

## CUSTOMS CODE OF THE REPUBLIC OF UZBEKISTAN

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### Section I. Basic provisions

#### Article 1. Customs policy

The customs policy implemented by the Republic of Uzbekistan is single and incorporated into the Republic's foreign and home policy as its constituent part.

The main objectives addressed by the nation's customs policy are an effective customs monitoring and regulation of the commodity turnover in the customs territory of the Republic of Uzbekistan, the provision of incentives necessary to facilitate economic growth and the last, but not least, the protection of the Republic's home market.

#### Article 2. Customs activity

The procedure and terms for the transfer through the customs territory of the Republic of Uzbekistan of goods and means of transport, the levy of due customs tolls and duties, the customs registration, the implementation of the customs control and other customs policy instruments and mechanisms constitute the body of customs activity.

Customs activity is carried out by the customs authority of the Republic of Uzbekistan.

#### Article 3. The customs territory and customs border of the Republic of Uzbekistan

The customs territory embodies the land territory of the Republic of Uzbekistan, as well as territorial and inland waters and air space above them.

The territory of the Republic of Uzbekistan may be the site of free customs zones and free warehouses, whose territory and floor space are considered to be outside the Republic's customs territory, unless otherwise stipulated under the law.

The bounds of the customs territory as well as perimeters of such free zones and free warehouses are regarded as the Republic's customs border.

#### Article 4. Regulatory documents of the customs activity

The legislation of the Republic of Uzbekistan governing the customs activity carried out by the customs authority comprises the

present Customs Code as well as other relevant regulatory documents.

The implementation of customs procedures is based on legal documents effective at the date a package of the required documents, including the customs declaration, has been presented to the customs authority of the Republic of Uzbekistan, with the exception of cases stipulated under the law. In cases where commodities and means of transport are imported onto the Republic's customs territory illegally, such date is considered to be the one these commodities and means of transport have actually been transferred across the customs border.

If any international agreement signed by the Republic of Uzbekistan stipulates law and regulations other than those specified under the Republic's customs law, the former should prevail.

#### Article 5. Relationship between the customs authority and other authority and establishments

To implement its tasks and objectives effectively, the customs authority works cooperatively interacting with various government institutions, including the law enforcement authority, as well as other establishments, enterprises and organizations.

The government institutions and officials are obliged to provide any kind of assistance to the customs authority thereby facilitating the implementation of its objectives. This includes, in particular, the creation of an environment required for the proper implementation of the tasks specified in the customs law.

The customs authority may entrust other government establishments, enterprises, institutions and organizations with implementing, under their direct control, certain tasks covered by the terms of their reference, if allowed by applicable law.

#### Article 6. The flag and identification mark of the customs authority

The customs authority of the Republic of Uzbekistan as well as a fleet of river vessels being at its command have their own flag. Motor means of transport and aircraft owned by the customs authority have their own identification mark.

The relevant regulations on the customs authority's flag and identification mark are approved by the Cabinet of Ministers of the Republic of Uzbekistan.

#### Article 7. Basic definitions

The present Customs Code deals with the following terms and definitions:

1) commodities - considered to be all movables, including foreign currency funds and foreign exchange valuables, as well as electric, thermal and other kinds of energy, and means of transport, with the exception of those set out in Point 4 of the Present Article, objects of intellectual property and outcomes and findings obtained as a result of the accomplishment of works and provision of services which are objects of the sale, purchase or exchange (barter);

2) Uzbekistan-origin commodities - designed to denote indigenously-produced goods or goods put into free circulation in the Republic of Uzbekistan;

3) overseas commodities - used to denote goods not detailed in Point 2 of this Article;

4) means of transport - considered to be all motor vehicles used to transfer passengers and commodities, including containers and other transport equipment;

5) entities involved in conveyance of commodities and means of transport - denote an owner, purchaser and holder of commodities and means of transport, as well as those with sufficient authority, under the law, to transact operations with them on their behalf as stipulated under the present Customs Code;

6) entity conveying goods and means of transport - designed to denote an entity actually involved in transportation of commodities or that being responsible for the use of a means of transport involved;

7) declarant - considered to be an entity conveying, declaring, presenting and showing goods and means of transport on its own behalf, or a customs broker acting on behalf of the entity conveying commodities;

8) transfer across the customs border - used to denote the importation onto or exportation from the customs territory of goods or means of transport in any possible way, including international sendings, pipelines and electricity transmission lines. The foregoing actions comprise the following:

- when importing goods or means of transport onto the Republic's customs territory, including the importation of goods and means of transport from the territory of free customs zones and free warehouses - the actual crossing of the customs border;

- when exporting goods and means of transport from the Republic's customs territory including the conveyance of goods and means of transport to the territory of free customs zones and free warehouses - the submission of the customs declaration or any other action required to realize one's intention to export goods and means of transport;

9) customs control - designed to denote a package of measures implemented by the customs authority with a view to ensure that the relevant law and international agreements are strictly observed;

10) customs implements - considered to be all means of customs identification of goods and means of transport, premises and other places used by the customs authority, including leads, seals, as well as digital, lettered or other markers, identification marks and stamps;

11) customs registration - denotes a set of procedures implemented by the customs authority to ensure that customs control over goods and means of transport imported onto or exported from the Republic's customs territory is maintained;

12) customs regime - used to denote a package of regulations specifying, for customs purposes, status of goods and means of transport being transferred across the customs border of the Republic of Uzbekistan;

13) release- denotes the transfer by the customs authority of goods and means of transport which have undergone the customs registration procedure, to the entity's full disposal;

14) conditional release - designed to denote the release of goods and means of transport under the entity's commitment to meet all the established restrictions, requirements, terms or conditions;

15) economic policy related measures - considered to be all restrictions imposed on the importation onto and exportation from the customs territory of the Republic of Uzbekistan of goods and means of transport, including quotation, licensing as well as other measures regulating relationships between the nation's economy and the international economic community;

16) preliminary decision - denotes a decision taken by the customs authority in respect of the commodity's classification, its customs value and the country of origin, as well as sums of due customs payments etc.

## Section II. Transfer of goods and means of transport

across the customs border of the Republic of Uzbekistan

#### Chapter 1. General provisions

Article 8. The right to import to and export from the Republic of Uzbekistan of goods and means of transport

All entities enjoy equal rights to import to and export from the Republic of Uzbekistan of commodities and means of transport, unless otherwise stipulated under the law.

Goods and means of transport may be imported to or exported from the Republic of Uzbekistan according to the procedure specified under the law.

Article 9. Ban on import and export of goods and means of transport

Import to and export from the Republic of Uzbekistan of several product categories and means of transport may be prohibited for purposes such as the safeguarding of the state security, protection of public order, morals, life and health of the population, environment, artistic, historical and archeological property of the Republic of Uzbekistan and other countries, as well as proprietorship right protection, including that on intellectual property objects, the safeguarding of consumers' interests and other interests of the Republic of Uzbekistan as specified in the relevant regulatory documents and international agreements signed by the Republic of Uzbekistan.

Commodities and means of transport, whose transfer across the Republic's customs border is banned, should forthwith be conveyed outside the Republic of Uzbekistan or conveyed backward to the Republic, if confiscation of such goods and means of transport is not stipulated under the law or relevant international agreements signed by the Republic of Uzbekistan.

Export from or backward conveyance to the Republic of Uzbekistan of goods and means of transport should be carried out by an entity responsible for their conveyance or that directly involved in their conveyance at its own expense. If the foregoing entities fail to accomplish this as required under the law, the given commodities and means of transport are removed to the customs warehouse, owned by the customs authority, under the temporary storage regime, for the term not exceeding 3 days, with the exception of cases stipulated under the law.

Article 10. Restrictions imposed on the transfer across the customs border of the Republic of Uzbekistan of goods and means of transport

The transfer across the customs border of the Republic of Uzbekistan of goods and means of transport may be restricted, as specified under the law, on the basis of relevant international agreements, with a view to protect the Republic's home market, as well as in response to discriminative and other measures implemented by foreign countries and alliances, which are thought to infringe upon the interests of the Republic of Uzbekistan.

Any expenses, resultant from the introduction of the foregoing restrictions, borne by an entity responsible for the transfer of goods and means of transport or that directly involved in such a transfer are not refunded by the tax authority.

Article 11. Place and time of the transfer across the customs

## border of goods and means of transport

The place and time of the transfer across the customs border of the Republic of Uzbekistan of goods and means of transport are specified by the customs authority.

### Article 12. Transfer of means of transport

Means of transport transferred across the Republic's customs border, including those conveyed as commodities, are permitted to pull up only at places specified by the customs authority. In the event this requirements is not met, the latter may force them to make a stop according to the established procedure.

Both the duration and place of a stop of means of transport conveyed across the Republic's customs border are specified by the customs authority in conjunction with an entity involved in their conveyance. At the same time the duration of such a stop should not be shortened to the detriment of the customs control and customs registration.

Means of transport may leave the place of their forced stop only if permitted by the customs authority.

Both the place and time of the transfer across the Republic's customs border of goods and means of transport should be co-ordinated with the customs authority.

### Article 13. Transfer of foreign currency funds and foreign exchange valuables

Foreign currency funds and foreign exchange valuables should be transferred across the customs border of the Republic of Uzbekistan as specified under the law.

### Article 14. Transfer by natural entities of commodities not intended for commercial purposes

Commodities not intended for commercial purposes may be transferred by natural entities across the customs border of the Republic of Uzbekistan in accordance with a simplified, preferential procedure as stipulated under the law.

The determination of what such goods are intended for should be based on the analysis of their qualitative and quantitative characteristics, taking into account circumstances of a given natural entity's travel.

### Article 15. The use and disposal of conditionally released commodities and means of transport which are granted certain customs payments related privileges

Conditionally released goods and means of transport granted certain customs payments related privileges may be used and disposed of only with the purposes, in whose respect these privileges have been granted. Their use and disposal of for other purposes are possible, if authorized by the customs authority, provided all due customs payments are discharged and the requirements stipulated in the present Customs Code and other relevant regulatory documents are met.

## Chapter 2. Customs regimes

### Article 16. Types of customs regimes

Commodities and means of transport are conveyed across the Republic's customs border in keeping with appropriate customs regimes.

The law specified the following customs regimes (hereinafter to be referred to as simply "the regime"):

- 1) release of goods and means of transport for free circulation (import);
- 2) re-import;
- 3) export;
- 4) re-export;
- 5) transit;
- 6) temporary import (export);
- 7) temporary storage;
- 8) customs warehouse;
- 9) free customs zone;
- 10) free warehouse;
- 11) duty-free shop;
- 12) processing carried out in the customs territory;
- 13) processing carried out under the customs control;
- 14) processing carried out outside the customs territory;
- 15) destruction;
- 16) renunciation in favour of the state.

Any of the above-mentioned customs regime may be chosen by an entity at its own discretion, or an entity involved in the transfer of goods and means of transport may go over to any other regime, irrespective of their qualitative and quantitative characteristics, the country of origin or a purpose they are intended for, unless otherwise stipulated under the law.

#### Article 17. Release of goods and means of transport for free circulation

The law defines the release of goods and means of transport for free circulation as the regime under which commodities and means of transport imported onto the customs territory of the Republic of Uzbekistan remain there on a permanent basis without the commitment for their backward conveyance from this territory.

The regime stipulates the discharge of all due import customs duties, taxes and other customs payments, as well as compliance with certain economic requirements associated with the Republic's economic policy.

#### Article 18. Re-import

By definition, re-import is the regime under which Uzbekistan-origin commodities which have been exported from the Republic's customs territory are conveyed backward no later than the term set out in Part 2 of the present Article. This regime requires neither the levy of any import customs duties nor the imposition of any economic requirements under the nation's economic policy.

The re-import regime is applicable to commodities conveyed backward to the Republic's customs territory in the course of 10 years from the date they have been exported, provided they are in the same state and condition as they were at the date of export, with the exception of certain changes resultant from natural depreciation or diminution under normal transportation and storage conditions, as well as in other cases as specified under the law.

At the same time, the sum of export customs duties and taxes which has been discharged when exporting goods and means of transport from the Republic's customs territory, should be reimbursed upon presentation made by the customs authority in accordance with the

established procedure, on condition that the given goods and means of transport are conveyed backward under the re-import regime in the course of 3 years from the date of their export.

When re-importing commodities, an entity involved in their conveyance, should reimburse the sum which has been received as payments or as a result of other privileges granted to exporters as specified under the law.

#### Article 19. Export

The law defines export as the regime under which commodities are exported from the customs territory without a commitment of their backward conveyance.

Export of commodities requires payment of all due customs duties and tolls, as well as compliance with economic and other requirements stipulated under the law.

Goods exported from the customs territory are exempted from customs duties. The sums of taxes whose payment has already been effected are subject to reimbursement as specified under the law.

Under the export regime, commodities should be exported from the customs territory in the same state and condition as at the date the customs declaration has been accepted, with the exception of certain changes resultant from natural depreciation or diminution under normal transportation and storage conditions of the given commodities.

#### Article 20. Re-export

By definition, re-export is the regime under which foreign commodities are exported from the customs territory.

Such commodities, when brought onto the customs territory, are exempted from import customs duties and taxes. In addition, certain requirements imposed under the nation's economic policy are not applicable, provided such commodities are declared to the customs authority as those intended exclusively for their subsequent backward re-export. They should be exported no later than 6 months from the date the customs declaration has been accepted. In the event the given commodities are not exported by a fixed date, all import customs duties, taxes and interest accrued should be discharged according to the established procedure.

Re-export of commodities does not require payment of any export customs duties and taxes. Certain economic requirements imposed on exported goods are not applied either, with the exception of cases stipulated under the law.

When re-exporting commodities, all import customs duties and taxes, which have been discharged earlier, should be refunded, provided the following requirements are met:

- re-exported commodities are in the same state and condition as at the date they have been imported, with the exception of certain changes resultant from natural depreciation and diminution under the normal transportation and storage conditions;
- commodities are re-exported within 2 years from the date of they have been imported;
- the use of goods due to be re-exported was not associated with profit-making activity.

#### Article 21. Transit

Transit is defined as the regime when commodities are conveyed, under the customs control, between two customs bodies of the Republic of Uzbekistan, including conveyance across a foreign country's

territory. In this case neither any customs duties are levied, nor any economic requirements imposed.

In-transit commodities may be transferred through the customs territory of the Republic of Uzbekistan in any direction, if appropriately authorized by the customs authority, with the exception of cases stipulated in the law and relevant international agreements signed by the Republic of Uzbekistan.

#### Article 22. Temporary import (export)

By definition, temporary import (export) is the regime under which goods imported onto (or exported from) the customs territory may be used in the customs territory or outside with full or partial exemption from paying customs duties and taxes. At the same time certain economic requirements imposed on imports (exports) under the Republic's economic policy are not applicable.

