

**Presentation of Tagayev U. H. - Head of customs checkpoint “Serhetabat” of the State  
customs service of Turkmenistan  
Training workshop on “Time Release Study”  
(Tashkent, Republic of Uzbekistan)**

## **National customs clearance operations and procedures**

Dear participants of the workshop!

During my presentation I would like to introduce you to current operations and procedures of customs clearance in Turkmenistan and latest initiatives and plans with regard to Time Release Study (TRS).

Based on objectives to be achieved the Customs Code of Turkmenistan, effective as of January 1, 2011, specifies the following customs operations and procedures:

### **Arrival of goods and transport on the territory of Turkmenistan**

Arrival of goods and transport on the territory of Turkmenistan presents a customs procedure of entry to the territory of Turkmenistan of goods and transport, stipulating their delivery and submission to customs authority of documents and information with regard to imported goods and transport. Arrival of goods and transport on the territory of Turkmenistan includes the following customs operations:

- **prior notification of customs authorities on arrival of goods and transport;**
- **delivery by the carrier of imported goods and transport from the location of customs border crossing to the sites of arrival** (to checkpoints or other locations in accordance with the Law of Turkmenistan “On State border”);
- **submission of documents and information upon arrival of goods and transport on the customs territory of Turkmenistan ;**
- **presentation of goods and transport vehicles to customs authorities.**

After provision to customs authorities of related documents and data goods may be unloaded or reloaded, placed to temporary storage warehouse, presented to specified customs regime or domestic customs transit.

From the time of presentation of goods at the location of arrival the goods acquire the status of being temporarily stored, which means that submission of goods to customs authority actually starts the procedure of temporary storage and time countdown of temporary storage begins from that day.

**Internal customs transit** may include the following customs operations:

- **presentation of transit declaration to customs authority of departure;**
- **submission of documents used as transit declaration.** Customs authority of departure accepts as transit declaration any commercial, transport (documents of carriage) (or) customs documents, containing data, as listed in Article 46 of the Customs Code of Turkmenistan in “Customs declaration”;
- **submission to customs authority of departure of electronic transit declaration**
- **receiving permission for internal customs transit.**

Permission for internal customs transit is issued under compliance with conditions, listed in Article 45 of the Customs Code of Turkmenistan in “Permission for internal customs transit”, no later than 3 days from the date of acceptance of transit declaration. Transit declaration is accepted by the customs authority of departure at the day of declaration submission, provided the declaration meets all requirements established by the customs legislature of Turkmenistan.

Approval for internal customs transit may be given not just to the carrier, but also to the expeditor or persons, who will be responsible for storage of goods or perform other customs operations with goods at the location of delivery (owners of temporary storage warehouses, receivers of goods and others);

- **transportation of goods from the place of arrival to the place of location of customs authority of departure;**

- **transportation of goods between temporary storage warehouses;**
- **transportation of goods between customs warehouses**
- **unloading and reloading of goods, placement of goods to temporary storage warehouse;**
- **unloading and reloading of goods, placement of goods to customs warehouse;**
- **identification of goods and documents for goods, placed under customs procedure of internal customs transit;**
- **customs escort of transport carrying goods in accordance with internal customs transit, and in situations, specified by the legislation of Turkmenistan;**
- **completion of internal customs transit.**

Customs authority of departure processes completion of internal customs transit of goods as soon as possible, but no later than 24 hours (during twenty-four hours) from the time of registration of transport arrival (if during the document check and identification of goods this customs authority did not find out infringements of customs Law of Turkmenistan), by issuance to carrier of certificate on completion of internal customs transit according to the form, as determined by the State customs service of Turkmenistan.

Deadline of internal customs transit may not exceed 10 days, and in some cases the State customs service of Turkmenistan may establish a longer term, which may not exceed 20 days from the date of receiving of approval for internal customs transit.

