



Cabinet of Ministers of the Republic of Azerbaijan

Order No 199

On approval of the «Simplified regulations for customs control, customs offices activities, goods custom clearance, regime of pass across the border of vehicles and individuals on the borders of the special economic zone»

Baku, December 25, 2009

In order to enforce paragraph 1.7 of the Decree of the President of the Republic of Azerbaijan dated June 3, 2009 No. 101 «On application of the Law of the Republic of Azerbaijan «On special economic zones» the Cabinet of Ministers of the Republic of Azerbaijan **orders**:

1. To approve the «Simplified customs regulations, activities of customs offices, customs clearance of goods across the border crossing regime of vehicles and individuals on the borders of the special economic zone» (attached).
2. This Order shall enter into force on the date of signing.

Prime Minister of the Republic of Azerbaijan

A. Rasizadeh

As amended in accordance with order No. 203 dated September 13, 2012 («LegalActs» LLC).

***Approved by the
Order of the Cabinet of Ministers
of the Republic of Azerbaijan
No. 199
Dated December 25, 2009***

Simplified regulations for customs control, customs offices activities, goods custom clearance, regime of pass across the border of vehicles and individuals on the borders of the special economic zone

1. General

1.1. These Regulations have been prepared in accordance with the Law of the Republic of Azerbaijan «On special economic zones», the Customs Code of the Republic of Azerbaijan, decrees and orders of the President of the Republic of

Azerbaijan, decrees and orders of the Cabinet of Ministers of Republic of Azerbaijan and establish Simplified regulations for customs control, customs offices activities, goods custom clearance, regime of pass across the border of vehicles and individuals on the borders of the special economic zone (hereinafter - SEZ).

1.2. To implement transactions in goods intended for placement in the SEZ by the legal persons and individuals, such persons shall be resident of a special economic zone.

1.3. It is prohibited to import into and export from the SEZ the goods, prohibited by law from being imported into the territory of the Republic of Azerbaijan and exported from this territory.

1.4. The procedure of customs clearance and implementation of customs control in the SEZ is conducted in the manner consistent with the requirements of legislative act on customs.

2. Basic Definitions

Definitions used in these Regulations have the following meanings:

- SEZ - a limited part of the territory of the Republic of Azerbaijan, where a special legal regime for entrepreneurial activity is applied;
- Customs territory - a territory consisting of the land territory of the Republic of Azerbaijan, inland waters, sector of the Caspian Sea (lake) (including the islands situated therein, artificial islands, installations and structures) belonging to the Republic of Azerbaijan and the airspace above them;
- SEZ residents - individuals and legal entities that have passed state registration in accordance with the legislation of Republic of Azerbaijan , received a certificate of registration for entrepreneurial activities in the SEZ in accordance with the Law of the Republic of Azerbaijan «On special economic zones»;
- SEZ Administration - Local authority structure established in the territory of SEZ for the period of its activity;
- SEZ operator (hereinafter refereed to as operator) - a company responsible for management and development of SEZ under the management contract, and that has extensive experience in this field.

3. Organizing the activities of customs points

3.1. Except as otherwise provided for by the legislation in respect of customs clearance and customs control in respect of operations with the goods and vehicles imported into the SEZ and exported from it, customs points are set up in the SEZ in the manner prescribed by the State Customs Committee of the Republic of Azerbaijan.

3.2. Import of goods and vehicles into the SEZ and their export are carried out only by the customs points established on the borders of these zones.

3.3. Operation mode on the customs points operating in the SEZ is set by the State Customs Committee of the Republic of Azerbaijan taking into account an operation mode of the SEZ.

3.4. To ensure the activity of the customs points in the SEZ operator allocates the appropriate locations, office buildings and supplies them with all the necessary technical tools required for the customs authority and means of communication.

3.5. Reimbursement of all costs associated with support of customs points operation specified in paragraph 3.4 of this Regulation is effected by the SEZ operator.

4. Organizing the customs control on the SEZ borders.

4.1. SEZ and its borders are set in accordance with the procedure set forth in the legislation of the Republic of Azerbaijan.

4.2. The goods and vehicles imported into the SEZ and exported from it must pass customs control.

4.3. Customs check points are set for the import of the goods and vehicles into the SEZ and export from it.

4.4. Identification of customs pass points in the SEZ is made by the operator in consultation with the customs authorities.

4.5. Persons importing goods and vehicles into the SEZ and exporting them out of it, must submit to the customs authority the documents provided by the legislation and information in respect of goods and vehicles for customs control.

4.6. After implementation of customs control in respect of goods and vehicles in the customs pass points into the SEZ customs authorities give permission for the passage of goods and vehicles.

4.7. In order to prevent illegal import of goods and vehicles into the SEZ and their export therefrom the State Customs Committee of the Republic of Azerbaijan implement measures as prescribed by the legislation.

5. Customs clearance of goods vehicles and customs control over them

5.1. The goods and vehicles imported into the SEZ and exported from this territory are declared with the customs authorities in accordance with the law.