Under this regime, commodities should be conveyed backward in the same state and condition, with the exception of certain changes caused by natural depreciation and diminution under normal transportation and storage conditions.

The law specifies which goods conveyed under the temporary import (export) regime are to be exempted from customs duties and taxes partially or in full.

This regime is applicable, if authorized by the customs authority, upon the presentation of an appropriate document giving proof of an entity's commitment to effect (i) backward importation (or exportation) of the given goods, (ii) their identification, and (iii) payment of all due customs duties, unless otherwise stipulated under the law.

The list of commodities to which the temporary import (export) regime is not applied, is specified according to the law.

#### Article 23. The term specified for the placement of commodities under the temporary import (export) regime

The term for which commodities may be placed under the temporary import (export) regime is specified and prolonged, if necessary, by the customs authority taking into account the purpose and circumstances of such import (or export). This term, however, should not exceed two years. A more prolonged term may be established for several product categories according to the law.

Under the temporary import (export) regime, commodities should be imported onto (or exported from) the customs territory or placed under another customs regime prior to the expiry of the established term by an entity appropriately authorized to transact such operations. If the latter fails to comply with these requirements, the given goods are placed under the temporary storage regime and removed to a customs warehouse owned by the customs authority.

An entity, which has exported commodities on a temporary basis and failed to convey them backward in timely fashion, is not answerable to the customs authority in cases where the fact that the given commodities have been destroyed or irretrievably lost due to circumstances beyond its control, is appropriately certified by a foreign diplomatic representative office or a consular establishment of the Republic of Uzbekistan. These circumstances include: damage, natural disasters, other circumstances of those majeure character, as well as shortage of commodities by reason of their natural depreciation or diminution under normal transportation and storage conditions or through the forfeiture of one's ownership rights following the foreign authority's certain illegitimate actions.



#### Article 24. Temporary storage

The law defines temporary storage as the regime under which commodities and means of transport imported onto the customs territory are temporarily stored in the customs warehouse - from the date they have been presented to the customs authority till the date they are released to be placed under a customs regime chosen. Neither customs duties and taxes are levied, nor certain economic requirements are imposed in this case. The temporary storage regime is also applicable to other product categories in keeping with the present Customs Code.

A brief declaration is used when placing commodities and means of transport under the temporary storage regime.

The term specified for the application of this regime should not exceed two months, with the exception of cases detailed in the legislation. (Changed by Sub-point 1) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

The list of operations with goods stored in the customs warehouse under the temporary storage regime, as well as the procedure for their execution are specified in the present Customs Code.

#### Article 25. Customs warehouse

The definition of the customs warehouse regime is when imported commodities are stored, under the customs control, with no import customs duties and taxes levied and certain economic requirements imposed pending the storage, while commodities intended for export under the export regime are stored, under the customs control, with the privileges set out in the Article 26 in the present Customs Code being granted.

The customs warehouse regime is not applied to goods whose import onto, export from and transit through the Republic's customs territory are banned, as well as other product categories specified under the law.

This regime is applicable within 3 years. This term, however, may be shortened for several product categories according to the law, but anyway it should not be less than one year.

According to the customs warehouse regime, commodities should be declared, prior to the expiry of the established term, by an entity, with appropriate authority in respect of these commodities, with a view to have them placed under another customs regime. In the event the latter fails to comply with these requirements, commodities are removed to the customs warehouse owned by the customs authority, under the temporary storage regime.

Both the list of operations with commodities stored under the customs warehouse regime, and a procedure for their execution are specified in the present Customs Code.

#### Article 26. Exemption of commodities stored under the customs warehouse regime and intended for export according to the export from customs duties and taxes or reimbursement of sums already paid

Commodities stored under the customs warehouse regime and intended for export according to the export regime are granted a special exemption from paying customs duties and taxes or the sums of duties already discharged are subject to reimbursement, provided such an exemption or reimbursement are stipulated on their actual exportation. These commodities should be exported in the course of

three months from the date they have been placed under the customs warehouse regime.

In cases where an entity appropriately authorized to transact operations with such commodities, fails to export them within the established term, he should pay all due export customs duties, taxes and interest accrued on them as specified under the law.

#### Article 27. Free customs zone and free warehouse

By definition, free customs zone and free warehouse are the regimes under which foreign commodities are stored and used in certain territory and places, with no customs duties and taxes levied and economic requirements imposed, while Uzbekistan-origin commodities are stored and used as specified under the export regime.

The application of the free customs zone and the free warehouse regimes are regulated according to the law.

Commodities may remain under these regimes within any period.

While in a free customs zone or a free warehouse, commodities may be used in commercial and production operations, with the exception of their sale by retail, unless otherwise stipulated under the law.

An entity identified as having not complied with the requirements set out in the present Customs Code or other legislative documents, may be barred by the customs authority from transacting such operations or prohibited access to free customs zones and free warehouses.

The construction of buildings, edifices and structures in an area under the free customs zone regime is authorized if appropriately coordinated with the customs authority.

#### Article 28. Application of customs duties, tolls, taxes and economic requirements to commodities placed under the free customs zone or the free warehouse regimes

In cases where commodities being under the free customs zone or the free warehouse regimes are placed under the free circulation or the export regime, customs duties and taxes should be discharged and certain economic requirements met depending on the country of their origin, unless otherwise specified.

If the commodity origin certificate is not available, commodities should be treated, for the purpose of application of export customs duties and taxes and imposition of certain economic requirements, as indigenously produced items and as foreign goods, for other purposes.

Commodities intended for export from the Republic of Uzbekistan under the export regime which are placed under the free customs zone regime or the free warehouse regime are either exempted from paying export customs duties and taxes or subject to reimbursement of the sum already discharged, provided such an exemption or reimbursement are stipulated on their actual exportation from the Republic. These commodities should actually be exported from the Republic's customs territory in the course of 6 months from the date of exemption from paying customs duties and taxes or the date the sum of customs duties discharged earlier has been refunded.

In cases where commodities subject to exportation from the Republic's free customs zones or free warehouses are conveyed backward, or cases where such commodities are not actually exported by a fixed date, all due customs duties and taxes, as well as interest accrued on them, should be paid according to the procedure stipulated under the law.

#### Article 29. Duty-free shop

The legal definition of the duty-free shop regime is when commodities may be sold in the customs territory, under the customs control, at places specified by the customs authority in accordance with the present Customs Code, with no customs duties and taxes levied or certain economic requirements imposed.

The duty-free shop regime is not applied to commodities whose import onto, export from and sale in the customs territory of the Republic of Uzbekistan are prohibited.

The duty-free shop regime is applicable to commodities, whose sale in the Republic of Uzbekistan is subject to certain restrictions as specified under the law.

Commodities placed under the duty-free shop regime only be sold in special duty-free shops.

#### Article 30. Processing

The following operations may be executed under the processing regime:

- processing and treatment of commodities;
- repair of goods, including their restoration and adjustment;
- production of commodities, including assembling, mounting and adjustment to other goods;
- utilization, partial or in full, of other goods facilitating the processing.

Restrictions on certain operations related to the processing of commodities as well as a procedure for their execution are specified under the law.

#### Article 31. Processing carried out in the customs territory

The law defines the processing carried out in the customs territory as the regime under which foreign commodities are processed in the customs territory according to the established procedure, with the sum of import customs duties and taxes which have been discharged on importation of goods to the Republic of Uzbekistan, being reimbursed, and no economic requirements imposed, provided products resultant from the processing of foreign commodities are exported from the customs territory under the export regime.

Foreign commodities and products resultant from their processing, when exported from the Republic's customs territory, are exempted from paying export customs duties and taxes. Additionally, certain economic requirements are not imposed on them.

The processing of commodities in the customs territory should be accomplished within the term specified by the customs authority, taking into account the duration of both the commodity treatment process and disposal of products resultant therefrom.

The customs authority may regulate, for customs purposes, in accordance with the established procedure, outputs of such a treatment process by introducing quotas for products to be obtained as a result of processing foreign commodities.

The sum of customs duties and taxes which has been discharged on importation commodities onto the Republic's customs territory is subject to reimbursement on exportation from the customs territory of products resultant from the processing of foreign commodities upon the customs authority's presentation, on condition that all the requirements imposed under the present Customs Code are met and such products are exported from the Republic within 2 years from the date

the imported foreign commodities have been transferred across the customs border of the Republic of Uzbekistan.

The replacement of products resultant from the processing of imported foreign commodities by indigenously-manufactured goods is permissible in keeping with the procedure specified under the law.

#### Article 32. Processing carried out under the customs control

By definition, the processing carried out under the customs control is the regime when foreign commodities may be processed in the customs territory of the Republic of Uzbekistan according to the established procedure, with no customs duties and taxes being levied and certain economic requirements imposed. Such a processing of imported foreign commodities is carried out under the customs control, with products resulting therefrom being subsequently placed under the release regime which provides for their free circulation or any other customs regime.

All the requirements stipulated in Article 31 of the present Customs Code are binding upon the processing of goods under the customs control regime.

Restrictions on the application of this regime are specified under the law.

#### Article 33. Processing carried out outside the customs territory

The law defines the processing carried out outside the customs territory as the regime under which Uzbekistan-origin commodities are exported, with no economic requirements being imposed, with a view to be processed outside the Republic's customs territory. Products resultant from such a processing will subsequently be released for free circulation in the customs territory, with a partial or full exemption from paying customs duties and taxes. The imposition of certain economic requirements is not stipulated in this case.

The "processing outside the customs territory" regime is not applicable in the following cases:

- if exportation of commodities gives ground to demand the reimbursement of the sum of import customs duties and taxes discharged earlier, exemption from paying these customs duties and taxes or reimbursement of payments granted on exportation of commodities;

- pending the period of exemption from paying import customs duties and taxes during which commodities have been exported to be processed outside the Republic's customs territory, with a subsequent release of products resultant from such a processing for free circulation;

- in other cases specified under the law.

Under the above-mentioned regime, commodities should be processed outside the Republic's customs territory within the term specified by the customs authority taking into account the duration of the given goods' treatment process.

The customs authority may introduce quotas for outputs of such a processing in keeping with the procedure specified under the law. The substitution of foreign commodities for products resultant from their processing carried out outside the Republic's customs territory is permissible as specified under the law.

#### Article 34. Imposition of customs duties and taxes on export of commodities to be processed

Commodities being exported from the Republic under the

"processing carried out outside the customs territory" regime are liable to export customs duties and taxes. At the same time, the sum of duties paid on exportation of products resultant from the processing of commodities, which have been imported with a purpose of their free circulation in the customs territory, will subsequently be refunded, provided all the requirements stipulated in the present Customs Code are observed. Interest accrued on the sum subject to reimbursement is not added.

Commodities exported from the customs territory with a view to be processed may be granted a special exemption from paying export customs duties in cases stipulated under the law. At the same time, the sum of taxes, which has been discharged when manufacturing the given commodities, may be refunded upon the presentation by the customs authority.

Article 35. Exemption of products resultant from processing from import customs duties and taxes

Products resulting from the treatment process may be granted a partial or full exemption from import customs duties and taxes in cases where such products are declared for free circulation.

Having been convinced of the fact that the only purpose of processing was the repair of exported commodities to be accomplished free of charge, as required under the law or a contract, the customs authority may fully exempt products resulting from the treatment process from import customs duties, with the exception of cases where the defect has been taken into account on the initial release of the given commodities for free circulation.

Products resultant from the processing carried out outside the Republic's customs territory may be partially exempted from import customs duties and taxes, provided that, apart from other processing related operations, exported commodities have been repaired free of charge. Sums of customs duties and taxes are determined on the basis of current rates for processing, repair and other processing related operations.

Article 36. Failure to effect backward conveyance of commodities exported to be processed or products resultant from their processing

An entity who has exported commodities for them to be processed outside the customs territory of the Republic of Uzbekistan and failed to effect, by a fixed date, the backward conveyance of these goods or products resultant from their processing, is not answerable to the customs authority in the case stipulated in Part 3 of Article 23 of the present Customs Code.

Article 37. Destruction

The law defines destruction as a regime when foreign commodities are destroyed under the customs control, including the execution of certain operations to make them useless. In this case neither import customs duties and taxes are levied, nor certain economic requirements are imposed.

Such commodities may be destroyed if appropriately authorized by the customs authority as required under the law.

Commodities are destroyed at an entity's own expense.

Waste products resultant from such a destruction are placed under a corresponding customs regime as foreign commodities taken under the customs authority's control.

The importer of foreign goods having been denied permission to destroy them, the given commodities should be transferred outside the Republic of Uzbekistan at its own expense.

#### Article 38. Renunciation in favour of the state

Under this regime, an entity relinquishes, in favour of the state, the foreign commodities it has imported onto the Republic's customs territory, with no customs duties and taxes being levied or certain economic requirements imposed.

The "renunciation in favour of the state" regime is applicable to foreign commodities if authorized by the customs authority in accordance with the established procedure.

Renunciation of foreign commodities in favour of the state does not put the latter to expense.

### Section III. Customs control

#### Chapter 3. General provisions

#### Article 39. Forms of the customs control

The customs control exercised by the customs authority may take the following forms:

- verification of documents and relevant information required for customs purposes;
- verbal questioning of both natural entities and officials;
- customs examination;
- customs identifications of goods, means of transport, premises and other places;
- registration of goods and means of transport;
- examination of registration and accounting systems;
- inspection of territories, premises and other places where commodities subject to the customs control may be stored, or inspection of places where certain lines of activity to be supervised by the customs authority may be carried out;
- other forms stipulated under the law.

When implementing the foregoing forms of the customs control, the customs authority may use various technical and other means and appliances, provided the latter neither jeopardize life and health of the population, animals and vegetation nor cause any damage to commodities and means of transport.

The rules governing the implementation of customs check -ups are specified under law.

#### Article 40. Commodities and means of transport subject to the customs control

All commodities and means of transport being transferred across the customs border of the Republic of Uzbekistan, as well as those conditionally released are subject to the imposition of the customs control, with the exception of cases detailed in Article 49, 50, 117 to 126 of the present Customs Code.

The customs authority are also entitled to exercise the customs control over commodities kept in free customs zones and free warehouses as required under the law.

The customs authority has the right to force means of transport to make a stop, as well as send back sea-going ships, river vessels and aircraft if they leave the customs territory without being appropriately authorized to accomplish this, with the exception of

foreign vessels and those being in the foreign territory.

#### Article 41. Duration of the customs control

The introduction of the customs control commences:  
- when importing commodities and means of transport to the customs territory - from the date commodities and means of transport are transferred across the Republic's customs border;  
- when exporting commodities and means of transport from the Republic's customs territory - from the date the customs declaration has been accepted.

The customs control has to be terminated at the date commodities and means of transport are released for free circulation or at the date they are transferred across the customs border according to a corresponding custom regime applied to them, unless otherwise stipulated under law.