**Temporary storage of goods** may include the following customs operations:

- **placement of goods to temporary storage warehouses;**
- **operations with goods at temporary storage areas;**
- **receiving of approval from customs authority for operations with goods at temporary storage areas (for taking samples (selection) and pieces of goods, for fixing damaged packaging, preparation of goods for removal from temporary storage warehouses and transportation).**

Period of temporary storage of goods at temporary storage warehouses is one month. Upon motivated request of interested party customs authority extends the specified term up to six months.

Customs Code of Turkmenistan stipulates temporary storage of goods in the transport vehicle. It is approved by the customs authority upon application of a person, authorized to deal with goods, with permission of the entity responsible for branch railway or carrier, who delivered goods by automobile transport, on condition of delivery of goods without any damage or losses of applied customs seals and other means of identification, as well as inability of access to goods under availability of identification means.

Temporary storage of good on the transport vehicle is permitted in case if goods are not unloaded from the transport vehicle and the parking point of the vehicle is coordinated with customs authorities. Unloading of goods from transport vehicles or change of parking place of the transport is allowed only by the approval of customs authorities.

Period of temporary storage of goods on transport may not exceed 10 days from the date of issuance of approval by customs authority for storage of goods on the transport vehicle. Upon expiration of this period goods not released in accordance with specified customs regime or not placed under another customs procedure, should be placed to temporary storage warehouse or under another customs procedure.

With permission of customs authority temporary storage may be arranged at the warehouse of the receiver of goods:

- 1) under the application of special simplified procedures for individual persons;
- 2) under necessity of temporary storage of goods, requiring special storage conditions, if within a reasonable distance from the place of receipt of good there is no availability of temporary storage warehouse, designated for storage of such goods;
- 3) if receivers of goods are state agencies or enterprises (organizations, establishments);
- 4) upon receipt of goods on account of construction or investment contracts, concluded on the bases of decisions by the Cabinet of Ministers of Turkmenistan.

## **Declaring of goods**

Declaration is completed by the declarant or customs broker, selected by the customs applicant, and includes the following customs operations:

- **application to customs authority in customs declaration or in other form, stipulated by the Customs Code of Turkmenistan, in written, oral, electronic or inferred form with regard to information about goods, customs regime of goods and other information, required for customs purposes.** The list of data, subject to specification in customs declaration, is limited to only the data, required for the purposes of calculating and collection of customs duties, customs statistics and implementation of the legislation of Turkmenistan regarding customs matters;

- **submission of documents with declaration of goods.** Submission of customs declaration to customs authorities should be accompanied with documents, validating declared data in customs declaration.

- **acceptance of customs declaration by customs authorities.** From the time of acceptance customs declarations becomes a document, testifying about facts that have legal significance. If customs declaration is not accepted by customs authorities, such declaration for customs purposes is considered as unfilled;

- **change, addition of information declared in customs declaration.** On motivated written application of declarant, the information declared in accepted customs declaration may be changed or supplemented. Change and addition of information declared in accepted customs declaration are allowed with approval of customs authorities;

- **recall of customs declaration.** Upon written application of declarant accepted customs declaration may be recalled prior to release of goods for filling application of other customs regime. Recall of customs declaration is allowed with written permission of customs authority, if prior to receipt of application of declarant, customs authority did not determine unreliability of information in customs declaration, except cases of identification of inaccuracy, not affecting the decision making on release of goods.

Customs declaration for goods imported to the territory of Turkmenistan is submitted no later than thirty days from the date of presenting of goods to customs authorities at the place of goods arrival or from the date of completion of internal customs transit, if declaring of goods is performed not in the place of goods arrival, except situations of transportation of goods by physical persons in hand luggage and accompanied baggage, in international mailing.

**Release of goods.** Release of goods is the procedure of customs authorities that would allow interested parties use and (or) handle goods in accordance with customs regime, that is the release of goods is actually identified with customs operation. Release of goods includes:

- **release of goods with submission of information required for identification of goods;**

- **release of goods in case of initiation of proceedings with regard to administrative infraction;**

- **release of goods in simplified form and on a high priority basis.**

Customs authorities perform release of goods in accordance with Article 89 of the Customs Code of Turkmenistan "Basis for release" of goods no later than three days from the date of acceptance of customs declaration, submission of other required documents and information, except situations of extension of terms for conducting the inspection of goods. Customs authority has the right to extend the term of inspection of goods if presented for inspection goods not divided into packaging spaces under individual types and (or) description of goods, and (or) information about packaging or labeling is not specified in commercial and (or) transport documents for goods. Extension of inspection term for goods is performed under condition if indicated circumstances prevent customs authorities from conducting required operations to determine conformity of the goods to information about goods. The term of goods inspection is extended for the time, required for the person, authorized to handle goods, to separate goods batches into individual goods.

