Unofficial Translation

Customs Clearance Procedure
for Relief Materials,
2017

Government of Nepal
Ministry of Finance
Department of Customs
Tripureshwor, Kathmandu
2017
Customs Clearance Procedure for Relief Materials, 2017

Preamble:

Whereas, it is expedient to clear the relief materials promptly in a disaster situation, Department has framed the following procedure in exercise of the powers conferred by Article 93 of Customs Act 2007.

Chapter I

Preliminary

1. Short title and commencement: (1) This procedure shall be called as “Customs Clearance Procedure for Relief Materials 2017”.

(2) This Procedure shall commence immediately and this Procedure is applicable to imports of relief materials to the extent specified by the Government of Nepal intended to be used in emergency area in a disaster situation.

2. Definition: Unless the subject or context otherwise requires, in these Procedure:

(a) “Act” means Customs Act, 2007.

(b) “Customs area” means the Customs area prescribed by the Government of Nepal pursuant to Section 3 of the Act. This term also refers to the temporary Customs area designated by General for the purpose of clearance of search, rescue and relief materials.

(c) “Declaration” means the statement by the exporter, importer or Customs agent containing the details of goods to be exported or imported, in the declaration form or transmitting the same through electronic media.

(d) “Department” means the Department of Customs.

(e) “Director General” means the Director General of the Department of Customs.

(f) “Disaster” means earthquake, fire, hurricane, flood, landslide, cyclones, excessive rainfall/deluge, aridity/aridness/drought, famine, epidemic famine, epidemic and similar disaster. This term also refers industrial accident, terrorist attack, incidents caused by explosion and poison and similar type of disaster.

(g) "Donation Letter" means a letter issued in favor of Government of Nepal by the foreign country or organizations containing goods description, name, quantity, value and forwarded as aid for search, rescue and relief for those affected by disaster.

(h) "Emergency area” means the area prescribed by Government of Nepal as a disaster affected area or potential disaster area by publishing in Nepal Gazette.

(i) “Exporter” means the agency that exports the relief material pursuant to this procedure.

(j) “Importer” means the agency that imports the relief materials pursuant to this procedure.

(k) “Ministry” means Ministry of Finance.

(l) "Office” means Customs offices under the Department of Customs.

(m) “Relief Materials” means Customs Rules 2007.

(n) “Simplified declaration form” means simplified form as prescribed in annex-1 for declaration of goods to be imported in disaster situation.
Chapter II
Procedures for the Import of Relief Materials

3. Relief materials can be imported: (1) The following materials can be imported for the immediate need for search, rescue and relief to those affected by disaster.
   (a) Food,
   (b) Medicine and materials required for treatment
   (c) Clothing,
   (d) Blanket,
   (e) Tent, Mattress and temporary residential construction materials,
   (f) Pre-fabricated house including essential merchandise,
   (g) Floor covering, mattress and articles of bedding,
   (h) Mosquito nets,
   (i) Water purifying medicines and equipment.

   Notwithstanding anything contained in sub clause (1) used or old goods cannot be imported as relief materials except as specified in sub-clause (1) of clause 11 for the import under condition of return back.

   (2) Government of Nepal can list the relief materials or can amend the list to add or delete items keeping in view of the affected area and nature of the disaster.

4. Goods prohibited for import as relief materials: (1) The following goods are prohibited to import as relief materials.
   (a) Unlicensed drugs, such as heroin, morphine, cocaine, amphetamines, barbiturates, LSD, cannabis and same types of drugs,
   (b) Offensive weapons;
   (c) Firearms, explosives and ammunition;
   (d) Any types of indecent and obscene mate any kind;
   (e) The goods that infringe copyright;
   (f) Goods bearing misleading official emblems, designs, markings, etc.;
   (g) Cultural property protected by UNESCO Conventions;
   (h) Any of the species protected by CITES and any specific Nepalese legislation;
   (i) Items that may create a health risk.

   (2) No economic prohibition or restriction would be imposed on imports of goods except as referred in subclause (1).

5. Designation of separate area for the clearance of relief materials: (1) Chief Customs Officer of the particular Customs office can designate a separate place within the Customs area in case of need to clear the goods promptly.
   (2) Director General can designate a separate area outside of Customs area as a temporary Customs area, if such arrangement is deemed appropriate to promptly clear the goods.
However, no other goods can be cleared except relief materials in the designated area. Director General can lift such designated temporary Customs area at any time.