#### Article 42. Customs control zones

Customs control zones are established along the Republic's customs border, at places where the customs registration procedure is carried out, as well as location of the customs authority of at other places specified by the customs authority.

A procedure for their establishment and designation is specified under the law.

Production, commercial and other lines of activity may be carried out in customs control zones, if authorized and supervised by the customs authority. The same requirements are applied to the transfer of goods and means of transport as well as entities across the border of customs control zones or within them.

#### Article 43. Documents and information required for the introduction of customs control

An entity involved in transferring of commodities and means of transport across the customs border or that carrying out a certain line of activity which should be supervised by the customs authority, have to furnish the latter with some selected documents and relevant information as specified under the law.

To implement the customs control effectively, the customs authority may ask banks and other financial-credit institutions and economic establishments for the provision of necessary data concerning export-import operations transacted or other lines of activity subject to customs supervision.

Documents required for the introduction of the customs control should be kept within 3 years.

#### Article 44. Customs examination

Commodities and means of transports should be examined by officials representing the customs authority. The customs examination procedure is carried out with a view to determine the legitimacy of (i) the conveyance of goods and means of transport across the customs border, (ii) their registration with the customs authority, and (iii) the imposition of appropriate customs duties and taxes on them. The execution of the customs examination procedure is also aimed at eliminating both the illegal transfer across the customs border and transit conveyance through the customs territory of commodities and means of transport prohibited for such import, export and transit, as specified under the law.

At entity, with authority to transact operations with goods and means of transport, is entitled to and should, at the instance of the customs authority, attend the commodity/means of transport examination procedure, rendering the latter any required assistance.

If such an entity fails to assist at the commodity/means of transport examination procedure, the customs authority may regard, for customs purposes, a driver of a means of transport as the entity authorized to have dealings with the customs authority.

The customs authority has the right to examine commodities and means of transport in the absence of entity, with appropriate authority in respect of the given commodities and means of transport, in the following cases:

- if such an entity fails to appear after the expiry of 10 days from the date commodities and means of transport have been presented to the customs authority;

- if there is a threat to the state security, public order, life and health of the population, animals, vegetation and environment, as well as to the preservation of artistic, historical and archaeological heritage of the Republic of Uzbekistan, or under other circumstances brooking no delay;

- if goods are delivered by international post;

- if there are violations of a customs regime which was applied to goods and means of transport imported to the Republic's customs territory.

#### Article 45. Personal examination

The personal examination procedure is carried out according to the established procedure, following an appropriate decision taken by an authorized official representing the customs authority, provided there is every reason to think that a natural entity crossing the customs border or that being in a customs free zone or an airport's transit zone open for international air communication, has some illegal goods by him with the intention to conceal them from customs declaration.

#### Article 46. Customs identification of commodities, means of transport, premises and other places

The customs identification of goods, means of transport, premises and other places under the customs authority's supervision is effected by sealing, stamping, labelling them with digital, lettered and other identification markers, as well as by making samples, describing goods and means of transport, making their drawings, scale pictures, photographs and illustrations, and issuing shipping documents and other accompanying documentation etc.

Means of identification used by customs authority may be changed, removed or destroyed only by the customs officials themselves or with their permission, with the exception of cases where is a real threat of destruction, irretrievable loss or significant damage to commodities or means of transport. If such a threat occurs, the customs authority should forthwith be notified of any change, removal or destruction of means of identification, with an appropriate evidence of such a threat being presented.

#### Article 47. Stock-tacking of goods and means of transport supervised by the customs authority

The customs authority is entitled to take stock of controlled goods and means of transport, as well as those in whose respect



customs duties have not been discharged, or those granted certain privileges related to payment of custom duties.

Article 48. Monitoring of activity whose supervision rests with the customs authority

The custom authority has the right to check lines of activity to be carried out under its supervision as required under the law.

Article 49. The right to choose a form of the customs control

The customs authority may use any form of the customs control deemed to be sufficient to implement the customs control effectively and ensure that the law is strictly observed.

Non-application of several forms of the customs control or release from them do not mean that an entity is released from the obligation to abide by the requirements imposed under the law.

In case of need, the customs authority may apply all the forms of the customs control stated in the present Customs Code, unless otherwise stipulated under the law.

Article 50. Release from certain forms of the customs control

An entity may be released from certain forms of the customs control in keeping with the law and relevant international agreements signed by the Republic of Uzbekistan.

Personal language of deputies and members of the Republic's Olyi Madjlis and Cabinet of Ministers correspondingly, is released from customs examination, provided that the foregoing persons are crossing the customs territory of the Republic of Uzbekistan when travelling on official business.

Foreign warships (or vessels), fighting and military transport aircraft, as well as military equipment proceeding on its own are also released from customs examination.

Article 51. The implementation of the customs control after goods and means of transport are released

Customs control over goods and means of transport may remain in place after they have been released, if there are reasons to believe that the law has been infringed in some way.

In this case the customs authority has the right to take stock of goods and means of transport available, to re-examine them, to re-verify the data set out in the customs declaration and other relevant information on foreign economic and commercial operations transacted with the given good and means of transport involved. Goods and means of transport may be checked at the location of a declarant or any other entity, directly or indirectly involved in such operations, or that disposing of the required documents. Entities identified as having infringed the law are subject to the imposition of penalty as specified under law.

Article 52. Access to places and premises provided to the customs authority to implement the customs control

Officials representing the customs authority have the right of access, upon the presentation of their identification cards, to any location, including territories and premises, where goods and means of transport subject to the customs control or documents required to implement the customs control may be stored, as well as to places where

any activity subject to the customs authority's supervision is carried out, with the exception of cases stipulated in the law or relevant international agreements signed by the Republic of Uzbekistan.

Article 53. Attraction of specialists and experts to render assistance in the implementation of the customs control

The customs authority has the right to enlist cooperation of specialists and experts for them to render assistance in the implementation of the customs control as specified under the law.

Chapter 4. Storage and sale of goods carried out under the customs authority's control

Article 54. Customs and free warehouses

Customs and free warehouses are considered to be specially allotted and arranged premises and other places designed for the storage of goods under the customs authority's supervision. Commodities which may cause any damage to other goods or those requiring special storage conditions, should be kept in specially equipped warehouses.

A customs warehouses may be established either by a legal and /or natural entity of the Republic of Uzbekistan or by the customs authority.

A free warehouse may be established by a legal or natural entity of the Republic of Uzbekistan.

Customs warehouses are designed for storing goods under the temporary storage regime and/or the customs warehouse regime.

There are two types of warehouse in terms of their accessibility: open warehouses, which may be used by any entity, and closed ones, which are intended for selected entities, notably for owners of such warehouses.

Both a procedure for the establishments of customs and free warehouses and requirements imposed on them are specified under the law.

Article 55. Obligations of owners of customs and free warehouses and duty-free shops

Owners of customs and free warehoused are obliged to do the following:

1) to fit out warehouses with equipment necessary to facilitate the customs control implementation;

2) to ensure the safety and good state of preservation of goods being stored;

3) to eliminate any possibility of withdrawal of goods and means of transport being stored in their warehouses, with the exception of that associated with the customs control implementation;

4) to put no obstacles in the way of the customs control implementation;

5) to take stock of commodities and means of transport being kept in their warehouses and to furnish appropriate accounts to the customs authority, according to the established procedure;

6) to comply with the requirements stipulated in their license;

7) to abide by lawful requirements imposed by the customs authority and to perform other duties as specified under the law.

The owner of a duty-free shop should comply with the requirements detailed in Points 3,6 and 7 of Part 1 of this Article. Additionally, the owner should take stock of goods being delivered and

those being sold, and provide the customs authority with appropriate accounts on these goods, in keeping with the established procedure.

Article 56. Interaction between owners of customs and free warehouses and entities with their goods and means of transport being stored there

Owners of customs and free warehouses should build their relationships with entities having their goods and means of transport stored there, on a contract basis.

The customs authority, with customs warehouses under their ownership, interacts with entities having their goods and means of transports stored there as specified under the law.

Article 57. Operations transacted with commodities stored in customs or free warehouses

Commodities being kept under the temporary storage regime may be involved in the following operations:

- goods may be examined and measured by a warehouse's owner, as well as an entity, with appropriate authority in respect of these commodities or its representative. If authorized by the customs authority, they may take samples or withdraw specimens of these commodities for the latter to be examined and identified;
- goods may be subject to operations necessary to ensure that they remain intact, including the repair of damaged packing, if needed.

Commodities being stored under the customs warehouse regime may be involved in operations designed to ensure their safety and goods state of preservation, as well as those transacted with a view to prepare these goods, with the permission of the customs authority, for transportation and sale. Both the list of such operations and a procedure for their transaction are specified under the law.

Commodities being stored in a free warehouse may be involved in production and commercial operations, with the exception of their sale by retail, as stipulated in the present Customs Code. Such commodities are subject to the imposition of separate bans and restrictions as stipulated under the law.

Entities identified as having not complied with the provisions of the present Customs Code may be prohibited by the customs authority to transact any operations with commodities and refuse their access to them.

Article 58. Responsibility for payment of customs duties

Owners of customs warehouses and duty-free shops shoulder responsibility for payment of customs duties charged on goods and means of transport being kept in such warehouses or sold in such shops, with the exception of cases stipulated in the present Article.

If the contract signed between a customs warehouses's owner and an entity having its goods and means of transport stored under the temporary regime, envisages the latter's responsibility for payment of customs duties, both parties bear the solidary responsibility.

The responsibility for payment of customs duties may be placed, by the customs authority's consent, with an entity having its goods kept under the customs warehouse regime.

In cases where a customs warehouses is owned by the customs authority, it is the entity having its goods and means of transport stored in this warehouse, that shoulders responsibility for payment of customs duties, while in its absence, such responsibility is placed with an owner or holder of these goods and means of transport.

In cases where goods stored in a free warehouse are subject to customs duties, the responsibility for their payment is placed with an entity having these goods stored there.

Article 59. Liquidation of customs and free warehouses and duty-free shops and suspension of an appropriate license

Customs and free warehouses, as well as duty-free shops may be wound up in the following cases:

- in accordance with their owner's wish;
- on the expiry of an appropriate license;
- when annulling or terminating an appropriate license; (Changed by Sub-point 2) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)
- in other cases stipulated under the law.

Beginning from the date an appropriate decision on liquidation has been taken, commodities being kept in customs of free warehouses or duty-free shops should be stored according to the temporary storage regime.

When annulling an appropriate license, commodities should be re-registered with the customs authority from the date they have been placed in a customs or free warehouse or a duty-free shop. In this case owners of these goods should pay customs duties charged for storage which are intended for customs warehouses established by the customs authority, for the whole duration of their storage in such warehouses or shops in liquidation.

When terminating an appropriate license, commodities are subject to re-registration with the customs authority from the date an appropriate decision has been taken, while their owners are subject to the levy of customs duties charged for storage which are intended for customs warehouses established by the customs authority. (Changed by Sub-point 2) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

When liquidating a customs or free warehouse or a duty-free shop, or when suspending the license to operate a customs warehouse or a duty-free shop, the placement of commodities to such warehouses for storage as well as their sale through such shops are not permitted. In this case commodities may be released from customs and free warehouses or from duty-free shops as specified in the present Customs Code.

When suspending the license to operate a free warehouse, the storage of foreign commodities there requires payment of customs duties and taxes and the imposition of certain economic requirements. The exemption from paying customs duties and taxes as well as the reimbursement of the sum of customs duties which has been discharged in respect of Uzbekistan-origin commodities, are not stipulated.

Under the temporary storage regime, commodities and means of transport may be kept in customs warehouses and duty-free shops in liquidation within two months, while in free warehouses - in the course of 6 months from the date the decision on their liquidation has been taken.

Chapter 5. Conveyance of goods and means of transport under the customs control

Article 60. Conveyance of goods and means of transport

Commodities and means of transport being under the customs control, including those on-transit through the customs territory under the transit regime, may be transported from a customs post of departure to that of destination, with the responsibility for them resting with

an entity who has accepted these goods and means of transport and is involved in their conveyance.

Documents due to be presented at a customs post of destination should accompany goods and means of transport they are relating to.

Article 61. Rights and obligations of the entity involved in conveyance of goods and means of transport

The entity involved in the transfer of goods and means of transport has the right not to accept them for transportation in cases where:

- the registration of customs and shipping documents is at variance with the established procedure;

- means of customs identification such as stamps, seals, identification markers and digital and lettered signs etc. applied by the customs authority to goods's packing and means of transport are not sufficient to ensure that access to transported goods and means of transport, with such identification markers remaining intact, could not happen.

Goods and means of transport as well as their accompanying documents having been accepted for transportation, an entity involved in their transferring is obliged to accomplish the following:

- to convey the given goods and means of transport to a place of destination according to a route plan and within the term fixed by a customs post of departure, with both their packing and state of preservation remaining intact, with the exception of certain changes resultant from natural depreciation or loss under normal transportation and storage conditions, provided these goods and means of transport are not used for purposes other than the delivery;

- to present commodities, means of transport and accompanying shipping documents at a customs post of destination, and to actually show them at the instance of the customs authority;

- not to convey other goods simultaneously with the goods being supervised by the customs authority.

Commodities and means of transport having been delivered to the place of destination, an entity involved in their transfer should not (i) leave them at a stop under nobody's control, unless allowed by the customs authority, (ii) make passengers get off means of transport, (iii) transact any operations associated with loading or packing of goods, as well as alter, remove or destroy means of customs identification.

The entity is not answerable for violating the provisions contained in Parts 2 and 3 of the present Article, if it adduces proofs that there has been a real threat to life and health of passengers and a crew of a given means of transport, as well as a threat of destruction, irretrievable loss or significant damage of commodities and means of transport. Promptly after such circumstances which entailed infringement of the above-mentioned requirements have set in, the entity involved in the transfer of goods and means of transport should forthwith notify the customs authority of this fact.

In cases where an entity or its means of transport involved in the transfer fail to ensure the compliance with the requirements imposed under the present Customs Code, the customs authority may authorize the conveyance of goods and means of transport under the customs control, provided means of transport involved are appropriately fitted out, customs convoy is organized are transferred under the supervision of a customs officer according to the established procedure.

The law stipulates other requirements for entities involved in the transfer of selected product categories.

Article 62. Responsibility borne by the entity involved in conveyance of goods and means of transport

The responsibility for the safety and good state of preservation of goods and means of transport being conveyed within the customs territory of the Republic of Uzbekistan rests with an entity involved in their conveyance.

In cases where goods have been released without the customs authority's permission, or goods have been lost or not presented at a customs post of destination, the entity involved in their transfer should discharge customs duties due to be paid under "the release for free circulation" regime or the export regime correspondingly, with the exception of cases where:

(i) commodities have been destroyed or irretrievably lost by reason of break-down of force majeure circumstances;

(ii) shortage of goods has resulted from their natural depreciation or diminution under normal transportation and storage conditions;

(iii) commodities have been lost through the forfeiture by their owner of the proprietorship right as a result of the authority's illegitimate actions. The foregoing cases having occurred outside the Republic of Uzbekistan, they should be confirmed, according to the established procedure, by a diplomatic representative office or consular establishment of the Republic of Uzbekistan.

