

FONASBA MEMBERSHIP ENQUIRY



ENQUIRY RESPONSE FORM

ORIGINATING ASSOCIATION:	APAMA Algeria
ENQUIRY DETAILS:	<p><i>In Algeria, containers, defined as “boxes containing goods”, enter to import territories under the customs regime of Temporary Admission, as defined by the Customs Container Convention of February 2nd, 1972 and the Istanbul Convention on Temporary Admission of June 26th, 1990.</i></p> <p><i>Depending of country of admission, there is a follow-up through an open account to record the movements of their entry and to clear their situation at the exit.</i></p> <p><i>Presently, at Algeria the follow-up is carried out by Receivers, as users of the container, through their customs representatives.</i></p> <p><i>Our Customs Administration considers that it is up to the Maritime Agents, in their capacity as ship-owners’ representatives, to monitor and clear the situation of containers admitted temporarily into Algeria.</i></p> <ol style="list-style-type: none"><i>1. Can we know what the procedure is in your country, and</i><i>2. Who is the required party to monitor and clear the situation of temporary admission of containers?”</i>
REPLY TO:	admin@fonasba.com
COPY REPLY TO:	
CLOSING DATE FOR REPLIES:	Tuesday, 12th March 2019

RESPONDING ASSOCIATION COMMENTS: (Please include any attachments)

Angola	<ol style="list-style-type: none">Liner containers enter in Angola basis temporary importation and are to be re-exported within max. 180 days.The shipping agents are responsible as representatives of the shipping lines.
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Argentina	<p>In Argentina, the container enter territory in the same legal regime mentioned in Algeria -temporary import-.</p> <ol style="list-style-type: none"> 1. In our country according the Decree that regulates the General Customs Code, Maritime Agents should file all containers entering the territory and keep this registry duly updated. Later Customs authorities created an online registry that generated several issues due to errors in the design, it is the tool used presently. 2. Agents are responsible to file the information in the system and Customs is the authority who controls the situation of temporary admission.
Brazil	<p>According to a research made among our members, the requested comments follow below:</p> <ol style="list-style-type: none"> 1) The import containers enter Brazil under “Temporary Admission” automatically granted. No further Customs formalities are required and the units may circulate freely along Brazilian territory. The containers, however, cannot be loaned or sold to third parties without prior notification to the competent authorities in order to comply with applicable legal requirements. 2) The control of containers entering Brazil is made by the shipping agencies on behalf of shipowners. All the entries and exits are registered in an integrated Customs system and, eventually, information may be requested for Customs control purposes.
Croatia	<ol style="list-style-type: none"> 1. Import containers are declared to Customs by the Carrier / Main Line Operator / Maritime Agent. 2. Further follow-up and cargo clearance is done by Receivers via their customs representatives.

Cyprus	<p>1. Any goods unloaded at Cyprus Ports are put under the regime of the temporary storage until these goods are placed under a Customs approved treatment or use.</p> <p>The place of the temporary storage should be approved by the Director of Customs Department which may be Public temporary storage facilitations, the management of which is undertaken by the Customs Administration or Private temporary storage facilities, the operation of which is undertaken by other natural or legal person approved by Customs Authorities.</p> <p>2.a) For the storage of goods in temporary storage facilities the applicable time limit is forty five days from the date on which the cargo manifest is lodged.</p> <p>The said time limit may be shortened or extended by the Director of Customs where this is justified by the circumstances.</p> <p>b) Goods presented to Customs and stored in temporary storage facilities should, within the above quoted time limit, assigned a Customs approved treatment or use, that might be:</p> <ul style="list-style-type: none">i) either their placing under a customs procedure; orii) their entry into a free zone or a free warehouse; oriii) their re-exportation from the customs territory oriv) their destruction on Director's approval and on terms and conditions laid down by him; orv) their abandonment to the Exchequer, on Director's approval <p>c) On goods to which a Customs approved treatment or use has not been assigned within the aforesaid time limit the Director of Customs, prior to the release of goods and at the written request of the declarant may approve:</p> <ul style="list-style-type: none">i) the abandonment of goods to the Exchequer, on payment in advance of the total expenses orii) the destruction of goods. <p>We trust that the above information will be of assistance to our Colleagues but if they are in need of any further clarification please contact us.</p>
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Denmark	<p>1 + 2: The reply is intended to cover Q1 and Q2. Containers in transit may be registered by any party including the shipping agent with a Customs License to exercise the handling of the container in transit through the Customs system. The Customs system in which the transit containers are registered provides automated reminders of open positions in the Customs systems, so that they are closed as the containers in transit are re-exported.</p>
Egypt	<p>Releasing the containers from customs territories is against a bank letter of guarantee (LOG) to cover the containers customs value.</p> <p>This LOG can be issued & presented to customs by any of the related parties: shipping agents, consignees' representatives, trucking companies or freight forwarding companies.</p> <p>Customs allow releasing the containers through an official form based on the letter of guarantee amounts.</p> <p>Meanwhile, if the LOG covers releasing 10 containers, then the full amount will be blocked until returning those 10 containers back to the customs territories and accordingly, the same party can resume releasing more containers using his letter of guarantee.</p> <p>Every released container is recorded by customs on this official form while gating out from customs territories and when gating in back.</p>
France	<p>Shipping agent is in charge of container clearance in/out (appointing a shipbroker if needed) and remains main customs interlocutor.</p> <p>Empty containers for example are cleared when manifest is sent by the agent to customs.</p> <p>For clearance of cargo, only Freight Forwarder is in charge.</p>