Release of goods is performed by customs authorities on condition, if:

1) during customs clearance and inspection of goods customs authorities did not identify violations of customs legislature of Turkmenistan;

2) customs authorities were presented certificates, permissions and other documents, required for the release of goods in accordance with the legislation of Turkmenistan and its international agreements, except cases, when indicated documents may be submitted after the release of goods;

3) declarant complied with requirements and conditions for placement of goods under selected customs regime or use of relevant customs procedure in accordance with the Customs Code of Turkmenistan;

4) in respect of goods customs fees, dues and duties were paid, or provision of payment was presented to customs authorities, in line with the Customs Code of Turkmenistan.

Release for free circulation of goods, imported to customs territory of Turkmenistan is made upon condition of receipt of payments for customs dues and duties on accounts of customs authorities. In case the payments are not received goods are considered as conditionally released.

#### **Customs clearance procedures during entry of imported goods**

Customs legislation stipulates two alternatives, as follows:

A. (Slide 2) Near-border customs authorities process arrival of goods and transport to the territory of Turkmenistan and goods are sent to internal customs checkpoint through the procedure of internal customs transit. Procedures and operations of temporary storage, declaration and release of goods (without internal customs transit) are performed at internal customs checkpoint.

B. (Slide 3) All procedures and operations starting from arrival of goods and transport and to release of goods (without internal customs transit) are performed at near-border customs checkpoint.

According to the Law of Turkmenistan “On certification of products and services” certificates for imported products or licenses on their recognition are presented to customs authorities along with cargo customs declaration and are considered as required documents for receiving approval to import products to the territory of Turkmenistan. For release of goods at near-border customs checkpoint the necessary operation will be certification of imported goods at this checkpoint. At near-border customs checkpoints, remotely located from control of authorized agencies, which are responsible for certification of goods - in order to avoid accumulation of goods and transport vehicles, customs authorities make a decision on sending goods to internal customs post under the procedure of internal customs transit.

#### **Customs clearance procedures during entry of transit (Slide 4)**

During entry of transit goods the following procedures are performed:

1. Arrival of goods and transport to customs territory of Turkmenistan;
2. Temporary storage of goods;
3. Declaring of goods;
4. Release of goods;

All procedures and operations are performed at near-border customs post. If goods are subject to cargo operations (unloading, reloading), then, the procedure of temporary storage for such goods is not applied.

Declaring of transit goods (except transit goods, coming from and going to CIS countries) with filling out of cargo customs declaration is performed only in cases, when Turkmenistan is the first country of entry on route of goods movement in international transit. In other cases imported goods, as well as transit goods, from and to CIS countries, are transported on customs territory of Turkmenistan under customs control between the place of arrival of goods to the territory of Turkmenistan and the place of removal of goods from this territory under the procedure of internal customs transit without payment of customs dues and duties, and also without applying to goods of bans and limitations of economic nature, established by the legislation of Turkmenistan. In such cases, time spent for release of goods will be significantly reduced.

Analysis of transit goods, transported on customs territory of Turkmenistan during the first quarter of 2013 showed that, from processed 28 228 of total number of goods batches overall of 4 262 batches of goods were processed with filled cargo customs declaration, which made 15,1 percent, and the rest 23 966 batches of goods were cleared without filling out of cargo customs declaration (Slide 5).

Time release study for customs clearance operations at the customs post “Farap avtoellari” during the entry of transit goods - for one motor vehicle during the first 6 months of 2013 – showed that release time was 35 minutes.