Article 63. Measures due to be taken in the course of a break-down of force-majeure circumstances

If a break down or any force-majeure circumstances occur, commodities being conveyed may be unloaded. In this case an entity involved in their conveyance should take all necessary measures to ensure that the given goods remain intact and are not used for any purposes. Additionally, this entity should promptly notify the local customs authority of the circumstances occurring, furnishing the latter with the information concerning the location of goods and means of transport involved. At the same time, their delivery to the customs authority's location or transfer of customs officials to the location of goods and means of transport should be ensured.

The situation having been thoroughly discussed, the customs authority specifies a package of appropriate measures due to be taken in this case to ensure the customs control implementation. Any expenses incurred as a result of the implementation of the measures set out in the present Article are not refunded by the customs authority.

The provisions specified in this Article are also applied to cases where the sea-going ships, river vessels and aircrafts set out in Part 3 of Article 84 of the present Customs Code make an emergency stop or landing in the Republic of Uzbekistan.

Article 64. Customs officials involved in the conveyance of goods and means of transport

A custom official involved in conveyance is a legal entity, with an appropriate license issued by the customs authority, involved in conveying of goods and means of transport under the customs control.

The customs entity involved in the transfer of commodities should abide by the requirements stipulated in Articles 61, 62 and 63 of the present Customs Code, as well as keep records of haulages carried out under the customs authority's supervision and furnish the latter with appropriate accounts.

Chapter 6. Licensing of lines of activity to be supervised by the customs authority

Article 65. License issued by the customs authority

The customs authority may issue licenses to legal and natural entities of the Republic of Uzbekistan to carry out the following lines of activity:

to establish a customs warehouse, a duty-free shop or free warehouse, to use customs regimes such as the processing carried out in the customs territory, the processing carried out under customs control, the processing carried out outside the customs territory, as well as to act as a customs broker or customs entity involved in conveyance. The license is given for 5 years. (Changed by Sub-point 3) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

The establishment by the customs authority of a customs warehouses does not require licensing.

The license issued by the customs authority may be annulled or terminated following an appropriate decision taken by the customs authority or the court. (Changed by Sub-point 3) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

The license to establish a customs warehouse, a duty-free shop, or a free warehouse, as well as to act as a customs broker of customs entity involved in the transfer of goods and means of transport may be suspended following an appropriate decision taken by the customs authority.

Article 66. Requirements imposed on the issue of the license to process goods

The license to process commodities in the customs territory as well as to process commodities under the customs authority's supervision may be issued provided that:

- imported goods can be identified in products resultant from their processing, with the exception of cases stipulated under the law.
- the processing of goods facilitates exports of Uzbekistan-origin commodities in the form of products resultant from their processing as well as improves the use of the Republic's production facilities;
- other requirements necessary to ensure the compliance with the customs law which may be imposed by the customs authority have been met.

The license to process good in the customs territory may be given only on condition that:

- the customs authority can ascertain the fact that products are resultant from the processing of exported goods, unless otherwise stipulated under the law;
- the processing of goods outside the customs territory is not adverse to the Republic's economic interests.

Article 67. Requirements imposed on licensing the activity as a customs broker

A legal entity intending to obtain the license to act as a customs broker, should comply with the following requirements:

- to have an expert on customs registration on the staff;
- to insure the line of activity a given legal entity is

involved in;

- to be provided with material and technical facilities sufficient to ensure the legal entity's stable performance;
- to create conditions necessary to carry out the thorough and accurate record-keeping and accounting of operations transacted with goods subject to customs control;
- to meet other requirements specified under the law.

Article 68. Requirements imposed on licensing the activity as a customs entity involved in conveyance of goods and transport

To obtain the license to act as a customs entity involved in conveyance of goods and means of transport, the following requirements should be met:

- to have appropriately equipped means of transport which are in a position to arrive, within 24 hours, at a customs registration post of the local customs authority, with which a given customs entity involved in conveyance has been registered;
- to have this line of activity insured;
- to meet other requirements specified under the law.

Article 69. License annulment

The license may be annulled in cases where its issue has not been accomplished according to the established procedure, or the license has been given on the basis of unauthentic or insufficient information which played a critical role in taking the decision on its issue. The decision to annul the license comes into effect from the date it has been issued.

The decision to annul the license taken by the customs authority should be brought to the licensee's notice in writing with reasoned substantiation of such decision not later than in three days from the date the decision has been taken. The license is liable to return to the customs authority and annulment within ten days from the date the license holder has received the aforesaid decision; (Changed by Sub-point 4) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 70 was amended by Sub-point 5) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000 (Old version)

Article 70. License termination

The license may be terminated in cases where:

the licensee has submitted an application to terminate the license;

the legal entity has been liquidated - from the moment of its liquidation; the legal entity terminates its activity as a result of reorganization - from the moment of reorganization, with the exception of its transformation;

the certificate of state registration of individual entrepreneur is terminated;

legal capacity of individual entrepreneur either has been limited under the established procedure or he was recognized incapable;

the licensee has violated systematically or one time roughly license requirements and terms;

the licensee has failed to eliminate conditions entailed suspension of the license within a period established by the customs authority;

it was revealed that the customs authority has issued the



license unlawfully;

the license's period of validity has expired;

The decision taken by the customs authority to terminate the license, should be brought to the licensee's notice in writing with reasoned substantiation of such a decision not later than in three days from the date an appropriate decision has been taken. The license is to be returned to the customs authority and annulled within ten days from the date the licensee has received the aforesaid decision;

The decision taken by the customs authority to terminate the license should be published in mass media.

The license is terminated from the date an appropriate decision to terminate it has been taken.

In case where a court considers the decision to terminate the license unfounded, the customs authority bears responsibility to the licensee in the amount of damage suffered by him;

Article 71 was amended by Sub-point 5) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000 (Old version)

#### Article 71. License suspension

Following an appropriate decision, taken by the customs authority, the license may be suspended in the following cases:

violations by the licensee of license requirements and terms have been revealed;

the licensee has failed to perform decisions taken by the customs authority making it binding on him to eliminate violations revealed;

a legal entity was under transformation for a period of redrawing up of the license.

The decision taken by the customs authority to terminate the license should be brought to the licensee's notice in writing with reasoned substantiation of such a decision not later than in three days from the date an appropriate decision has been taken.

The customs authority is to fix a period to eliminate by the licensee of conditions entailed suspension of the license. The aforesaid period should not exceed six months.

In case where the licensee has eliminated conditions entailed suspension of the license, the customs authority suspended the license, is obliged, within ten days from the date an appropriate confirmation of elimination of above mentioned conditions has been received, to take a decision to resume the license;

#### Article 72. Re-issue of the license

Repeated application for the issue of a license may be considered on condition that all the reasons, on which basis a previous license has been annulled or terminated, are eliminated in the course of 2 years from the date an appropriate decision to annul or terminate a given license has been taken. (Changed by Sub-point 7) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

#### Article 73. Qualification certificates given to specialists in customs registration

The law specifies a procedure for the issue of a qualification certificate, its period of validity, as well as a set of requirements imposed on specialists in customs registration.

The qualification certificate given to a specialist in customs

registration may be annulled, terminated or suspended by the customs authority; (Changed by Sub-point 8) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000) (Old version)

The qualification certificated is annulled in cases where its issue was not carried out according to the established procedure, or a given certificate has been issued on the basis of unauthentic or insufficient information which played a critical role in taking a decision to issue a given certificate. The decision on annulment is effective from the date a given qualification certificate has been issued.

The qualification certificate may be terminated, provided that the specialist in customs registration:(Chnaged by Sub-point 8) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000) (Old version)

- has repeatedly failed to perform his duties in respect of the customs authority;

- was identified as having infringed the provisions of the customs law specified in Articles 139, 143, 147, 148, 149, 158, 164, 166, 167, 168, 169 and 171 of the present Customs Code;

- the court has brought in a verdict of guilty of forgery, theft or bribery, or a given specialist was identified as having infringed the customs law;

- has caused a substantial damage to an entity on whose behalf he was acting, including damage resultant from the unlawful use of information identified as confidential as stated by the court;

- has infringed the tax law;

The validity of the qualification certificate is terminated from the date an appropriate decision has been taken; (Changed by Sub-Point 8) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000) (Old version)

In cases where a customs broker is declared insolvent or bankruptcy is declared by a customs broker, qualification certificates of its specialists in customs registration are also declared invalid until the reasons, on whose basis these certificates have been suspended, are eliminated.

The qualification certificate of the specialist in customs registration may also be annulled or terminated following the court's appropriate adjudication. (Changed by Sub-Point 8) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000) (Old version)

Repeated application for the issue of a qualification certificate may be considered on the expiry of 6 months from the date a previous certificate has been annulled or terminated, provided the reasons, on whose basis the decision to annul or terminate the latter has been taken, are eliminated. Repeated application for the issue of a qualification certificate may also be considered on the expiry of a fixed term specified by the court. (Changed by Sub-point 8) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

The qualification certificate may be suspended by the customs authority for 2 moths, provided there are sufficient reasons to have doubts as to the accuracy of performing duties by the specialist in custom registration.

Article 74. Fees charged for the issue of a license or qualification certificate and resumption of their validity

The issue of licenses or qualification certificates, as well as their re-registration or resumption of their validity are chargeable at the rate specified by the Cabinet of Ministers of the Republic of Uzbekistan.

The foregoing fees are not subject to reimbursement when annulling, or terminating a license or when invalidating a qualification certificate. (Changed by Sub-point 7) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

#### Section IV. Customs registration

##### Chapter 7. General provisions

###### Article 75. Time and place of the customs registration procedure

The customs registration procedure should be carried out during office hours at a special places specified by the customs authority which has jurisdiction over a sender or receiver of goods or by its structural sub-divisions.

The customs registration procedure may also be carried out at other places and not in the customs authority's office hours at the expense of an entity involved, following its written application filed to the customs authority, provided the latter's consent has been obtained.

Legal and natural entities interested in carrying out the customs registration procedure at places other than the location of the customs authority, notably directly in their territory or premises, should provide the customs authority with office and living accommodation, equipment and communication facilities free of charge.

###### Article 76. The term specified for customs registration

Commodities and means of transport should be registered with the customs authority within 10 days from the date the customs declaration has been accepted and all the required documents and information have been filed. As regards the product categories set out in Part 1 of Article 81 of the present Customs Code, this should be accomplished within 3 days. This time limit excludes spells necessary to implement controls over goods and means of transport by other state authority.

###### Article 77. Attendance of the customs registration procedure by authorized entities

Entities with plenary powers in respect of commodities and means of transport which are subject to customs registration, have the right, or at the instance of the customs authority, are obliged to attend the customs registration procedure, providing all necessary assistance in its implementation.

###### Article 78. Operations transacted with goods and means of transport required for the execution of the customs registration procedure

At the customs authority's request, an entity transferring goods across the customs border, an entity involved in conveyance, a warehouse's owner or any other entity with plenary powers in respect of commodities and means of transport, should, at their own expense, transport, weight or otherwise measure their quantity as well as load, unload and transfer goods and means of transport, repair their damaged packing, open their packing or re-pack commodities and means of

transport subject to customs registration. In addition, the above-mentioned entities should open premises, containers and other places where such goods and means of transport may be kept.

If customs registration of goods and means of transport is not finalized, the operations indicated in Part 1 of this Article may be transacted if authorized by the customs authority.

Article 79. Withdrawal of samples and specimens necessary to carry out the customs registration procedure

To carry out the customs registration procedure in a timely and professional manner, the customs authority and, if authorized by the customs authority, entities with plenary powers in respect of goods and means of transport, as well as representatives of other state controlling establishments have the right to withdraw samples and specimens of goods being under the customs authority's supervision, with a view to examine them.

Entities with plenary powers in respect of goods should attend the customs registration procedure and supply all tools, utilities and connections required by the customs authority when withdrawing samples and specimens of goods. Additionally, they should acquaint themselves with the results of their examination.

Any costs incurred because of the withdrawal of samples and specimens of goods as well as of their examination by the customs authority, on the initiative of an entity with plenary powers in respect of these goods, should be covered by the latter.

The law specifies a procedure and terms for the withdrawal of samples and specimens of goods, as well as a procedure for their examination and disposal.

Article 80. Customs registration and control instituted by other state authority

Registration with the customs authority of goods and means of transport transferred across the customs border is considered to be finalized only after veterinary, phyto-sanitary, environmental and other forms of the state control have been complete in cases specified under the law.

Article 81. The simplified customs registration procedure

The simplified customs registration procedure is applied in cases where the following commodities are being transferred across the customs border of the Republic of Uzbekistan: goods necessary to combat natural disasters, break-downs and catastrophes, as well as live-stock, perishables and radioactive materials; information and other materials used for mass media purposes; commodities sent to the higher legislative, executive and judicial authorities of the Republic of Uzbekistan; supplies provided in a humanitarian gesture and the like. Moreover, the above-mentioned product categories imported to the Republic of Uzbekistan should be given preference when carrying out the customs registration procedure.

The simplified customs registration procedure is also applicable to commodities imported to the Republic's free customs zones or free warehouses, as well as commodities exported from them.

A set of requirements imposed on the application of the simplified customs registration procedure is specified under the law.

Article 82. The use and disposal of goods and means of transport whose registration with the customs authority is not

finalized

Both the use and disposal of goods and means of transport, whose customs registration has not yet finished, are not permissible, with the exception of cases stipulated under the law.

#### Chapter 8. Preliminary operations

##### Article 83. Operations to be executed prior to the customs registration procedure

Certain preliminary operations should be executed, according to the established procedure, prior to beginning of the customs registration procedure and the placing of goods and means of transport under any customs regime.

##### Article 84. Notification of the customs authority of crossing the Republic's customs border, or the intention to export goods and means of transport from the Republic's customs territory

When importing goods and means of transport onto the customs territory of the Republic of Uzbekistan, including importation of commodities and means of transport from the territory of free customs zones or free warehouses, an entity involved in their transfer should notify the customs authority of the fact that the customs border has been crossed.

When exporting goods and means of transport from the customs territory, an entity responsible for them should notify the customs authority beforehand of his intention to export goods and means of transport from the Republic's customs territory. The latter, in turn, registers the notification received and specifies the time and place at which goods and means of transport have to be delivered to undergo the customs registration procedure. If an entity, responsible for their conveyance, fails to meet this requirement, the responsibility for this is placed with an entity involved in conveyance of these goods and means of transport.

The provision detailed in the present Article is not applied to sea-going ships, river vessels and aircrafts crossing the Republic's customs territory without stopping in a port or at an airport located in the Republic of Uzbekistan.

