

ORAL DECLARATION FOR TEMPORARY IMPORT AND EXPORT OF PACKAGING

1. GENERAL PROVISIONS

The provision of Article 264, Paragraph 4 of the Regulation on customs-approved treatment of goods (RS Official Gazette, no. 93/2010), hereinafter – Regulation, envisages that the request for a procedure of temporary import can be submitted via an oral declaration for temporary import pursuant to Article 182 of the Regulation, with submitting the document filled out in accordance with Article 266, Paragraph 2 of the Regulation.

Process of temporary import of packaging can be approved for up to 24 months, in accordance with Article 167, Paragraph 2 of the Customs Law and Article 320, Paragraph 2 of the Regulation.

In accordance with Article 348, Paragraph 1 of the Regulation, as well as Annex B.3. of the Convention on temporary import, when temporarily importing packaging that is **orally declared** for this procedure, collateral for coverage of a potential customs debt is not submitted. Provision of Article 5 of Annex B.3. of the Convention envisages that instead of a customs document and collateral, the authorized customs authority can request that the declarant submit a written statement on obligatory re-export.

2. TEMPORARY IMPORT AND RE-EXPORT OF PACKAGING

2.1. *Temporary import of packaging*

'Packaging' includes all the objects and materials that are used or can be used, in the state in which they were temporarily imported, for packaging, protecting, storing or separating of goods, excluding material for packaging when imported in bulk, such as straw, paper, glass wool, sawdust and such. This packaging has to be intended for multiple uses.

The notion of packaging does not include containers that are regulated with provisions of Article 324 of the Regulation on customs-approved treatment of goods.

Provisions of Annex B.3. of the Convention are applied to temporary import of packaging imported for a commercial operation, but whose import is not a commercial operation by itself.

Provision of Article 182, Paragraph 1, Item 2) of the Regulation envisages that **in the process of temporary import, packaging can be orally declared if it was imported full and is intended for re-export empty or full, marked with permanent and inerasable markings of entities with seat outside of the customs territory.** Since only for such packaging it can be unambiguously determined that it is a case of temporary import related to a commercial operation, not import that is a commercial operation by itself, **oral declaration is not possible for the process of temporary import of packaging if it was imported empty and intended for re-export full, nor for packaging that is not marked with permanent and inerasable markings of entities with seat outside of the customs territory,** precisely for the reason that for such packaging it cannot be determined whether its import is related to a commercial operation or import by itself is a commercial operation.

Temporarily imported packaging cannot be, even occasionally, used in internal trade, except for the envisaged re-export. If packaging is temporarily imported full, the stated limitation applies from the moment the packaging is emptied.

2.2. *Process for temporary import of packaging*

Pursuant to Article 182 and Article 264, Paragraph 4 of the Regulation, the packaging that was imported full and is intended for re-export empty or full, marked with permanent and inerasable markings of entities with seat outside of the customs territory, is reported for the process of temporary import in the entry customs office orally with submission of an appropriate document in 2 copies (pro-forma invoice, invoice, statement), submitted by the declarant and containing the following data:

- name and address of the applicant, declarant and other process participants,
- type of use of goods,
- technical description of goods and methods for determining its identity,
- envisaged deadline for procedure end,
- suggested customs office for procedure end,
- place of use,

- proposed formalities for moving the goods and
- value and amount of goods.

A properly filled out Form on temporary import of packaging, which contains data envisaged in Article 266, Paragraph 2 of the Regulation (Annex 1), can be used as the aforementioned appropriate document.

An authorized customs official in the entry customs office compares the data from the submitted document with the state of the packaging and writes down 'Temporary import' on both copies, enters a date, which he/she verifies with their signature (and official code) and official seal.

After the verification, the customs official keeps one copy of the document for official records and stores it in a special binder according to the date of verification, and returns the other copy to the declarant or his representative. In that case, the oral report is considered a request and verification of the document is considered an approval for temporary import of packaging.

If full packaging is imported temporarily, than the entry (border) customs office, independently from the process of temporary import for packaging, conducts the envisaged transit procedure for the goods. In the required customs procedure with the goods, in cases where it is necessary, the declarant can prove in the authorized destination customs office that packaging in which goods are transported was placed in the procedure of temporary import by showing the document (form) returned to him/her by the entry customs office or by submitting its copy with a JCI.

2.3. Procedure for re-export of temporarily imported packaging

Pursuant to Article 182 Paragraph 2 of the Regulation, re-export of temporarily imported packaging, which is done via the same border customhouse in which temporary import was recorded, is orally reported by the declarant in the exit customs office, with submitting 2 copies of the document verified by customs officials of the entry customs office. Packaging can be re-exported only by the entity to which the process of temporary import was granted.

In case re-export was done via some other border customs office, the exit customs office is obliged, after the conducted process of re-export, to inform the entry customs office of that by submitting the verified document via fax or some other way, until tracking through ISCS is secured. The entry customs office stores the received copy of the document verified by exit customs office alongside the copy of that document in its own records, in order to track the deadline for temporary import and discharge of packaging.

If the procedure of temporary import of packaging pursuant to one document is discharged several times, 2 copies of that document are submitted to the exit customs office for every export that discharges that process. In the section 116 of that document, type and amount of packaging that is re-exported have to be stated.

An authorized customs official in the exit customs office compares the data from the submitted copy of the document with the state of packaging (identification of type and amount being discharged) and writes down the date on both copies, verifying them with his/her signature (and official code) and official seal. After that, they keep one copy of the document for official records and stores it with the original of the document, which was kept in the records during temporary import if that office is also the entry customs office, or in a special binder according to the date of verification, if the exit customs office is not also the entry customs office in that case. The other copy is returned to the declarant or his representative.

If full packaging is re-exported, the exit customs office acts like the exit customs office in the export procedure pursuant to Article 380 of the Regulation when it comes to goods being exported, independently of the procedure of re-export of packaging.

2.4. Declarant's obligations

Pursuant to Article 348, Paragraph 2 of the Regulation, the declarant is obliged to keep records of the procedure of temporary import of packaging and discharge of that procedure and make it available for customs authorities for inspection.

The declarant is obliged to keep track of deadlines of temporary import of packaging and in that deadline to discharge it through re-export of some other customs-approved procedure or use for the packaging. Otherwise, the authorized customs authority will take the prescribed measures and actions for regulating the situation regarding the packaging and collecting a possible customs debt.

3. TEMPORARY EXPORT AND RE-IMPORT OF PACKAGING

Pursuant to Article 190 of the Customs Law, for temporary export of goods with the intention of importing it again in an unchanged condition, provisions pursuant to which the process of temporary import was done are applied. Thus, procedure envisaged in provisions 2.2 to 2.4 of this Regulation is applied for temporary export and re-import of packaging.

(Customs Administration Act 148-03-030-02-4/3/211 dated March 15, 2011)