**Customs clearance operations at checkpoints of Turkmenistan border crossing**  
(Slide 6)

In accordance with the Decree of the President of Turkmenistan from June 7, 2000, № 4746 “On regulating of activities of state bodies at Turkmenistan customs border and establishment of unified rates of collections and duties from owners of motor vehicles of foreign states”:

- the order is established in implementing control over transport vehicles of foreign states at the customs border of Turkmenistan;

- as of August 1, 2000 uniform rates are introduced for collections and duties for owners of transport vehicles of foreign states entering Turkmenistan and moving as transit on the territory of the country;

- State customs service of Turkmenistan is responsible for organization and ensuring of compliance with uniform order for transit of transport vehicles of foreign states on the customs border of Turkmenistan, with participation of all state authorities, performing their activities on the customs border of Turkmenistan.

According to the “Order of implementing control over transport vehicles of foreign states on the customs border of Turkmenistan”:

1) upon receiving of information about the transport vehicle with sick person having symptoms of infectious disease, the transport vehicle, its crew, passengers and goods, upon arrival to the checkpoint through State border of Turkmenistan, are subject to medical (sanitary) examination in sanitary-quarantine points (departments) of sanitary and epidemiology service of the Ministry of Health and Medical Industry of Turkmenistan;

2) upon completion of sanitary and epidemiology control transport vehicle is subjected to decontamination and inspection for veterinary and sanitary condition of imported cargo, as well as other procedures, in accordance with normative documents regulating activity of veterinary supervision agencies;

3) upon completion of veterinary control, the crew and passengers go through passport control in departments of State Migration Service of Turkmenistan;

4) customs inspection is conducted for transport and imported goods on such transport, if necessary customs clearance is performed;

5) official of State enterprise “Turkmentranceinspection” of the Ministry of Transportation of Turkmenistan, after passport control and customs clearance, performs the following functions:

a) determines the amount of reimbursement by the owners of the transport vehicles of difference in cost of motor fuel, in accordance with the Decree of the President of Turkmenistan from November 20, 1997, № 3404;

б) processes insurance contracts of civil liability to third parties, based on agreement with State insurance organization of Turkmenistan;

b) fills out related columns of the form (three copies) allowing entry to Turkmenistan and transiting on its territory (further read as Permission) with specified amounts of collection and issues them to owners of transport vehicles of foreign states;

6) the official of State veterinary service under the Ministry of Agriculture of Turkmenistan, upon receiving of positive results of veterinary inspection, puts a mark in

appropriate column of the Permission, specifying the collection amount for performed procedure;

7) after veterinary examination of the transport vehicle the inspection is conducted for cargo, which is subject to quarantine in accordance with established regulatory legal acts of Turkmenistan and normative documents of State agency of quarantine supervision. The official of State veterinary service under the Ministry of Agriculture of Turkmenistan, upon receiving of positive results of veterinary inspection, puts a mark in appropriate column of the Permission, specifying the collection amount for performed procedure;

8) the owner (driver) of transport vehicle, after completion of procedures as specified in paragraphs 1-7, presents to customs authorities the Permission and other required documents in accordance with customs legislation of Turkmenistan.

During customs clearance customs officers inspect accuracy and completeness of Permission, filled by the officers of previous inspection, endorse in related columns of the Permission and specify the amount of collections, then send the owner of transport vehicle to the institution of authorized bank to pay total amount of collected fees and payments. Collection of all types of duties and payments for entry of transport vehicles of foreign states to Turkmenistan and transiting on its territory is performed only by the banking institutions of Turkmenistan;

9) in cases of identification of violations of international and intergovernmental agreements and regulatory legal acts of Turkmenistan the official of appropriate state agency indicates on reverse side of all copies of Permission the reasons for refusal in clearance and sends all copies of Permission to customs authorities.

Customs authorities annul the Permission and send the first copy to State enterprise “Turkmentransinspection” of the Ministry of Transportation of Turkmenistan, the second copy – to banking institution, the third copy is left with customs authorities;

10) the owner (driver) of transport vehicle presents Permission to authorized banking institution for payment of fees and duties. Banking institution accepts payments from the owner of transport vehicle and issues the receipt for payments of fees and duties, endorses in specified column of Permission, specifying amount of collections and returns to the owner the transport vehicle;

11) the owner (driver) of motor vehicle presents Permission and collections payment receipt to the customs authorities.