##### Article 85. Delivery of goods and means of transport as well as their accompanying documents to the place specified by the customs authority

The customs authority having been notified as stipulated in Article 84, an entity involved in the transfer should deliver goods and means of transport, as well as their accompanying documents to the place specified by the customs authority and stay there after arrival, with all the requirements imposed under present Customs Code being met.

##### Article 86. Notification of arrival and presentation of goods and means of transport at the place of delivery

Promptly after goods and means of transport have been delivered to the place specified by the customs authority, they should be presented and their accompanying documents handed over to the customs authority. Presentation takes the form of notification of the customs authority of the delivery of goods and means of transport no later than

30 minutes after they have been delivered. In cases where goods and means of transport are delivered not in the customs authority's office hours, the notification has to be effected no later than 30 minutes after a working day that follows starts.

At the instance of the customs authority, goods and means of transport presented should be actually shown to the former.

Goods having been shown to the customs authority, an entity with plenary powers in respect of these goods may, if authorized by the customs authority, take samples and specimens of goods with a view to place these goods under a customs regime.

Goods and means of transport delivered to the place specified by the customs authority not in the latter's office hours, should be stored in a customs control zone.

Any actual costs incurred because of the actions or circumstances detailed in the present Article have to be borne by an entity involved in conveyance. They are not subject to reimbursement by the customs authority.

#### Article 87. Brief declaration

A brief declaration is applicable till goods and means of transport are placed under any customs regime.

If authorized by the customs authority, shipping, commercial and other relevant documents, including those drawn up in foreign languages, which are applicable to international deliveries, may be used as a brief declaration.

An entity should submit a brief declaration either simultaneously with the presentation of goods and means of transport or within 24 hours after goods and means of transport have been presented, if authorized by the customs authority.

A brief declaration is not required in cases where commodities are placed under a certain customs regime for a fixed period.

If there is no person authorized by an entity involved in conveyance to submit a brief declaration, a captain, driver or any other person driving a means of transport may be regarded by the customs authority as such a person.

A representative of an entity involved in conveyance is obliged to render assistance to the customs authority putting a brief declaration in order.

A form of a brief declaration, the list of information to be enclosed, as well as a procedure for its submission are defined by the customs authority.

#### Article 88. Liability to the customs authority when executing preliminary operations

An entity involved in conveyance has liability to the customs authority for imported goods and means of transport prior to their placement under any customs regime, including payment of customs duties and taxes, with the exception of cases stipulated in Part II of Article 84 of the present Customs Code.

### Chapter 9. Declaring

#### Article 89. Declaring of goods and means of transport

Declaring to the customs authority is required in cases where goods and means of transport are transferred across the Republic's customs border, or goods and means of transport are placed under another customs regime. Declaring is also applied to certain products

categories and means of transport in cases specified under the law.

#### Article 90. Forms of declaring

To accomplish declaring, an entity involved in conveyance should file an application, drawn up in keeping with the established form, which should comprise authentic and precise information concerning goods and means of transport being conveyed, a customs regime under which they are expected to be placed, and other relevant data required for customs purposes.

Both a form and procedure for declaring, as well as the list of data due to be detailed in the customs declaration are specified under the law.

#### Article 91. The place of declaring

Goods should be declared to the customs authority with which they are intended to be registered.

Goods and means of transport conveying these goods are declared simultaneously.

Empty means of transport as well as motor vehicles transporting passengers should be declared when crossing the Republic's customs border.

Sea-going ships, river vessels and aircraft have to be declared in ports or at airports on their arrival in the Republic's customs territory, or in ports or at airports when taking their departure from the customs territory of the Republic of Uzbekistan.

#### Article 92. The term established for the submission of the customs declaration

The customs declaration should be submitted within the term specified by the customs authority.

This term should not exceed 15 days from the date goods and means of transport imported onto the Republic's customs territory have been presented to the customs authority.

In cases where goods intended for non-commercial purposes are transferred across the customs border by natural entities as hand luggage or accompanying luggage, the customs declaration should be submitted simultaneously within the presentation of the given goods.

Means of transport driving into the customs territory should be declared within a 3-hour time limit after the customs border of the Republic of Uzbekistan has been crossed, while means of transport leaving the customs territory have to be declared within 3 hours prior to crossing the Republic's customs border.

The terms set out in the present Article may be prolonged in keeping with a procedure and requirements specified by the customs authority.

#### Article 93. Acceptance of the customs declaration

The customs authority is not entitled to refuse the acceptance of the customs declaration.

The acceptance of the customs declaration having been registered by the customs authority, the customs declaration is regarded as a document comprising the facts of judicial importance.

#### Article 94. Documents and complementary information required for customs

Certain documents required for customs registration are filed simultaneously with the submission of the customs declaration. The customs authority may ask for appropriate complementary data to be furnished with a view to verify the information contained in the customs declaration and other documents submitted. The list of documents and complementary information required for customs registration is specified under the law.

The customs authority has the right to specify the term for the presentation of missing documents and information.

Documents drawn up in foreign languages which are applied to international deliveries may also be presented, if authorized by the customs authority.

#### Article 95. Amendment, supplement and withdrawal of the customs declaration

A declarant may introduce any amendment or supplement into the customs declaration submitted, or even withdraw it with the customs authority's prior consent.

Any amendment or supplement to the customs declaration, as well as the latter's withdrawal may be effected prior:

- to the moment the customs authority starts to verify the customs declaration submitted;

- to the moment the customs authority begins examining goods and means of transport;

- to the moment the customs authority finds out that information set out in the customs declaration is unauthentic.

No amendment or supplement introduced into the customs declaration may extend or lessen the sphere of its effect.

The customs authority is not entitled, on its own initiative as well as following instructions or request of an entity involved in conveyance, to fill in a written customs declaration, or to amend and supplement the data set out there, with the exception of (i) the introduction into the customs declaration of information covered by the customs authority's terms of reference, and (ii) the amendment or supplement of codified data used for automatic processing, if such uncoded data are available in the customs declaration.

#### Article 96. The preliminary customs declaration

If a declarant, owing to the force of special circumstances, fails to file a complete customs declaration, the customs authority has the right to permit him to submit a temporary or incomplete customs declaration, as specified under the law, on condition that the latter comprises the basic information required for customs purposes, and relevant missing data will be furnished within the term specified by the customs authority.

#### Article 97. The recurrent customs declaration

When conveying one and the same goods and means of transport on a regular basis by one and the same entity, the latter may be permitted by the customs authority to submit a recurrent customs declaration for all goods and means of transport being transferred across the customs border of the Republic of Uzbekistan within a fixed period of time.

The reasons serving as the foundation for the submission of a recurrent customs declaration, as well as a procedure for its submission are specified under the law.



Article 98. The simplified procedure for declaring goods and means of transport

The customs authority has the right to establish a simplified procedure for declaring commodities and means of transport being imported onto or exported from the Republic's customs territory.

Article 99. Declarant

An entity conveyed goods and means of transport, as well as a customs broker may be declarants.

Any legal or natural entity of the Republic of Uzbekistan may be a declarant. The conveyance of goods by natural entities which are intended for non-commercial purposes, as well as other cases specified by the customs authority are exceptions from this provision.

The declarant should fully comply with his obligations and has full liability to the customs authority as stipulated under the law, no matter whether the declarant is an entity transferring commodities and means of transport across the customs border or a customs broker.

Article 100. Rights and obligations of the declarant

The declarant is entitled, prior to the submission of the customs declaration, to examine and measure, under the customs authority's supervision, commodities and means of transport, as well as to take samples and specimens, if necessary. When taking samples and specimens of goods being transferred, the submission of a separate customs declaration in their respect is not required, provided they are mentioned in a customs declaration due to be filed in respect of the given commodities.

When declaring goods and means of transport being conveyed, the declarant should accomplish the following:

- to declare goods and means of transport in accordance with the procedure stipulated in the present Customs Code, and to file the customs declaration to the Customs authority;
- to show declared commodities and means of transport to the customs authority, if requested by the latter;
- to furnish the customs authority with documents and complementary information required for customs registration;
- to discharge all due customs payments;
- to render assistance to the customs authority in the implementation of the customs registration procedure.

The law may also stipulate other rights and obligations to be performed by the declarant.

Article 101. Customs broker

The customs broker is any legal entity of the Republic of Uzbekistan enjoying an appropriate license issued by the customs authority.

The customs broker may, at the expense of and on a commission from an entity it is representing, carry out customs registration on its own behalf as well as execute other intermediary functions in the customs activity domain.

The customs broker interacts with the entity it is representing, on the basis of a notarially attested agreement.

The rights and obligations to be performed by the customs broker in respect of the customs authority should not be restricted by an agreement signed with the entity it is representing.

## Article 102. Specialist in customs registration

The specialist with an appropriate qualification certificate issued by the customs authority has the right to carry out the customs registration procedure on the declarant's behalf.

The declarant is not entitled to restrict whatsoever the obligations to be performed by the specialist in customs registration in respect of the customs authority.

### Section V. Customs payments

#### Chapter 10. General provisions

##### Article 103. Types of customs payments

When transferring goods and means of transport across the customs border, as well as in other cases stipulated in the present Customs Code, the following types of customs payments have to be discharged:

- customs duties;
- value-added tax;
- excise tax;
- licensing related fees;
- fees charged for the issue of an appropriate qualification certificate to a specialist in customs registration;
- customs duty levied for the customs registration;
- customs duty levied for the storage of commodities;
- customs duty charged for the customs forwarding of goods;
- fee charged for taking a preliminary decision.

The law may also establish other types of customs payments.

##### Article 104. Customs duty, value-added tax and excise tax

Customs duties, VAT and excise tax are charged on commodities transferred across the customs border as specified under the law.

On backward conveyance of these commodities, the sum of customs duties, VAT and excise tax already discharged earlier should be refunded in accordance with the procedure stipulated under the law.

##### Article 105. Customs duties

Rates of customs duties are determined by the Cabinet of Ministers of the Republic of Uzbekistan. Customs duties are levied for the execution of the following operations:

- the customs registration of goods and means of transport, including commodities intended for non-commercial purposes, which are being conveyed in hand luggage, by international post or as cargo;
- the customs registration of goods and means of transport carried out outside the places specially designed for this purpose and not in the customs authority's office hours;
- the storage of goods and means of transport in customs warehouses as well as in warehouses intended for the temporary storage which are owned by the customs authority;
- the customs forwarding of goods.

#### Chapter 11. Calculation and discharge of customs payments

##### Article 106. The basis for the calculation of customs payment

Customs duties, excised tax and appropriate customs fees are

calculated on the basis of the customs value of goods and means of transport as specified under the law.

As regards VAT, it should be calculated on the basis of the customs value of goods, which encompasses the sum of customs duties due to be paid, and the sum of excise tax as far as excise-liable goods are concerned.

#### Article 107. Entities subject to discharging customs payments

Customs payments are discharged by the declarant. This may be accomplished, for the declarant, by any interested entity, unless otherwise stipulated under the law.

#### Article 108. Payment terms

Customs payments are discharged prior to or simultaneously with the acceptance of the customs declaration. When transferring goods, intended for non-commercial purposes, across the customs border, customs payments associated with such a transfer, should be discharged simultaneously with the acceptance of the customs declaration.

Customs payments may be discharged in the course of a fixed period which begins from the date following the expiry of the term specified for the submission of the customs declaration.

#### Article 109. Procedure for the discharge of customs payments

Customs payments are discharged to the customs authority. In cases where goods are sent by international post, associated customs payments should be discharged to communication enterprises according to the procedure specified by the Cabinet of Ministers of the Republic of Uzbekistan.

Customs payments are payable in the national currency of the Republic of Uzbekistan, unless otherwise stipulated under the law.

Part 3 is supplemented in accordance with Section XII of the Law of the RUz No. 405-II dtd 30.08.2002

The Cabinet of Ministers of the Republic of Uzbekistan may establish simplify procedure for the levy of customs payments providing discharge of single customs payment instead of value-added tax, customs duties and a fee imposed on goods imported by natural entities.

#### Article 110. Deferment of payments and the right to pay customs payments by instalments

An entity may be granted deferment of payment or the right to discharge customs payments on an instalment plan, following an appropriate decision taken by the customs authority, provided payment is effected in accordance with the procedure stipulated in Article 111 of the present Customs Code.

The term for which deferment of payment or the right to discharge customs payments by instalments are granted should not exceed two months from the date the customs declaration has been accepted.

When granting deferment of payment or the right to discharge customs payments by instalments, interest is charged as specified under the law.

Deferment of payment or the right to discharge customs payments by instalments are not granted to entities evading the obligation to discharge customs payments.

Part 5 is supplemented in accordance with the Section X of the Law of the Republic of Uzbekistan No. 320-ii dtd 07.12.2001

Microcompanies and small-sized production and service enterprises, farms, as well as dekhan establishment obtained a status of legal entity are granted deferment on discharge of customs payments (with the exception of customs clearance fee) imposed on raw and material resources for 90 days without collection of interest;

Deferment of payment of value-added tax imposed on imported material and technical resources used to manufacture export produce is granted to enterprises-manufacturers for the period of 90 days without collection of interest. (Introduced by the Law of the Republic of Uzbekistan No.832-I dtd 20.08.99)

Article 111. The provision of security for the full and timely discharge of customs payments

The full and timely discharge of customs payments may be effected on the security of goods and means of transport being transferred, guarantee provided by the third parties or the due sum of customs payments deposited into the account held by the customs authority.

The depositor is not entitled to dispose of deposits without the customs authority's prior consent.

Goods and means of transport left as deposits remain in the depositor's possession, unless otherwise specified by the customs authority.

The registration of a pawn agreement as well as the collection of penalty from deposits are carried out as specified under the law.

The discharge of customs payments may be secured on the warranty extended by a bank or any other financial-credit establishment authorized to transact banking operations in the Republic of Uzbekistan.

The sum of customs payments due to be discharged in cases where commodities are release under the export regime or "the release-for-free-circulation" regime, should be deposited into the customs authority's account. No interest is accrued if such a sum within the period is being kept in the deposit account. A procedure for depositing and subsequent refunding due sums of customs payments is specified under the law.

Article 112. Exaction of customs payments and disciplinary measure

The sum of customs payments not discharged as specified in the present Customs Code should indisputably be exacted by the customs authority, with the exception of payments charged on commodities intended for non-commercial purposes which are being transferred by a natural entity. The latter is subject to the imposition of penalty according to the established procedure.

In case of non-payment, the sum of customs payment should be exacted, no matter when the fact of non-payment has been exposed.

An appropriate fine is indisputably exacted from the sum of payment arrears for the whole period of non-payment. Rates of fines imposed in such cases are specified under the law.

In the event the declarant evades the discharge of customs payments or there are no funds in his account, due sums should be exacted in accordance with the procedure stipulated under the law.

