



WORKSHOP ON THE REVISED KYOTO CONVENTION OF THE WORLD CUSTOMS ORGANIZATION (WCO)

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**Tankibaev Kairat Aitzhanovich
Export, Customs Control Organization Department
Customs Control Committee under the Ministry of Finance
Republic of Kazakhstan**

Revised Kyoto Convention

When developing the CU's CC experts from governments of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation were guided by decision № 4 of the Customs Union Commission dated 04.02.09 “On Conceptual Conditions for Interaction of the Parties’ Customs in the Common Customs Territory” to develop the draft CUCC based on provisions of the Kyoto Convention (as well as taking into account Kazakhstan’s commitments under the Law adopted as of 24.02.09, № 141-IV).



Revised Kyoto Convention

- ✓ **The RK Law “On Ratification of the International Convention for Simplification and Harmonization of Customs Procedures” and, consequently, provisions of the Kyoto Convention have significantly affected the drafted provisions of the Customs Union’s Customs Code.**
- ✓ **The CUCC has been developed based on the principle of observation of sovereign rights of the Customs Union member states, international law principles and ensuring economic security of each Customs Union member state, etc.**



CUCC provisions establish the following for the customs territory of the Customs Union:



➤ Common rules for customs control



➤ Common rules for declaration of goods



➤ Common procedure to perform customs operations



Taking into account the implication and the spirit of the Kyoto Convention, a number of key concepts have been changed

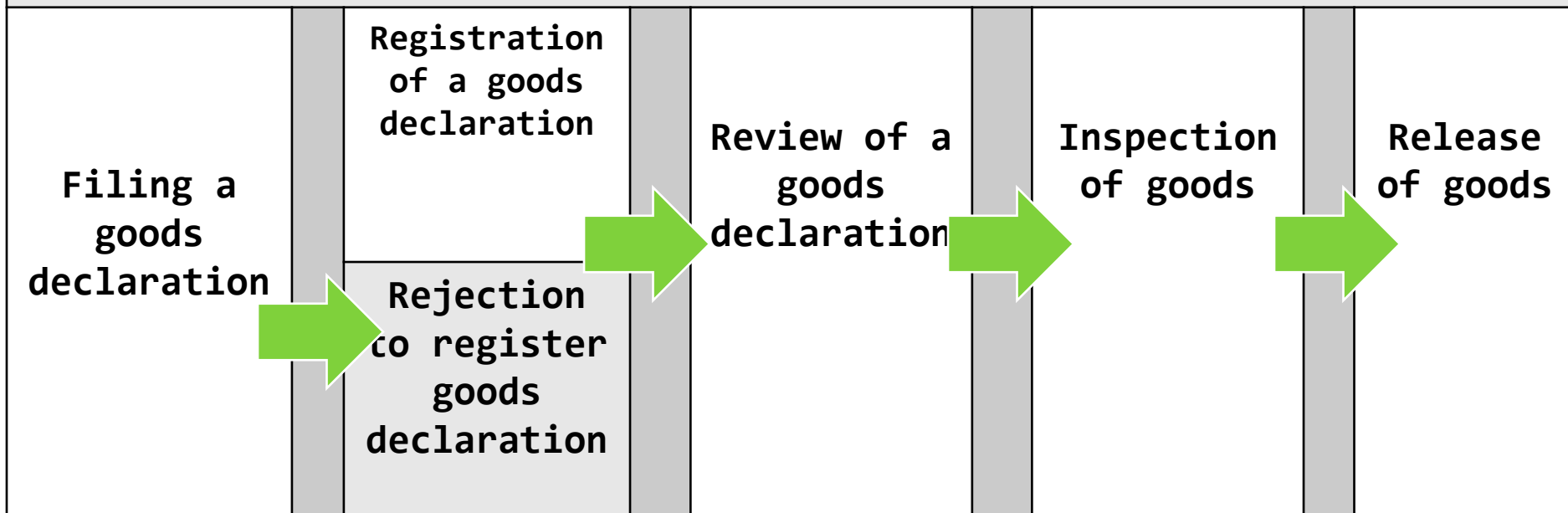


✓ **“Customs operations”** – actions performed by individuals and customs authorities to ensure the compliance with customs legislation of the Customs Union.



CUSTOMS CLEARANCE OF GOODS

CLEARANCE OF GOODS



Legal Framework for Customs Declaration of Goods

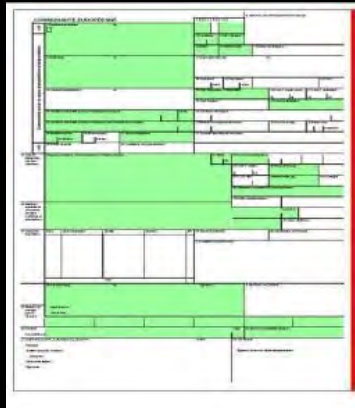
- Decision № 17 of the EurAsEC Interstate Council “On the Agreement on the Customs Code of the Customs Union” dated November 27, 2009
- The Agreement on the Customs Code of the Customs Union
- The Customs Code of the Customs Union



Taking into account the implication and the spirit of the Kyoto Convention, the contents of a number of key concepts have been changed

CUCC (subitem 24 para 1 Art. 4)

“A Customs Declaration” – a document prepared following the established form, containing information on goods, on the selected customs procedures and other information required for goods release

A sample Customs Declaration form, likely from the Russian Customs Union (CUCC). It features a complex layout with multiple sections, checkboxes, and fields for data entry. The form is titled 'CUSTOMS DECLARATION' and includes sections for 'Goods', 'Transportation', and 'Declaration'. The form is partially filled with green text, indicating it is a sample.