Official of customs authorities checks the payment amount, makes a decision about entry of motor vehicle to Turkmenistan and its transiting on the territory of the country and puts a personal numbered stamp and signature, which serve as a basis for entry to Turkmenistan and transiting on its territory.

At checkpoints of border crossing for railway communication upon entry to Turkmenistan the following operations are performed (Slide 7):

1. Sanitary and epidemiology control
2. Veterinary control
3. Customs control (inspection)
4. Phyto-sanitary control
5. Processing of internal transit declaration

At entry checkpoints of border crossing of Turkmenistan and transit movement on the territory of the country the owners of transport vehicles will be collected the following types of fees and duties (Slide 8):

1. Issuance of permission to enter Turkmenistan and transiting on its territory.
2. Insurance of civil liability of owners of transport vehicles to third parties for the period of stay on the territory of Turkmenistan.
3. Collection for customs clearance of transit goods (except transit goods, coming from and going to CIS countries) in cases, when Turkmenistan is the first point of entry.
4. Decontamination of transport vehicles, performed by the State veterinary service under the Ministry of Agriculture of Turkmenistan.

5. Inspection of transit cargo going through the territory of Turkmenistan and which is under the quarantine, performed by the State inspection on quarantine of plants under the Ministry of Agriculture of Turkmenistan.

6. Services for processing the permission to enter Turkmenistan and transiting on its territory, provided by the State enterprise “Turkmentranceinspection” of the Ministry of Transportation of Turkmenistan.

7. Payments for services for access of motor vehicles to floating pontoon bridges and for transportation over river crossings is collected by the State service of sea and river transport of Turkmenistan.

8. Collection of difference in cost of motor fuel from the owners of motor vehicles of foreign countries entering Turkmenistan and transiting on its territory.

In accordance with the Law of Turkmenistan “On Customs Service” facilitating the development of foreign trade and national economy of Turkmenistan, creating conditions that enable acceleration of goods turnover through customs border of Turkmenistan are priority tasks for the Customs Service of Turkmenistan. Strengthening of legislative and material and technical base of customs authorities, modernization and automation of customs control system is one of priority areas of State Policy of Turkmenistan.

Currently, customs authorities of Turkmenistan intensively work on construction of new modern customs posts, equipped with updated technical means of customs control at border crossing checkpoints, thus replacing outdated equipment, including equipment for scanning of cargo, moved on the transport vehicles “Rapiscan Eagle Gantry G6030”, railway scanning system “Rapiscan Eagle R60”, manufactured by English company “Rapiscan Systems Ltd”.

Since 2006 10 such customs posts were constructed (Slide 9): “Farap avtoellari”, “Gasodjak”, “Tallimerdjen”, “Koneurgench”, “Dashoguz avtoellari” at the State border Turkmenistan - Uzbekistan, “Imamnazar”, “Serhetabat” at the State border Turkmenistan - Afganistan, “Altin - Asir” at the State border Turkmenistan – Iran, “Garabogaz” и “Serhetyaka” at the State border Turkmenistan – Kazakhstan. Today, at the State border Turkmenistan – Iran new complexes of customs posts buildings are being constructed, such as “Artyk” and “Sarahs avtoellari”.

Currently, Turkmenistan customs authorities continue modernization of Unified computer program, which will reduce the amount of time for customs procedures and will also increase the quality of conducted customs operations. These goals are supported by advanced training of customs personnel. For that purpose, according to the Decree of the President of Turkmenistan from 2009, there was established a specialized Training Center under the State customs service of Turkmenistan, equipped with most recent customs control equipment and fully staffed with experienced teaching personnel. Since the establishment of this Center and to present day 1500 officers have been retrained.

Dear participants of the workshop, let me wish you fruitful work, strong health and further success in your work. Thank you for your attention!