Article 113. Reimbursement of the sum of customs payments discharged or exacted in excess of that due to be paid or exacted

Sums of customs payments discharged by the declarant or exacted by the customs authority in excess of those due to be paid or exacted, as well as sums of customs payments which are reimbursed in keeping with a customs regime applied, should be refunded or reckoned towards future payments, if requested by the payer, within one year from the date such sums have been discharged or exacted as specified under the law.

When refunding such sums of customs payments, interest accrued on them is not payable.

#### Section VI. Preliminary decisions

Article 114. Taking of preliminary decisions

The customs authority may take preliminary decisions concerning the classification of goods, their customs value and the country of origin, as well as those on the rates of customs payments etc. The taking of a preliminary decisions is chargeable at the rate specified under the law. Both a procedure and terms regulating the taking of preliminary decisions are determined under the law.

Any preliminary decisions taken is binding upon the customs authority and effective in the course of one year from the date it has been taken.

Article 115. Request for a preliminary decision to be taken

Any entity interested in taking a preliminary decision should send a written inquiry to the customs authority. At the same time, samples and specimens of goods, their description, photographs, drawings, illustrations, as well as commercial and other documents, and any other data which may be required depending on the charter of a preliminary decision to be taken should be enclosed with such an inquiry.

A request is refused if it is found to be impossible to take a preliminary decision requested for.

Article 116. Annulment, amendment or recall of the preliminary decision taken

Any preliminary decisions taken may be annulled, amended or recalled by the customs authority.

The customs authority may annulle or introduce amendments into a preliminary decision, if such a decision is taken on the basis of incomplete or unauthorized information furnished by the applicant, or there are certain changes in the law relating to the preliminary decision taken by the customs authority.

A preliminary decision may be recalled in the event of non-compliance with its requirements.

The decision to annul, recall or introduce amendments into a preliminary decision is effective from the data it has been taken.

When annulling, recalling or amending a preliminary decision, the sum chargeable for its taking is not subject to reimbursement.

#### Section VII. Customs privileges granted to separate categories of foreign entities

Chapter 12. Customs privileges granted to foreign representative offices and their personnel

Article 117. Customs privileges granted to foreign diplomatic representative offices

Foreign diplomatic representative offices in the Republic of Uzbekistan may import to and export from the Republic of Uzbekistan commodities, intended for the official use in representative offices and establishments free of customs duties, provided the requirements imposed under the established procedure for the transfer of goods across the customs border are met. Payments charged for the storage and customs registration of goods at places other than the established ones and not in the customs authority's office hours are an exception from the above-mentioned provision.

Article 118. Customs privileges stipulated for diplomatic agents of foreign diplomatic representative offices

Diplomatic agent of foreign diplomatic representative offices (including heads and personnel), as well as their family members residing with them who are not citizens of the Republic of Uzbekistan, may import to the Republic of Uzbekistan commodities intended for their personal use, including goods required to set up house, as well as export such commodities from the Republic of Uzbekistan, provided the compliance with the established procedure for the transfer of goods across the customs border is ensured. Payments charged for the storage and customs registration of goods at places other than the established ones and not in the customs authority's office hours are an exception from this provision.

Personal luggage of the set out persons may be subject to customs examination, if there are sufficient reasons to think that it contains either goods not intended for their personal use or goods whose import to or export from the Republic of Uzbekistan are prohibited under the law or international agreements or regulated by quarantine and other special rules. Such an examination should be carried out in the presence of a diplomatic agent or his authorized representative.

Article 119. Customs privileges stipulated for administrative and technical personnel of foreign diplomatic representative offices

Administrative and technical personnel of foreign diplomatic representative offices and their families residing with them, provided they are not citizens of the Republic of Uzbekistan or do not reside in the Republic of Uzbekistan on a permanent basis, may import to the Republic of Uzbekistan goods required to set up house, free of customs duties, with the exception of payments charged for the storage and customs registration of goods being imported at places other than the established ones and not in the customs authority's office hours.

Article 120. Application of customs privileges granted to diplomatic agents, as well as administrative, technical and servicing personnel of foreign diplomatic representative offices.

Certain customs privileges granted to diplomatic agents under Article 118 of the present Customs Code may be applied to

administrative, technical and servicing personnel of foreign diplomatic representative offices, as well as to their family members, if they are not citizens of the Republic of Uzbekistan and do not reside in the Republic on a permanent basis, provided there is a special agreement signed by the Republic of Uzbekistan with each foreign country which stipulates, among others, the principle of reciprocity in their relationships.

Article 121. Customs privileges stipulated for foreign consular establishments and their staff

Certain customs privileges stipulated under this Article for foreign diplomatic representative offices and diplomatic agents of such offices, are granted to foreign consular establishments and consular officials of such establishments, as well as to their family members.

The customs privileges detailed in this Article which are granted to administrative, technical and servicing personnel of foreign diplomatic representative offices, may also be applied to the remaining personnel of foreign consular establishments (including consular employees and the servicing staff), as well as to their family members, if they do not reside in the Republic of Uzbekistan on a permanent basis, provided there is an appropriate agreement signed by the Republic of Uzbekistan with every foreign country, stipulating the principle of reciprocity in their relationships.

Article 122. Transfer across the customs border of foreign diplomatic mail and consular valise

Pieces of luggage related to diplomatic mail and consular valise should have visible superficial marks serving to clearly indicate what they are designed for.

Both foreign diplomatic mail and consular valise transferred across the customs border of the Republic of Uzbekistan are subject neither to opening nor for detention. If there are serious reasons to think that a consular valise contains the goods which are not set out in Part III of the present Article, the customs authority is entitled to demand that a given consular valise be opened by an appropriately authorized representative of a foreign country concerned in the presence of officials of the Republic's customs authority. In the event the former refuses to accomplish this, the consular valise should be sent back to the place it has been sent from.

Diplomatic mail should comprise only diplomatic documents and goods designed for the official use. As regards consular valise, it should comprise only official correspondence as well as documents or goods designed exclusively for the official use.

Chapter 13. Customs privileges granted to other foreign entities

Article 123. Customs privileges stipulated for foreign diplomatic couriers

Foreign diplomatic and consular couriers may import to and export from the Republic of Uzbekistan goods intended for their personal use. Such goods are released from customs examination and payment of customs duties on the basis of mutual agreement with the exception of customs payments charged for storage and customs registration of goods carried out at places other than the established ones or not in the customs authority's office hours.

Article 124. Customs privileges granted to representatives of foreign countries and members of foreign missions

Representatives of foreign states, members of parliamentary and government missions, as well as employees of foreign missions arriving in the Republic of Uzbekistan to participate in interstate negotiations, international conferences and meetings or with other official missions, if stipulated under mutual agreement, are granted the customs privileges provided for in the present Section for diplomatic agents of foreign diplomatic representative offices. The same privileges are granted to family members accompanying the foregoing persons.

Article 125. Customs privileges stipulated for diplomatic agents, consular officers, representatives of foreign states and members of foreign missions transiting through the customs territory

When transiting through the customs territory of the Republic of Uzbekistan, foreign diplomatic agents and consular officials, their family members, as well as the persons detailed in Article 124 of the present Customs Code may enjoy the customs privileges stipulated for diplomatic agents of foreign representative offices.

Article 126. Customs privileges stipulated for international interstate and non-state organizations, foreign representative offices operating under these organizations as well as their personnel

Customs privileges granted to international interstate and non-state organizations, foreign representative offices operating under these organizations and personnel servicing these organizations and representative offices as well as their family members are specified in international agreements signed by the Republic of Uzbekistan.

#### Section VIII. Controlled deliveries

Article 127. Controlled deliveries of drugs, psychotropic medicines and other items

With a view to eliminate illegal international circulation of drugs and psychotropic medicines and to identify its participants, the customs authority may have recourse to the controlled delivery method in each separate case in keeping with appropriate agreements attained with foreign customs and other competent authorities or on the basis of international treaties signed by the Republic of Uzbekistan. The method provides for import onto, export from and transit through the Republic's customs territory of drugs and psychotropic medicines, involved in illegal circulation, only under the supervision of the customs authority.

The controlled delivery method may also be applied to other items suspected of being implements of means for committing crime, as well as items suspected of being obtained illegally or those whose illegal import, export or transit are regarded as contraband.

A decision to apply the controlled delivery method is taken by the State Customs Committee of the Republic of Uzbekistan as specified under the law.

Promptly after such a decision having been taken, the State Customs Committee of the Republic of Uzbekistan should forthwith notify the Republic's Procurator-General.



Article 128. Disposal of money funds and property confiscated following the application of the controlled delivery method

Money funds confiscated by home and foreign courts under criminal cases, whose disclosing and suppression were closely connected with the controlled delivery method, as well as money funds received from the sale of confiscated property, should be distributed between the states whose customs and other competent authorities were involved in applying this method in accordance with appropriate agreement attained between the State Customs Committee of the Republic of Uzbekistan and foreign competent authorities.

Section IX. Responsibility borne for non-compliance with the customs law

Chapter 14. General provisions

Article 129. Violation of the customs law

Unlawful non-compliance with the customs regulations set out in the present Customs Code and other regulatory documents is regarded as violation of the customs law.

Article 130. Responsibility borne by citizens and functionaries

Citizens and functionaries known to be violators of the customs law shoulder administrative and criminal responsibility.

In the event a citizen infringes the customs law, his qualification certificate may be recalled as specified in Point 2, Part I of Article 132 of the present Customs Code.

Article 131. Responsibility borne by legal entities

Article 132 of the present Customs Code provides for both fines (or economic sanctions) and other penalties which are imposed on legal entities and persons carrying out entrepreneurial activity, without obtaining legal entity status, for violations provided by the articles 134-172 of the present Customs Code.

The imposition of appropriate penalties on legal entities for certain infringements of the customs law is not regarded as the foundation for the relief of their functionaries or other employees of the liability for the violations they have perpetrated.

The fact that the legal entity's functionaries and other employees are made answerable for smuggling and other infringements of the customs law is not regarded as the foundation for the relief of a given legal entity of the responsibility stipulated under the customs law.

Article 132. Types of penalty imposed for non-compliance with the customs law

The following types of penalty are stipulated for non-compliance with the customs law:

1. a fine;
2. the termination of a license or qualification certificate, issued by the customs authority, to carry out certain lines of activity stipulated in the present Customs Code; (Changed by Sub-point 9) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

3. confiscation of goods and means of transport which are suspected of being means or direct instruments involved in infringing the customs law.

The penalty provided for in Point 1, Part I of this article is considered to be the basis one, while the penalties stipulated in Points 2 and 3, Part I of this Article may be applied as both basic and complementary ones.

When determining the rate of a fine to be imposed, which has to be calculated on the basis of the value of goods and means of transport, this value is considered to be the free (or market) price for these goods and means of transport fixed at the date a certain violation has been exposed.

In cases where a legal entity or a person, carrying out entrepreneurial activity without obtaining legal entity status, violate several times the customs law, an appropriate fine is imposed for each separate violation.

The imposition of an appropriate penalty on entities for certain infringements of the customs law is not considered to be the foundation for the relief of the given entities of their obligation to pay customs duties and comply with other requirements specified in the present Customs Code .

Article 133. The term specified for the imposition of penalty for non-compliance with the customs law

The penalties detailed in Points I and 2, Part I of the Article 132 of the present Customs Code may be applied in the course of 6 months from the date a certain violation of the customs law has been exposed, or no later than 3 years from the data a given violation has been perpetrated. As regards violations such as non-payment of customs duties to the budget, this term should not exceed 5 years.

The penalties provided for in Point 3, Part I of Article 132 of the present Customs Code are imposed irrespective of the date a certain violation of the customs law has been perpetrated or exposed as well as irrespective of whether a given violation is regarded as a basic or complementary one.

Chapter 15. Responsibility borne by legal entities and persons involved in entrepreneurial activity without obtaining legal entity status for certain violations of the customs law

Article 134. Violation of the "customs control zone" regime

The conveyance of goods, means of transport and persons across the border of customs control zones of within their limits without the customs authority's permission, as well as other violations of the "customs control zone" regime are subject to the imposition of a fine at the rate of fivefold to tenfold the amount of the minimum wage.

Article 135. Failure to notify the customs authority of crossing the customs border when importing goods and means of transport to the Republic of Uzbekistan

The failure to notify the customs authority of crossing the customs border when importing goods and means of transport onto the Republic's customs territory is subject to the imposition of a fine at the rate of double to fivefold the amount of the minimum wage.

Article 136. Failure to notify as well as unauthentic

notification of the customs authority of the intention to export goods and means of transport from the customs territory of the Republic of Uzbekistan

The failure to notify the customs authority of the intention to export goods and means of transport from the customs territory of the Republic of Uzbekistan is fined at the rate of double to fivefold the amount of the minimum wage.

The authentic notification of the customs authority of the intention to export commodities and means of transport from the Republic's customs territory, provided such notification has been officially registered by the customs authority according to the established procedure, as well as failure to deliver goods and means of transport to the specified place by a fixed date is subject to the imposition of a fine at the rate of fivefold to tenfold the amount of the minimum wage.

Article 137. Failure to take measures in the event of a breakdown of force majeure circumstances

The failure to take appropriate measures in the event of a break-down or a force majeure circumstances stipulated in Article 63 of the present Customs Code is subject to the imposition of a fine at the rate of 2-10 per cent of the value of goods and means of transport.

Article 138. Failure to present goods and means of transport at the place of delivery and to hand over their shipping documentation

The failure to present goods and means of transport at the place of delivery and to hand over their accompanying shipping documentation to the customs authority by the date specified in Article 61 of the present Customs Code results in the imposition of a fine at the rate of fivefold to tenfold the amount of the minimum wage.

Article 139. Giving out, without authority's permission, of goods, means of transport or loss of their shipping documents as well as failure to deliver them to the specified place

The giving out without the customs authority's permission, loss or failure to transfer goods, means or transport and their accompanying shipping documentation, being under the customs control, to the place specified by the customs authority are fined at the rate of 50 to 100 per cent of the value of those goods and means of transport with or without their confiscation, with or without the termination of an appropriate license. (Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Loss of failure to hand over to the customs authority the required customs or other documents for commodities and means of transport being under the customs control result in the imposition of a fine at the rate of 50 per cent of the value of goods and means of transport, whose documents have been lost or not delivered.

The non-compliance with the term specified by the customs authority for the delivery of goods, means of transport and their accompanying documents is subject to the imposition of a fine at the rate of sevenfold to fifteenfold the amount of the minimum wage.

Article 140. Failure to stop a means of transport

The failure to stop a means of transport, when crossing the customs border of the Republic of Uzbekistan, at the places specified by the customs authority results in the imposition of a fine at the rate of sevenfold to fifteenfold the amount of the minimum wage.

Article 141. Departure of means of transport without the customs authority's permission

The departure of a means of transport, being under the customs control, from its stand, if not allowed by the customs authority, is fined at the rate of sevenfold to fifteenfold the amount of the minimum wage.