Hungary	<p>Hungary is a landlocked country with inland container terminals, therefore customs formalities are different from formalities in Ports. Generally speaking, it's not a usual process to receive containers to inland terminal under the customs regime of Temporary Admission, usually containers enters to inland terminals as bonded or cleared cargo. In case of bonded cargo in container, terminals can store containers under temporary bonded storage up to 90 calendar days by order of Receiver, cargo owner.</p> <p>In case of cargo/container under temporary admission, Maritime Agents release containers as bonded cargo, and monitoring and follow-up situation is the task of cargo owner/ receiver.</p>
India	<p>In India we have temporary landing permit for import containers on basis of container continuity bond executed with Indian gateway customs. Bond guarantee/undertaking has to be submitted on bond paper by shipping agent/line/NVOCC to gateway customs to cover as per prescribed duty value of mty containers in INR for declared volumes of containers.</p> <p>Validity of the Bond prescribed is 06 months' for Containers to remain in India, which is ideal to generate export business and re-export/return back from India. Beyond stay of 06 months, further stay extension of 03 months & more is granted on case to case basis on a Ship Agents written application and permission from customs.</p> <p>Key register/hand book is maintained at container cell of gateway customs for executed bond and accordingly debit/credit figures are accounted. Once in a year, each executed bond has to be renewed/revalidated by written application.</p> <p>Above mentioned practice is purely being managed manually on papers, which may soon be migrated to online customs portal.</p>

Israel	<p>In Israel, since the beginning of the container trade in 1972, the Customs looked at the Maritime Agent as their Monitoring Body. The agents did it and still do it presently anyway on behalf of the Shipping Lines and their own logistics requirement and control. Over the years with the enormous increase in container traffic the Custom Authorities stopped all together to control these container movements in and out of Israel with reference to the value of the Boxes themselves. The Importers were never involved in this kind of Container Monitoring.</p> <p>Presently if an agent wishes to sell a Container/Box in the free market he just has to pay the VAT to the VAT Authorities at the Faith Value of the Container in the Shipping Line's Financial Statements.</p>
Italy	<p>In Italy we have several cases of temporary entry, but Customs is always the competent Authority, while depending on the type, the subjects with the task manage and monitor the practice vary:</p> <ul style="list-style-type: none"> - Temporary entry for containers containing goods for a fair/event, practice and management/monitoring is the responsibility of the receiver/shipper - Temporary entry for containers in transshipment for subsequent boarding the practice and management/monitoring is responsibility of the shipping company/shipper.
Japan	<ol style="list-style-type: none"> 1. As we always submit container list (Loading/Discharging) to Custom, then can arrange for containers to be used as international transport without tax. 2. As bonded management officer checking CONTAINERS at bonded area.
Jordan	<ol style="list-style-type: none"> 1. No procedure is adopted for the equipments arrived full with cargo. While for arriving of empty equipments (as positioning for export requirements), Customs Declaration usually submitted with the numbers of each container to the Customs, this declaration should be closed with the Customs once these equipments are used for export. 2. The shipping agent is the party who monitor the movements of the Line's equipments with no control from the Customs.
Malta	<p>We hereby confirm that the procedure in Malta is Identical to the one in Algeria, as mentioned above.</p>