5.2. Declaration of the goods and vehicles is carried out by the SEZ resident or persons authorized as customs broker in the procedure established by the legislation.

5.3. The goods and vehicles imported into the SEZ and exported from this territory undergo customs clearance and customs control in accordance with the appropriate customs procedure.

5.4. In implementing customs clearance and customs control in the SEZ methods of electronic control and electronic declaration may be used.

5.5. Shelf life of low value, perishable, dangerous goods kept in the SEZ shall be determined in consultation with the customs authorities.

5.6. Goods and vehicles imported into the SEZ not from the customs territory of the Republic of Azerbaijan, as well as the goods manufactured or processed in the SEZ when importing from the SEZ pass customs clearance and customs control in the general manner prescribed by law.

5.7. The documents required under the legislation to implement customs clearance of the goods and vehicles imported into and exported from the SEZ shall be submitted by persons to the customs authorities.

5.8. Customs authorities carry out an identification as required when implementing customs clearance of the goods and vehicles imported into the SEZ for the operations and exported therefrom.

5.9. To carry out an identification of the goods imported in the SEZ and exported therefrom the residents, which import and export the goods make an appropriate identification registration on the goods (photos, a precise description of the goods, seals, stamps, digital or other signs, etc.).

5.10. When implementing customs clearance and customs control, customs officer may enter the territory or the buildings, which house the goods and vehicles, subject to informing the parties.

5.11. The administration of these zones makes available an information on the SEZ residents to the customs authorities for customs purposes.

5.12. Residents which carry out operations with goods in the SEZ, maintain records of imported, exported, stored, manufactured, processed, sold and purchased goods and provide the customs authorities of the Republic of Azerbaijan a report on these goods in accordance with the procedure established by the State Customs Committee of the Republic of Azerbaijan. In reporting documents all changes should be reflected that occurred with the goods and vehicles in the SEZ.

5.13. The State Customs Committee of the Republic of Azerbaijan may maintain a special customs statistics in accordance with the established procedure.

5.14. To maintain special customs statistics in the SEZ the requirement to submit report in an appropriate form can be put forward.

5.15. Residents can advance to the customs authority to provide information about goods and vehicles intended for importation into the territory of the SEZ and export from this zone.

5.16. When implementing customs clearance and customs control necessary steps to implement other forms of controls established by the customs legislation are taken.

6. Pass of vehicles and individuals across the SEZ border

6.1. Access to and egress from the SEZ of the vehicles imported into these zones and exported from these areas, including those used within the SEZ is implemented on the basis of documents on transport and pass sheets set by the operator in consultation with the customs authorities.

6.2. Access to the SEZ and egress from them of the vehicles are allowed upon appropriate registration in the pass list maintained by the customs authorities.

6.3. Access to the SEZ and egress from them of the vehicles operating in these areas on a continuing basis is made on the basis of long-term pass sheets.

6.4. Access to the SEZ and egress from it of the individuals operating in the SEZ is made on the basis of special supporting documents.

6.5. The form, terms and rules for issuing the supporting documents or pass sheets are set by the SEZ operator in consultation with the customs authorities.

6.6. Procedures for registration in respect of passing the SEZ vehicles and individuals across the border can be implemented using electronic methods.

7. Application of customs payments in the SEZ customs procedure

7.1 Customs payments in the SEZ customs *procedure* are as follows:

7.1.1. when importing the goods (except for excisable goods) into the SEZ not from the customs territory of the Republic of Azerbaijan customs duty and value added tax are not deducted;

7.1.2. when exporting the goods imported into the SEZ not from the customs territory of the Republic of Azerbaijan , from the SEZ outside the customs territory of the Republic of Azerbaijan , customs duties and taxes are not deducted;

7.1.3. when exporting the goods manufactured or recycled in the SEZ, outside the customs territory of the Republic of Azerbaijan , customs duties and taxes are not deducted;

7.1.4. in case of temporary import of goods produced or recycled in the SEZ, into the customs territory of the Republic of Azerbaijan for the purpose of repair, final-finishing works, samples exhibition and other similar purposes, customs duties and taxes are not deducted;

7.1.5. in case of import-export of goods in the Republic of Azerbaijan between the SEZ customs duties and taxes are not deducted;

7.1.6. when importing the goods manufactured or recycled in the SEZ, as well as goods imported into the SEZ not from the customs territory of the Republic of Azerbaijan, from the SEZ into the customs territory of the Republic of Azerbaijan , customs duties and taxes are charged in accordance with the applicable legislation of Republic of Azerbaijan ;

7.1.7. customs duties are charged for customs clearance of goods and their storage in customs warehouses in accordance with the law.

7.2. Except the cases as specified in the relevant paragraphs of this Regulation in all other cases the current customs legislation of Republic of Azerbaijan is applicable.

8. *Transactions made when liquidating or terminating the registration of the SEZ resident*

When liquidating or terminating the registration of the SEZ resident, the warehouses that store goods are converted into temporary warehouses. Goods in temporary warehouses are stored in accordance with the Customs Code of the Republic of Azerbaijan.