Article 142. Mooring to ships and other vessels being under the customs control

The mooring to ship an other vessels being under the customs control without the permission of the customs authority is subject to the imposition of a fine at the rate of fivefold to tenfold the amount of the minimum wage.

Article 143. Infringement of the customs registration procedure

The infringement of the customs registration procedure, i. e. non-compliance with the established requirements including the start and completion, the place and time of customs registration as well as the procedure itself, is subject to the imposition of a fine at the rate of tenfold to twentyfold the amount of the minimum wage, with or without the termination of an appropriate licence.  
(Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 144. Unlawful operations involving goods and means of transport, whose customs registration is not finalized, as well as changing of their state, use or disposal of them

The execution of operations involving goods and means of transport whose customs registration is not finalized, as well as the changing of their state, use or disposal of them which entail certain infringements of the established requirements and terms are subject to the imposition of a fine at the rate of 50 to 100 per cent of the value of goods and means of transport involved.

Article 145. Freight and other relevant operations whose execution is not authorized by the customs authority

The execution of operations including transportation, loading, unloading, reloading, repair of damaged wrapper, packing, re-packing or acceptance for transportation under the customs control, as well as taking of samples and specimens of such goods, opening of premises and other places where the foregoing goods and means of transport may be kept, with the customs authority's permission is fined at the rate of fifteenfold to thirtyfold the amount of the minimum wage.

Article 146. Alteration, destruction, damage or loss of means of identification

The alteration, destruction, damage or loss of means of identification applied by the customs authority result in the imposition of a fine at the rate of fifteenfold to thirtyfold the amount of the minimum wage.

Article 147. Infringement of the procedure for declaring goods and means of transport

The infringement of the procedure for declaring goods and means of transport, i. e. non-compliance with the established requirements imposed on the form, place of declaration and the procedure itself is fined at the rate of triple to sevenfold the amount of the minimum wage, with or without the termination of an appropriate licence. (Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 148. Non-compliance with the term specified for presentation to the customs authority of the customs declaration, other relevant documentation and complementary information

The failure to present to the customs authority the customs declaration for goods and means of transport, as well as other relevant documentation and complementary information by a fixed date is subject to the imposition of a fine at the rate of fivefold to tenfold the amount of the minimum wage, with or without the termination of an appropriate licence. (Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 149. Hindering of the customs authority's access to certain territory or premises to implement the customs control

The hindering of the customs authority's access either to a certain territory or premises where goods and means of transport subject to customs control, as well as documents required for the implementation of the customs control, may be kept or to a certain territory or premises where any line of activity to be supervised by the customs authority may be carried out, results in the imposition of a fine at the rate of tenfold to twentyfold the amount of the minimum wage, with or without the termination of an appropriate licence. (Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 150. Failure to present accounts to the customs authority and non-compliance with the procedure for record keeping

The failure to present to the customs authority the required accounts on imported, exported, delivered, stored, processed, manufactured, bought or sold goods being under the customs control or those kept within free customs zones or in free warehouses, as well as non-compliance with the procedure for record keeping are fined at the rate of fifteenfold to thirtyfold the amount of the minimum wage, with or without the termination of an appropriate licence. (Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 151. Violation of the temporary storage regime

The failure to comply with the requirements specified for the release or disposal, under the temporary storage regime, of goods and means of transport, whose term of storage has expired, results in confiscation of these goods and means of transport.

Article 152. Infringement of the procedure for placing and keeping goods in warehouses, and using them in operations

The failure to comply with the requirements specified for the placing of goods in warehouses, a procedure and terms established for their storage as well as the execution of operations with goods being kept in customs and free warehouses, with the exception of the cases stipulated in Articles 139, 144, 145, 146, 149, and 151 of the present Customs Code, are subject to the imposition of a fine at the rate of fifteenfold to thirtyfold the amount of the minimum wage, with or without an appropriate licence being recalled.

Article 153. Infringement of the commodity processing procedure

Non-compliance with the established requirements, restrictions and conditions specified for the issue of licences to process goods, as well as the failure to abide by (i) the procedure and terms specified for their processing, (ii) the volume of processing outputs and (iii) the execution of operations related to the processing of such commodities are fined at the rate of 50-100 per cent of the value of goods intended for processing.

The replacement of products resultant from the processing by other goods is fined at the rate of twentyfold to fiftyfold the amount of the minimum wage, with the given goods being confiscated.

Article 154. Infringement of the procedure for carrying out production and other lines of commercial activity in free customs zones and free warehouse

The failure to abide by the procedure for carrying out production and other lines of commercial activity in free, customs zones and free warehouses is subject to the imposition of a fine at the rate of twentyfold to fiftyfold the amount of the minimum wage, with an appropriate licence being terminated or not.

(Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 155. Infringement of the procedure for the construction of edifices, structures and buildings in free customs zones

The failure to comply with the procedure for the construction of buildings, edifices and structures in the territory operating under the free customs zone regime, stipulated in the present Customs Code, is fined at the rate of fivefold to tenfold the amount of the minimum wage.

Article 156. Failure to convey goods and means of transport from the customs territory of the Republic of Uzbekistan or to convey them backward to the customs territory

The failure to convey, by a fixed date, from the customs territory of the Republic of Uzbekistan goods and means of transport which have earlier been imported there , provided such conveyance is obligatory, or the failure to convey backward to the Republic's customs territory goods and means of transport which have earlier been exported from the Republic of Uzbekistan, provided such backward conveyance is obligatory, result in the imposition of a fine at the rate of 50-100 per cent of the value of these goods and means of transport, with the latter being confiscated, provided there is no corpus delicti.

Article 157. Infringement of the procedure for commodity destruction

The failure to comply with the requirements restrictions and conditions specified for the destruction of commodities and placement of waste products resultant therefrom under a corresponding customs regime are subject to the imposition of a fine at the rate of 50-100 per cent of the value of goods which have to be destroyed.

Article 158. Unlawful operations involving goods and means of transport placed under a certain customs regime

Unlawful operations involving goods and means of transport placed under a certain customs regime, alteration of their state and condition, use or disposal of them which are not in accord with their customs regime, as well as non-compliance with other requirements, restrictions and terms of the customs regime, with the exception of cases stipulated in the present Customs Code, are subject to the imposition of a fine at the rate of 50-100 per cent of the value of goods and means of transport with the latter being confiscated, with an appropriate licence being terminated or not.  
(Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 159. Non-compliance with the procedure for applying economic measures and other restrictions when transferring goods and means of transport across the customs border of the Republic of Uzbekistan

The transfer across the customs border of the Republic of Uzbekistan of goods and means of transport in whose respect certain economic measures and other restrictions are applicable, with the established procedure for applying these measures and restrictions being infringed, with the exception of cases stipulated in the present Customs Code, provided there is no corpus delicti, is fined at the rate of 50-100 per cent of the value of goods and means of transport, with the latter being confiscated.

Article 160. Transfer across the customs border of the Republic of Uzbekistan of goods as those not intended for commercial purposes

The transfer by natural entities across the customs border of the Republic of Uzbekistan of goods, actually intended for production or commercial activity, as goods not intended for commercial purposes, with the exception of cases set out in Article 167 of the present Customs Code, provided there is no corpus delicti, results in the imposition of a fine at the rate of 50-100 per cent of the value of goods, with the latter being confiscated.

Article 161. Transfer across the customs border of the Republic of Uzbekistan of goods and means of transport by passing the customs control

The transfer across the customs border of the Republic of Uzbekistan of goods and means of transport by passing the customs control, i. e. not at the places and time specified by the customs authority for customs registration, provided there is no corpus delicti, is subject to the imposition of a fine at the rate of 100-200 per cent of the value of goods and means of transport, with the latter being confiscated.

Article 162. Concealment from the customs control of goods conveyed across the customs border of the Republic of Uzbekistan

The concealment from the customs control of goods transferred across the customs border of the Republic of Uzbekistan, i. e. the use of caches and hiding-places or other means making disclosure of goods difficult or serving to disguise a certain product category as another one, provided there is no corpus delicti, is fined at the rate of 100-200 per cent of the value of goods, with the latter being confiscated.

Article 163. Transfer across the customs border of the Republic of Uzbekistan of goods and means of transport making fraudulent use of documents and means of customs identification

The transfer across the customs border of the Republic of Uzbekistan of goods and means of transport making fraudulent use of documents or means of identification, provided there is no corpus delicti, with the exception of cases detailed in Article 164 and 167 of the present Customs Code, is subject to the imposition of a fine at the rate of 100-200 per cent of the value of goods and means of transport, with the latter being confiscated.

Article 164. Failure to declare goods and means of transport or their unauthentic declaration

The failure to declare as well as unauthentic declaration of goods and means of transport being transferred across the customs border of the Republic of Uzbekistan, i.e. failure to provide authentic information according to the established form, in writing, orally or in some other way, or the provision of unauthentic information concerning goods and means of transport, a customs regime applicable to them as well as other data required for customs purposes, with the exception of cases stipulated in Article 143, 147, 148, 159, 160, 161, 162, 163 and 167 of the present Customs Code, provided there is no corpus delicti, are subject to the imposition of a fine at the rate of 50-100 per cent of the value of goods and means of transport, with their subsequent confiscation and with an appropriate license being terminated or not. (Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

The declaration of unauthentic information which has no influence on the customs authority's decision regarding the transfer of goods and means of transport across the customs border of the Republic of Uzbekistan, the placement of these goods and means of transport under a regime applied for by an entity involved in their conveyance as



well as the amount of customs payments, results in the imposition of a fine at the rate of fifteen fold to twentyfold the amount of the minimum wage.

Article 165. Transportation, storage, and acquisition of goods and means of transport imported onto the customs territory of the Republic of Uzbekistan with the customs rules being violated, as well as their use and disposal

Transportation, storage and acquisition of goods and means of transport imported onto the Republic's customs territory, with the customs rules being violated, including the import of goods and means of transport by passing or concealment from the customs control, the fraudulent use of documents or means of customs identification, non-declaration or unauthentic declaration of imported goods and means of transport, as well as the use, disposal, transportation, storage and acquisition of goods and means of transport, in whose respect certain privileges on customs payments are granted, which are used or alienated with purposes other than those, on whose basis these privileges have been granted, without the customs authority's permission, are subject to the imposition of a fine at the rate of 50-100 per cent of the value of goods and means of transport, with their subsequent confiscation, with an appropriate licence being terminated or not.

(Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 166. Infringement of the procedure for the use and disposal of conditionally released goods and means of transport in whose respect customs payments related privileges are granted

The use and disposal of conditionally released goods and means of transport, in whose respect certain customs payments related privileges have been granted, for purposes other than those which served as the foundation for granting these privileges, without the customs authority's permission, are fined at the rate of 100-300 per cent of the sum of customs payments not discharged as a result of customs privileges, with an appropriate licence being terminated or not.

(Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 167. Actions aimed at the unlawful relief of customs payments or their substantial understating

Declaration of unauthentic information in the customs declaration or any documents which may serve as the foundation for granting relief of customs payments or substantial understating their amount, with the exception of cases stipulated in Article 160, 163 and 164 of the present Customs Code, provided there is no corpus delicti, is subject to the imposition of the sum of customs payments subject to discharge, with an appropriate licence being terminated or not.

(Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 168. Actions aimed at the reimbursement of customs payments discharged, receipt of other compensation or their non-reimbursement without appropriate reasons

The furnishing of the customs authority with documents enclosing unauthentic information, which may give either the right to reimburse customs payments discharged or receive other compensation, or the right not to reimburse or partially reimburse the sum of customs payments discharged, without appropriate reasons, provided there is no corpus delicti, is subject to the imposition of a fine at the rate of 100-300 per cent of the sum of customs payments or compensation insisted on, received or not reimbursed, with an appropriate licence being terminated or not.

(Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 169. Non-compliance with the term specified for payment  
Customs duties and taxes

The failure to discharge due customs payments by a fixed date, provided there is no corpus delicti, is fined at the rate of 100-200 per cent of the sum of customs payments not discharged, with an appropriate licence being terminated or not.

(Changed by Sub-point 10) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

Article 170. Failure of banks and other credit establishments  
to fulfil decisions taken by the customs authority

The failure of banks and other credit establishments to fulfil the customs authority's decisions on the indisputable exaction of customs payments or suspension of operations in accounts of an entity subject to payment of customs duties and taxes, as well as unfounded delay in the implementation of such decisions are fined at the rate equivalent to the sum of unpaid customs duties and taxes.

Article 171. Unlawful carrying out of the customs broker's  
activity or infringement of requirements imposed  
on such activity

This Article was amended by Sub-point 11) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000 (Old version)

The carrying out of the customs broker's activity, as well as the use of the designation "customs broker in its name, advertisement, or other information without an appropriate license issued by the State Customs Committee of the Republic of Uzbekistan, or in case where such a license has been annulled, terminated or suspended, or there is no a specialist in customs registration on the staff enjoying an appropriate qualification certificate issued by the State Customs Committee of the Republic of Uzbekistan, or the execution of the customs registration procedure, on behalf of the customs broker, by a person, with no qualification certificate, or that who has been deprived of such a certificate following the court's judgement, or whose qualification certificate has been annulled, terminated or suspended, or the use by the customs broker of a license obtained on the ground of presentation of counterfeit documents to the State Customs Committee of the Republic of Uzbekistan, as well as non-compliance with other requirements imposed on the customs broker's activity, with the exception of the actions detailed in Part two of the present Article - are subject to the imposition of a fine on the customs broker at the rate of one hundredfold to five hundredfold the amount of the minimum wage, with an appropriate license being terminated or not.

The use by the customs broker or by its specialist of

information safeguarded under the law as secret or confidential, to suit their own ends, as well as divulgence or passing of such information to third parties, including unauthorized state bodies, - are subject to the imposition on the customs broker of a fine at the rate of one hundredfold to five hundredfold the amount of the minimum wage, with an appropriate license being terminated;

Article 172. Unlawful carrying out of activity as customs entity involved in conveyance of goods and means of transport or non-compliance with requirements imposed on such an activity

This Article was amended by Sub-point 12) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000 (Old version)

The carrying out of activity as a customs entity involved in conveyance of goods and means of transport without an appropriate license issued by the State Customs Committee of the Republic of Uzbekistan, or in cases where such a license has been annulled, terminated or suspended, the use of by such a customs entity of a license which has been issued by the State Custom Committee on the basis of counterfeit documents, as well as non-compliance with other requirements imposed on such an activity, with the exception of the actions, stipulated in Part two of the present Article, -

are subject to the imposition on a customs entity involved in conveyance of goods and means of transport of a fine at the rate of fiftyfold to two hundred-fiftyfold the amount of the minimum wage with an appropriate license being terminated or not.