Mexico	<ol style="list-style-type: none"> 1. In Mexico the Maritime Agents have to present the temporary document to customs authorities; for imports before the arrival of the ship, and for exports after the ship leaves. This document is still in paper, the custom authority is working to make it electronic. 2. The maritime agents have to monitor and clear the situation of containers admitted temporarily into Mexico.
Morocco	<p>In Morocco and following the request of our Association "APRAM", we have been able to obtain the free circulation of the containers and the deletion of any physical declaration concerning inward and outward containers.</p> <p>In counterpart, the monitoring of the containers' movements from discharge, output from the port, delivery to client and return to the port until loading empty for return or for export is carried by the information system of the Maritime Agents.</p> <p>The Customs Authorities are having a free access to the inventory accounting together with containers movements of the Maritime Agents in case of audit.</p> <p>The containers must not exceed a stay of a maximum of 6 months, otherwise penalties are applied.</p>
Mozambique	<p>Similar procedures apply for Mozambique except that any such container (full or empty) can stay up to 90 days followed by another 90 days, at the request of the shipping agent/shipowner. The counting starts from the day it entered/landed Mozambique territory.</p> <p>The shipping agent/shipowner (with local offices) have to monitor and apply for any time extension. Failure may result in \$85 fine per container that exceeds the time and if this is not paid it may not be exported and will be nationalized.</p>
Netherlands	<p>We do not 'recognise' the situation as described by Algeria so it is difficult to understand and to reply to this survey. In Europe we have the UCC (Union Customs Code) legislation which is applicable. Maybe this link can help Algeria: https://ec.europa.eu/taxation_customs/business/union-customs-code_en</p>
Portugal	<ol style="list-style-type: none"> 1. In Portugal the ship-owners' represents the entity who is handling the matter. 2. Presently Portuguese Customs Authorities have a light approach on this matter since there's no system able to control all unit movements.

Russia	<ol style="list-style-type: none"> 1. In theory, containers are defined in Russia as a vehicle of international carriage and to be declared to Customs when they are imported. At the moment of exit Customs mark them gone in the records. In practice it doesn't work thankfully to the Istanbul Convention and only on request Customs may enquiry Carrier/ship's agent about intra country movements of a certain container. 2. Carrier/its ship's agent is held responsible.
South Africa	<ol style="list-style-type: none"> 1. In South Africa containers are pre-advised for ZA before containers are shipped onboard. In order to comply with SA Customs NCAP Initiative, ALM, Advance Loading Manifest, the Shipper is required to make '<i>advance filing</i>' at least 24 hours prior to Imports are loaded for ZA. Ports of Loading '<i>advance filing</i>' key criteria via edi application, includes full contact detail of Shipper, Consignee & Notify party, proper commodity detail/HS code, container & seal numbers. SA Customs Authority will approve the '<i>advance filing</i>' prior to the container is loaded onboard. SA Customs Authority will penalise any Carrier that fails to comply. 2. SA Customs Authorities 28 Day Rule - Any Un-cleared container (No due Customs bill of entry) is required to be registered with SA Customs Authority within 28days of being landed in South Africa. The Carrier is responsible for ensuring Un-cleared cargo is registered with SA Customs Authority. Thereafter It remains at SA Customs discretion to dispose of any Un-cleared cargo & return empty containers to the Carrier.
Sweden	<p>Container/goods can be stored for a maximum of 90 days in a temporary storage. Within these days, the goods must either be reported to a customs procedure or re-exported. The license holder (port /terminal) is responsible for storing the goods and for ensuring that the time limit of 90 days is not exceeded. The license holder is also responsible for ensuring that no goods are removed from customs supervision and to ensure that all obligations associated with temporary storage are fulfilled. In addition, the license holder is responsible for ensuring that the conditions stated in the permit are followed. The carrier will receive a notification from the port/terminal before the 90 days have exceeded.</p>

UK	<p>We think the subject is containers in transit / temporarily admitted into the UK.</p> <p>If the containers stays at the port of arrival (example Felixstowe) and exits from the same port (Felixstowe) then this is usually controlled by the shipping line under a local transshipment entry on the port inventory system.</p> <p>UK Customs can see the arrival and the departure.</p> <p>If the container needs to leave by another port (in the UK or EU (for the moment) then a transshipment bond (T1) document will be required commencing at (in this example) Felixstowe and made through to the port of exit.</p> <p>This can be either by the shipping line or they can engage a customs broker to raise the bond from Felixstowe to the port of exit.</p> <p>Either the shipping line at the port of exit (or his customs broker) must ensure that the correct declaration is made to export the container and discharge the liability on the transshipment bond.</p> <p>It would be unusual for full containers to go to an inland depot prior to export in the UK – it could be done - the inland depot would need customs approval and you would need a T1 removal bond to take the container to the customs approved depot.</p> <p>Later another T1 removal bond would be required to remove it from the inland depot and take it to the port of export where it would be handled by the shipping line or his customs broker as described in paragraph 3</p> <p>If the container is unpacked then it would enter any number of temporary admission customs regimes all of which require a guarantee of some kind (to guarantee the duty/VAT) prior to export.</p> <p>Again the export would need to use the correct procedure to satisfy the guarantee when it was shipped out. This is normally done by a customs broker.</p>
USA	<p>In the US, it is ultimately the responsibility of the Carrier (Ship-Owners Representatives) to follow up and make sure clearance is granted in the US Customs system.</p>