation shall specify the period within which the Customs may take legal action to collect duties and taxes not paid by the due date.*

**4.11. Standard**

*National legislation shall determine the rate of interest chargeable on amounts of duties and taxes that have not been paid by the due date and the conditions of application of such interest.*

**4.12. Standard**

*When the duties and taxes have been paid, a receipt constituting proof of payment shall be issued to the payer, unless there is other evidence constituting proof of payment.*

**4.13. Transitional Standard**

*National legislation shall specify a minimum value and/or a minimum amount of duties and taxes below which no duties and taxes will be collected.*

**4.14. Standard**

*If the Customs find that errors in the Goods declaration or in the assessment of the duties and taxes will cause or have caused the collection or recovery of an amount of duties and taxes less than that legally chargeable, they shall correct the errors and collect the amount underpaid. However, if the amount involved is less than the minimum amount specified in national legislation, the Customs shall not collect or recover that amount.*

**B. DEFERRED PAYMENT OF DUTIES AND TAXES**

**4.15. Standard**

*Where national legislation provides for the deferred payment of duties and taxes, it shall specify the conditions under which such facility is allowed.*

**4.16. Standard**

*Deferred payment shall be allowed without interest charges to the extent possible.*

**4.17. Standard**

*The period for deferred payment of duties and taxes shall be at least fourteen days.*

## **C. REPAYMENT OF DUTIES AND TAXES**

### **4.18. Standard**

*Repayment shall be granted where it is established that duties and taxes have been overcharged as a result of an error in their assessment.*

### **4.19. Standard**

*Repayment shall be granted in respect of imported or exported goods which are found to have been defective or otherwise not in accordance with the agreed specifications at the time of importation or exportation and are returned either to the supplier or to another person designated by the supplier, subject to the following conditions :*

- *the goods have not been worked, repaired or used in the country of importation, and are re-exported within a reasonable time;*
- *The goods have not been worked, repaired or used in the country to which they were exported, and are re-imported within a reasonable time.*

*Use of the goods shall, however, not hinder the repayment if such use was indispensable to discover the defects or other circumstances which caused the re-exportation or re-importation of the goods.*

*As an alternative to re-exportation or re-importation, the goods may be abandoned to the Revenue or destroyed or rendered commercially valueless under Customs control, as the Customs may decide. Such abandonment or destruction shall not entail any cost to the Revenue.*

### **4.20. Transitional Standard**

*Where permission is given by the Customs for goods originally declared for a Customs procedure with payment of duties and taxes to be placed under another Customs procedure, repayment shall be made of any duties and taxes charged in excess of the amount due under the new procedure.*

### **4.21. Standard**

*Decisions on claims for repayment shall be reached, and notified in writing to the persons concerned, without undue delay, and repayment of amounts overcharged shall be made as soon as possible after the verification of claims.*

### **4.22. Standard**

*Where it is established by the Customs that the overcharge is a result of an error on the part of the Customs in assessing the duties and taxes, repayment shall be made as a matter of priority.*

### **4.23. Standard**

*Where time limits are fixed beyond which claims for repayment will not be accepted, such limits shall be of sufficient duration to take account of the differing circumstances pertaining to each type of case in which repayment may be granted.*

### **4.24. Standard**

*Repayment shall not be granted if the amount involved is less than the minimum amount specified in national legislation.*

## **CHAPTER 5**

### **SECURITY**

#### **5.1. Standard**

*National legislation shall enumerate the cases in which security is required and shall specify the forms in which security is to be provided.*

#### **5.2. Standard**

*The Customs shall determine the amount of security.*

#### **5.3. Standard**

*Any person required to provide security shall be allowed to choose any form of security provided that it is acceptable to the Customs.*

#### **5.4. Standard**

*Where national legislation provides the Customs shall not require security when they are satisfied that an obligation to the Customs will be fulfilled.*

#### **5.5. Standard**

*When security is required to ensure that the obligations arising from a Customs procedure will be fulfilled, the Customs shall accept a general security, in particular from declarants who regularly declare goods at different offices in the Customs territory.*

#### **5.6. Standard**

*Where security is required, the amount of security to be provided shall be as low as possible and, in respect of the payment of duties and taxes, shall not exceed the amount potentially chargeable.*

#### **5.7. Standard**

*Where security has been furnished, it shall be discharged as soon as possible after the Customs are satisfied that the obligations under which the security was required have been duly fulfilled.*

## **CHAPTER 6**

### **CUSTOMS CONTROL**

#### **6.1. Standard**

*All goods, including means of transport, which enter or leave the Customs territory, regardless of whether they are liable to duties and taxes, shall be subject to Customs control.*

**6.2. Standard**

*Customs control shall be limited to that necessary to ensure compliance with the Customs law.*

**6.3. Standard**

*In the application of Customs control, the Customs shall use risk management.*

**6.4. Standard**

*The Customs shall use risk analysis to determine which persons and which goods, including means of transport, should be examined and the extent of the examination.*

**6.5. Standard**

*The Customs shall adopt a compliance measurement strategy to support risk management.*

**6.6. Standard**

*Customs control systems shall include audit-based controls.*

**6.7. Standard**

*The Customs shall seek to co-operate with other Customs administrations and seek to conclude mutual administrative assistance agreements to enhance Customs control.*

**6.8. Standard**

*The Customs shall seek to co-operate with the trade and seek to conclude Memoranda of Understanding to enhance Customs control.*

**6.9. Transitional Standard**

*The Customs shall use information technology and electronic commerce to the greatest possible extent to enhance Customs control.*

**6.10. Standard**

*The Customs shall evaluate traders' commercial systems where those systems have an impact on Customs operations to ensure compliance with Customs requirements.*