The use by a customs entity involved in conveyance of good and means of transport or its employee of information safeguarded under the law as secret or confidential, to suit their own ends, as well as divulgence or passing of such information to third parties, including unauthorized state bodies, -

are subject to the imposition on a customs entity involved in conveyance of goods and means of transport of a fine at the rate of fiftyfold to two hundred-fiftyfold the amount of the minimum wage, with an appropriate license being terminated";

Section X. Trial of cases associated with the customs law infringement

Chapter 16. General provisions

Article 173. The procedure for the trial of cases associated with the customs law infringement

Cases associated with the customs law infringement are tried by officials representing the customs authority as required by the present Customs Code. The cases not specified in the present Customs Code are tried in accordance with the law regulating issued related to the administrative responsibility.

Article 174. The place of trial of cases associated with the customs law infringement

Cases associated with the customs law infringement are tried an official representing the customs authority either at the place a given violation has been exposed or at the place it has been perpetrated, if authorized by a higher customs authority.

Article 175. The term specified for trial of cases associated with the customs law infringement

Trial of a case associated with the customs law infringement should be accomplished within one month from the date of its inception.

If it is deemed necessary, the term specified for trial of cases associated with the customs law infringement brought to court against legal entities and entities which are carrying out entrepreneurial activity without obtaining legal entity status, may be prolonged by a head of the customs authority up to 4 months.

Article 176. Inadmissibility of divulging materials pertaining to cases associated with the customs law infringement

Information contained in materials related to a case associated with customs law infringement should not be disclosed till its consideration with the customs authority.

Article 177. Drawing up of reports of cases associated with the customs law infringement

Any violation of the customs law having been exposed, an official representing the customs authority should draw up, in a proper legal form, an appropriate report as specified under the law. The drawing up of such a report is also required in cases where customs officials accomplish necessary actions within their competence.

Evidences collected should be enclosed with a report of a case associated with the customs law infringement. An official representing the customs authority should take all necessary measures to ensure the safety of evidences collected up to the date a given case is completely resolved according to the established procedure.

Chapter 17. Trial of cases associated with the customs law infringement

Article 178. Withdrawal of goods, means of transport, accompanying documents and other relevant items

Goods and means of transport, as well as accompanying documents and relevant items, which are considered to be means or direct instruments of certain violations of the customs law exposed in the course of the customs control implementation or during examination carried out by the customs authority, should be withdrawn by the latter in the presence of witnesses.

Goods, means of transport, documents and items thus withdrawn should be kept till a given case is tried at the place specified by the customs authority.

To ensure the exaction of penalty and reimbursement of the cost of goods and means of transport, in the event any provision of the customs law is violated, the customs authority may withdraw goods and means of transport, as well as the Republic's national currency funds and exchange valuables from an entity identified as having infringed the customs law, provided the latter is not residing in the Republic of Uzbekistan on a permanent basis, or from a legal entity, provided it does not have an affiliated society or a representative office in the Republic of Uzbekistan.

In cases where it is impossible to withdraw goods, means of transport and other relevant items, their use and disposal are prohibited, with their safety being ensured as required under the law.

Article 179. Assessment of withdrawn goods, means of transport and other relevant items

An official representing the customs authority should make an assessment of withdrawn goods, means of transport and other relevant items on the basis of the current market prices, with natural depreciation being taken into account. If it is deemed necessary, he may enlist the services of an expert when making such an assessment.

Cash, bonds, cheques, shares and other securities are assessed on the basis of their face value.

Article 180. Customs inspection

With a view to collect and consolidate evidences and to find out other circumstances of particular importance for a given case associated with the customs law infringement, an official representing the customs authority, in the course of trial, has the right to inspect the location, territory, premises, means of transport, relevant items and documents etc.

The customs examination is carried out in the presence of an entity (or its representative), whose territory, premises, means of transport, items and documents are being inspected, as well as two witnesses and an expert, if necessary.

Those participating in the customs inspection procedure should be explained their rights and obligations.

Article 181. Examination

When considering a case associated with the customs law infringement, an official representing the customs authority may take a decision to carry out the examination procedure in keeping with the law.

Article 182. Withdrawal of samples and specimens required to ensure the execution of the examination procedure

An official representing the customs authority involved in considering a case associated with the customs law infringement is entitled, following an appropriate decision, to withdraw samples and specimens of goods and other items in the presence of witnesses and an expert, if necessary, as well as samples of signature and handwriting required for the execution of the examination procedure.

Article 183. Participants of trial of a case associated with the customs law infringement

Apart from an entity, in whose respect legal proceedings have been instituted, the following persons may take part in trial of a given case associated with the customs law infringement: its representative, an advocate, an expert, a specialist, a translator, an eye-witness and witnesses.

Article 184. Circumstances making it impossible for a person to take part in trial of a case associated with the customs law infringement

An official representing the customs authority may not consider a case associated with the customs law infringement, and an expert, specialist, translator or a witness may not participate in

consideration of a given case, if they are personally, directly or indirectly, interested in its outcome. In this case an official representing the customs authority, an expert, specialist, translator or a witness must refuse to accept their nomination, while an entity against which legal proceedings have been instituted, or its representative or an advocate may reject these candidates in accordance with the procedure specified under the law.

An expert, specialist or a translator are also subject to rejection, if their professional incompetence is revealed.

The submission of an application requesting a candidate's rejection is not considered to the foundation for suspending the consideration of a given case.

#### Article 185. Expenditure incurred as a result of trying a case associated with the customs law infringement

The main sources of expenditure incurred as a result of trying a case associated with the customs law infringement are as follows:

- sums paid out to an eye-witness, expert, specialist, translator or witness;
- expenditure incurred as a result of carrying out a check-up or inventory;
- expenditure incurred as a result of strong, transportation (carriage) and examination of evidences;
- other expenditure incurred as a result of trial and consideration of a case associated with the customs law infringement.

All costs and expenses of any nature incurred as a result of trial of a case associated with the customs law infringement shall be borne by an entity found guilty following an appropriate decision to impose penalty taken by the customs authority. In the event penalty is imposed on several persons or entities, an official representing the customs authority involved in the consideration of a given case, should determine the portion of penalty to be imposed on each of them.

In cases where trial of a case associated with the customs law infringement is discontinued, expenditure incurred should be collected according to the established procedure.

#### Chapter 18. Consideration of cases associated with the customs law infringement

#### Article 186. Jurisdiction of matters on customs law infringement

Cases associated with the customs law infringement may be considered by :

- the customs authority, if a resulting penalty provides for the imposition of a fine, termination of an appropriate license or qualification certificate, as well as confiscation of goods in the exceptional cases specified under the law; (Changed by Sub-point 9) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000)

- the court which has jurisdiction over a corresponding customs authority, if a basic or complementary penalty stipulates confiscation of goods and means of transport.

Heads of the customs authority and their deputies have the right to consider cases associated with the customs law infringement and impose appropriate penalty on behalf of the customs authority.

The higher customs authority is entitled to consider any case which is within its jurisdiction or to transfer it to any subordinate customs authority.

Article 187. The presence of an entity, in whose respect legal proceedings are instituted, when considering a case associated with the customs law infringement

The customs authority should inform an entity which is made answerable for violations of the customs law, of the place and time specified for the consideration of a given case.

A case associated with the customs law infringement is usually considered in the presence of an entity against which legal proceedings have been instituted.

In the event such an entity is absent, a case may be considered if evidences are available that the former has opportunely been informed about the place and time specified for the consideration of a given case, or that this entity is outside the Republic of Uzbekistan at the date of consideration, or it has not applied for deferment.

Article 188. Decision taken by the customs authority in connection with a case associated with the customs law infringement

A case associated with the customs law infringement having been considered, an official representing the customs authority should take one of the following decisions:

- to impose a penalty;
- to discontinue trial of a given case;
- to institute criminal proceedings and hold an inquiry;
- to send materials on violations to sub-divisions and departments of the customs authority;
- to send a given case back for it to be additionally tried.

The decision taken by the customs authority as a result of the consideration of a case associated with the customs law infringement should include the following information: the name of the customs authority (surname, name and patronymic of an official representing the customs authority) which has taken a decision; the date and place of consideration of a given case; information about an entity in whose respect legal proceedings have been instituted; statement of circumstances which have been revealed in the course of consideration; indication of an appropriate article of the present Customs Code which stipulates penalty for the exposed violation of the customs law; a decision taken in connection with a given case; and, finally, information about a procedure and terms specified for appeal against the decision taken.

#### Chapter 19. Appeal against the decision taken by the customs authority

Article 189. Appeal against the decision taken by the customs authority in connection with a case associated with the customs law infringement

Any decision taken by the customs authority in connection with a case associated with the customs law infringement may be appealed by an entity in whose respect a given decision has been taken, or its representative or advocate at a higher customs authority (an official) or in the court which has jurisdiction over the customs authority involved in the consideration of a given case within the term specified under the law.

A complaint lodged via the customs authority which has taken a decision in connection with a case associated with the customs law

infringement, should, within 3 days, be forwarded either to a higher customs authority or court.

The public prosecutor may appeal against the decision taken by the customs authority in connection with a case associated with the customs law infringement according to the supervision practice as specified under the law.

The opportune submission of an appeal or lodging of a complaint suspend the implementation of the decision to impose penalty taken by the customs authority till a given appeal or complaint are considered, unless otherwise stipulated under the law.

#### Article 190. Decision taken by the customs authority

When considering a complaint lodged or appeal submitted by a public prosecutor against a decision taken in connection with a case associated with the customs law infringement, the customs authority should take one of the following decisions:

- to remain the decision unchanged or to refuse to grant a complaint lodged or appeal submitted;
- to cancel the decision and send a given case back for the latter to be re-considered;
- to cancel the decision and discontinue legal proceedings on a given case;
- to change the penalty imposed for the violation of the customs law within the limits stipulated in the present Customs Code, provided a given change does not contribute to the penalty's aggravation.

The decision taken by the customs authority should be registered in the form of a resolution, with a copy of such a resolution being forwarded, within 3 days, to an entity, in whose respect the decision has been taken. The results of the appeal's consideration should be imparted to the public prosecutor within the term specified under the law.

#### Article 191. Grounds for the cancellation or amendment of the decision taken in connection with a case associated with the customs law infringement

The following may be seen as the grounds for the cancellation or amendment of a decision taken in respect of a case associated with the customs law infringement:

- insufficient consideration of a given case;
- lack of correspondence between conclusions inferred in the decision and actual circumstances of a given case;
- non-compliance with the established procedure for the application of penalty.

#### Article 192. Consequences of the decision's cancellation, with legal proceedings in connection with a case associated with the customs law infringement being discontinued

The cancellation of the decision taken in connection with a case associated with the customs law infringement entails the reimbursement of exacted sums and restitution of goods withdrawn or confiscated, as well as the removal of other restrictions resultant from the decisions which have been taken earlier. Owing to the impossibility to reconstitute withdrawn or confiscated goods, an entity should be refunded their cost. Losses incurred are indemnified according to the established procedure.



## Section XI. Execution of decisions to impose penalty

### Article 193. Execution of the decision on the imposition of penalty for the customs law infringement

The decision to impose penalty for the violation of the customs law is binding upon all legal and natural entities and is subject to execution from the date it has been taken.

When lodging a complaint or submitting an appeal against the decision to impose penalty, a given decision is subject to execution from the date a given complaint or appeal are granted refusal.

The decision to impose penalty is subject to enforcement after the expiry of the term specified in the present Customs Code for its execution on a voluntary basis.

The customs authority, which has taken the decision on the imposition of penalty, may begin execution a given decision itself, as well as through notification of banks, financial institutions or other credit establishments of its execution, or its enforcement as required under the law.

The decision to impose penalty having been executed in full, an appropriate document giving proof of its execution should be handed over to the customs authority.

A decision to impose penalty on legal entities and persons involved in entrepreneurial activity without obtaining legal entity status, is not subject to execution, if its execution is not enforced within one year from the date it has been taken.

In the event the decision's execution is suspended in connection with the lodging of a complaint or submission of an appeal, its term of prescription is also suspended till the given complaint or appeal are considered.

### Article 194. Execution of the decision to impose a fine taken by the customs authority

Payment of a fine imposed under the decision taken by the customs authority may be effected by an entity identified as having violated the customs law no later than 15 days from the date an appropriate resolution has been handed over to the latter. In the event this entity lodges a complaint or submits an appeal against a given decision, a fine should be discharged no later than 15 days from the date the latter has been notified of the fact that its complaint or appeal are granted refusal.

In cases where a fine imposed under the decision taken by the customs authority is not paid in timely fashion, an entity not residing in the Republic of Uzbekistan on a permanent basis or a legal entity, which has no affiliated society or a representative office in the Republic of Uzbekistan, this fine should be exacted from the sum of profit derived from the sale of goods, means of transport or other items which have been withdrawn with a view to ensure the execution of this penalty, as required in Part 3 of Article 178 of the present Customs Code.

If the money funds available in an entity's account are not sufficient to cover this fine, the customs authority may force the collection of the due sum, following its decision, as specified under the law.

### Article 195. Execution of the decision on confiscation

Goods, means of transport and other items, which should be

confiscated under the decision taken by the customs authority, may be confiscated after the expiry of the term specified for appeal in keeping with the procedure established by the legislation. Goods, means of transport and other items are confiscated irrespective of whether they are the property of an entity identified as having violated the customs law, or whether its location is ascertained or not. (In edition of Section XVII of the Law of the RUz No. 447-II dtd 13.12.2002)

In the event goods and means of transport cannot be confiscated from an entity identified as having violated the customs law, their cost should be collected according to the established procedure.

Article 196. Execution of the decision on the termination of a license or qualification certificate

The title of the Article was amended by Sub-point 13) of Point 21 of the Law of RUz No. 175-II dtd 15.12.2000

License or qualification certificate terminated following an appropriate decision taken by the customs authority, are considered to be invalid from the date the execution of the decision on the imposition of penalty for the violation of the customs law is enforced; (Changed by Sub-point 13) of Point 21 of the Law of RUz No. 175 dtd 15.12.2000) (Old version)

An appropriate license or qualification certificate issued to an entity should be returned to the customs authority within 10 days from the date the relevant resolution has been handed over to the latter, and in the event a complaint is lodged or an appeal submitted against a given decision, within no later than 15 days from the date a given entity has been notified that its complaint or appeal are granted refusal. (Changed by Sub-point 13) of Point 21 of the Law of RUz No. 175 dtd 15.12.2000)

Article 197. Execution of the decision to impose penalty on entities residing or staying outside the Republic of Uzbekistan

The execution of decisions to impose penalty on entities residing or staying outside the Republic of Uzbekistan and not having property in the Republic of Uzbekistan is regulated by the law and relevant international agreements signed by the Republic of Uzbekistan.

Article 198. Renunciation of goods and means of transport in the state's favour

Goods, means of transport and other items which have been confiscated in keeping with the present Customs Code, as well as goods and means of transport, in whose respect an entity has relinquishes its right of ownership are turned into the property of the state and should be sold or destroyed as required under the law.