KYOTO CONVENTION (E19/F8 GA)

“A Customs Declaration” – a statement prepared in the format established by a customs authority, in which concerned parties shall specify a customs procedure (regime) to be applied to goods, and provide information required by the customs authority to apply this procedure (regime).



For reference:

In the current CC of the RK «A Customs Declaration – a document, which confirmed in a written and (or) electronic form the information on goods and transportation means stated by a declarant».

Terms and their definitions



✓ Based on GA E14/F7 of the Kyoto Convention, a new approach has been adopted to the term “a Declarant” – a person, which declares goods or on behalf of whom the goods are declared (subitem 6 para 1 Art. 4 of the CUCC)



For reference:

According to the earlier version of the RKCC “A Declarant” - a person moving goods and transportation means, or a customs broker declaring and submitting goods and transportation means on his/her own behalf”

Customs declaring of goods



✓ Goods are declared by either by a Declarant
oe by Customs representative (broker),
assigned by acting on behalf of the Declarant



✓ Declaring could be in a written and/or
electronic form with use of Customs
declaration

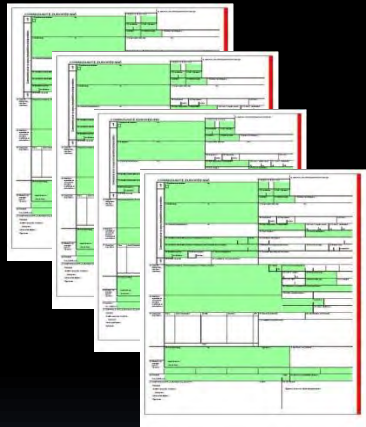


✓ CUCC provides for rather wide use of
information technologies, including for
declaring of goods and advanced information

Types of customs declarations



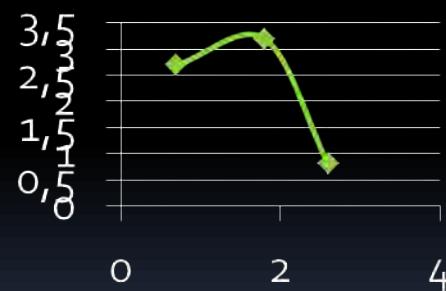
✓ Forms and procedure of completing of customs declaration are determined by the decision of Customs Union Committee



✓ *With regards to formation of Customs Union, the governmental experts of the Republic Belarus, Republic Kazakhstan and Russian Federation completed the work on unification of the SCD with EU SAD, and uniform rules of customs declaration were developed.

Customs control

In CUCC, the list of the customs controlled goods has been expanded, in particular, such goods include waste, formed as a result of foreign goods processing in customs territory, that are unsuitable for further commercial use, and also a part of foreign goods placed under customs processing procedures in customs territory or processing for internal consumption, industrial losses.



- **Customs procedures (regimes)**
- CUCC provides for 17 customs procedures.

- Release for internal consumption;
- 2) export;
- 3) customs transit;
- 4) customs warehouse;
- 5) processing in customs territory;
- 6) processing outside of customs territory;
- 7) processing for internal consumption;
- 8) temporary import (admission);
- 9) temporary export;
- 10) re-import;
- 11) re-export;
- 12) duty-free trade;
- 13) destruction;
- 14) refusal in favour of the government;
- 15) Free customs area;
- 16) Free warehouse;



The term "regimes" is replaced with the term "procedure" according to the Kyoto Convention.

- Customs procedures of a free warehouse and free customs area are regulated by the international agreements of the CU member states.
- With a view of creation of favorable environment for businesses, the norm is introduced that allows the customs procedure of a customs warehouse without actual placement under customs warehouse of the goods, which due to dimensions cannot be placed under customs warehouse provided availability of the customs permit.



Uniformed measures of non-tariff regulation

- **Uniform system of non-tariff regulation** is one of the elements of the proposed CU and is based on following agreements:
- 1) Agreement on uniform measures of non-tariff regulation concerning the third countries;
- 2) Agreement on coordinated policy in the field of technical regulation, sanitary and phyto-sanitary measures;
- 3) Agreement about procedure of introduction and use of measures related to foreign trade of goods at the single customs territory related to the third countries;
- 4) Agreement on rules of licensing in the area of foreign trade.
- According to the given agreements, the decisions on use of non- tariff measures will be made by the Customs Union Commission.

Non-tariff regulation measures are:

- Ban of export;
- Quantitative restriction of export and (or) import;
- Granting of exclusive right for export and (or) import;
- Licensing in the area of foreign trade;
- Supervision over export and (or) import .



Customs related infrastructure

- In CUCC, instead of the term «customs broker », the new term «customs representative» was introduced. At the same time, the activity remains almost without changes.
- The institution of licensing customs related business as a whole has been abolished.
- The control over the persons involved in customs related business (customs representatives, customs carriers, and owners of temporary warehouses, customs and free warehouses, duty free shops) is proposed by inclusion in the relevant registers.



THANK YOU