**CHAPTER 7**

**APPLICATION OF INFORMATION TECHNOLOGY**

**7.1. Standard**

*The Customs shall apply information technology to support Customs operations, where it is cost-effective and efficient for the Customs and for the trade. The Customs shall specify the conditions for its application.*

**7.2. Standard**

*When introducing computer applications, the Customs shall use relevant*

*internationally accepted standards.*

### **7.3. Standard**

*The introduction of information technology shall be carried out in consultation with all relevant parties directly affected, to the greatest extent possible.*

### **7.4. Standard**

*New or revised national legislation shall provide for :*

- *electronic commerce methods as an alternative to paper-based documentary requirements;*
- *electronic as well as paper-based authentication methods;*
- *The right of the Customs to retain information for their own use and, as appropriate, to exchange such information with other Customs administrations and all other legally approved parties by means of electronic commerce techniques.*

## **CHAPTER 8**

### **RELATIONSHIP BETWEEN THE CUSTOMS AND THIRD PARTIES**

#### **8.1. Standard**

*Persons concerned shall have the choice of transacting business with the Customs either directly or by designating a third party to act on their behalf.*

#### **8.2. Standard**

*National legislation shall set out the conditions under which a person may act for and on behalf of another person in dealing with the Customs and shall lay down the liability of third parties to the Customs for duties and taxes and for any irregularities.*

#### **8.3. Standard**

*The Customs transactions where the person concerned elects to do business on his own account shall not be treated less favourably or be subject to more stringent requirements than those Customs transactions which are handled for the person concerned by a third party.*

#### **8.4. Standard**

*A person designated as a third party shall have the same rights as the person who designated him in those matters related to transacting business with the Customs.*

#### **8.5. Standard**

*The Customs shall provide for third parties to participate in their formal consultations with the trade.*

#### **8.6. Standard**

*The Customs shall specify the circumstances under which they are not prepared to transact business with a third party.*

**8.7. Standard**

*The Customs shall give written notification to the third party of a decision not to transact business.*

**CHAPTER 9**

**INFORMATION, DECISIONS AND RULINGS SUPPLIED BY THE CUSTOMS**

**A. INFORMATION OF GENERAL APPLICATION**

**9.1. Standard**

*The Customs shall ensure that all relevant information of general application pertaining to Customs law is readily available to any interested person.*

**9.2. Standard**

*When information that has been made available must be amended due to changes in Customs law, administrative arrangements or requirements, the Customs shall make the revised information readily available sufficiently in advance of the entry into force of the changes to enable interested persons to take account of them, unless advance notice is precluded.*

**9.3. Transitional Standard**

*The Customs shall use information technology to enhance the provision of information.*

**B. INFORMATION OF A SPECIFIC NATURE**

**9.4. Standard**

*At the request of the interested person, the Customs shall provide, as quickly and as accurately as possible, information relating to the specific matters raised by the interested person and pertaining to Customs law.*

**9.5. Standard**

*The Customs shall supply not only the information specifically requested but also any other pertinent information which they consider the interested person should be made aware of.*

**9.6. Standard**

*When the Customs supply information, they shall ensure that they do not divulge details of a private or confidential nature affecting the Customs or third parties unless such disclosure is required or authorized by national legislation.*

**9.7. Standard**

*When the Customs cannot supply information free of charge, any charge shall be limited to the approximate cost of the services rendered.*

**C. DECISIONS AND RULINGS**

**9.8. Standard**

*At the written request of the person concerned, the Customs shall notify their decision in writing within a period specified in national legislation. Where the decision is adverse to the person concerned, the reasons shall be given and the right of appeal advised.*

**9.9. Standard**

*The Customs shall issue binding rulings at the request of the interested person, provided that the Customs have all the information they deem necessary.*

**CHAPTER 10**

**APPEALS IN CUSTOMS MATTERS**

**A. RIGHT OF APPEAL**

**10.1. Standard**

*National legislation shall provide for a right of appeal in Customs matters.*

**10.2. Standard**

*Any person who is directly affected by a decision or omission of the Customs shall have a right of appeal.*

**10.3. Standard**

*The person directly affected by a decision or omission of the Customs shall be given, after having made a request to the Customs, the reasons for such decision or omission within a period specified in national legislation. This may or may not result in an appeal.*

**10.4. Standard**

*National legislation shall provide for the right of an initial appeal to the Customs.*

**10.5. Standard**

*Where an appeal to the Customs is dismissed, the appellant shall have the right of a further appeal to an authority independent of the Customs administration.*

**10.6. Standard**

*In the final instance, the appellant shall have the right of appeal to a judicial authority.*

**B. FORM AND GROUNDS OF APPEAL**

**10.7. Standard**

*An appeal shall be lodged in writing and shall state the grounds on which it is being made.*

**10.8. Standard**

*A time limit shall be fixed for the lodgement of an appeal against a decision of the Customs and it shall be such as to allow the appellant sufficient time to study the contested decision and to prepare an appeal.*

**10.9. Standard**

*Where an appeal is to the Customs they shall not, as a matter of course, require that any supporting evidence be lodged together with the appeal but shall, in appropriate circumstances, allow a reasonable time for the lodgement of such evidence.*

**C. CONSIDERATION OF APPEAL**

**10.10. Standard**

*The Customs shall give its ruling upon an appeal and written notice thereof to the appellant as soon as possible.*

**10.11. Standard**

*Where an appeal to the Customs is dismissed, the Customs shall set out the reasons therefor in writing and shall advise the appellant of his right to lodge any further appeal with an administrative or independent authority and of any time limit for the lodgement of such appeal.*

**10.12. Standard**

*Where an appeal is allowed, the Customs shall put their decision or the ruling of the independent or judicial authority into effect as soon as possible, except in cases where the Customs appeal against the ruling.*