6. **Designation of Customs offices for the import of relief materials:** (1) Relief materials can be imported through the following Customs offices in general;
   - (a) Tribhuvan International Customs Office, Gauchar, Kathmandu.
   - (b) Mechi Customs Office, Kakarvitta, Jhapa.
   - (c) Biratnagar Customs Office, Rani, Morang.
   - (d) Birgunj Customs Office, Birgunj, Parsa.
   - (e) Dry port Customs Officer, Sirsiya, Parsa.
   - (f) Bhairahawa Customs Office, Belahiya, Rupandehi.
   - (g) Krishnanagar Customs Office, Krishnanagar, Kapilbastu.
   - (h) Nepalgunj Customs Office, Nepalgunj, Banke.
   - (i) Kanchanpur Customs Office, Mahendranagar, Kanchanpur.
   - (j) Tatopani Customs Office, Liping, Sindhupalchowk.
   - (k) Rasuwa Customs Office, Rasuwa.

(2) Director General can increase or reduce the number of Customs offices specified in sub-clause (1) on valid grounds.

7. **Agencies eligible to import relief materials:** Only the following agencies are eligible to import search, rescue and relief consignments:
   - (a) The United Nations and UN Agencies,
   - (b) Governmental (GOV), Intergovernmental (IGO) and Non-Governmental (NGO) organizations certified by UN and follow the framework of UN relief operation.
   - (c) Transport carriers contracted by these agencies for transportation of relief consignment(s) and/or possessions of disaster relief personnel as bona fide participants within the framework of a UN relief operation and transport carriers contracted by the UN, a UN Agency or a UN certified GOV/IGO/NGO for transportation of relief consignment(s) and/or possessions of the disaster relief personnel.
   - (d) International humanitarian organizations, institutions and agencies under agreement with Government of Nepal.
   - (e) Government agencies of a foreign country.
   - (f) Organizations importing relief materials intended to deposit in warehouse specified by Government of Nepal.
   - (g) Any other agency as specified by Government of Nepal.

**Chapter III**

**Customs Clearance of Relief Materials**

8. **Relief materials should be declared to the Customs:** (1) The declaration as per Annex-1 has to be filled or submitted electronically by the importer or by an authorized person as per section (d) along with the following documents. While making such declaration the declarant should mention the stage of use of such materials i.e. search, rescues or relief in which the goods are used and should set the priority.
   - (a) Invoice or donation letter with details.
(b) Packing list.
(c) Bill of lading or airway bill.
(d) Authorization letter addressed to Customs to release the goods on behalf of importer.
(e) CTD form in case of third country import.
(f) UN Certificate duly signed has to be submitted for import from the UN and UN related agencies.

However, in case of the relief materials to be received by Nepal Government agency, the recipient is not identified and Government of Nepal receives such relief materials Customs officer can release the goods declared based on justification with the available documents.

2. The importer, receiver or authorized person should declare the relief materials as per sub clause (1) to the Customs. When importer or recipient of the goods has given authority to an individual to release the goods, a copy of the identification with photograph of such individual needs to be attached to the authorization letter.

3. If required, Customs Officials should provide assistance for preparing the Customs declaration when importer has not authorized any individual or agent to file the goods declaration on his/her behalf.

4. Arrangement can be made for submission of the declaration along with manifest and other required documents prior to the arrival of the goods at the Customs office to facilitate the prompt clearance of the relief materials.

5. Country of origin will not be mandatory for relief consignments.

6. When the relief materials are not declared within 3 days after arrival at the Customs office, the Customs office should place those goods in a warehouse designated by Government of Nepal.

7. When the original documents mentioned in sub clause (1) cannot be submitted, Customs officer may permit the goods to be cleared by filing a incomplete or provisional declaration subject to submit originals within 10 days of clearance of goods.

9. Customs valuation of relief materials: (1) Customs valuation of the relief materials will be as declared by the importer.
   (2) When value of the goods is not declared by the importer and the submitted documents do not reflect the value, Customs officer shall determine a reasonable value of such goods for Customs purposes.

10. Customs clearance provisions of relief consignment: (1) Clearance of relief consignment should be accorded high priority.
    (2) Clearance of relief materials will be carried out round the clock by reallocating the existing staff deputed for normal Customs processes or adding extra staff, if required.
    (3) The clearance process will be initiated after ascertaining the goods imported as relief materials are intended for same purpose.
    (4) Customs release will be done with priority, when relief materials are declared or documents are submitted prior to the arrival of relief materials.
    (5) In cases where physical verification of the goods is necessary for clearance of goods, such verification will be based on either use of selectivity or drawing of samples as may be necessary.
    (6) When immediate release of the goods is required imported by the UN or its specialized agencies or to be imported on the recommendation of Ministry of Foreign
Affairs or imported on behalf of Government, the same shall be permitted even if temporary or incomplete declaration is made, provided the required documents are submitted and the necessary Customs procedures are complied with, within 30 days of the release of the goods.

(7) Where relief materials are required to be subjected to quarantine checks and the goods required to be security checked, quarantine and/or security checks will be arranged in course of Customs clearance at the same place.

Chapter IV

Provisions for Temporary Import or Export of Relief Materials

11. Temporary imports of relief materials: (1) Temporary import of the goods referred below for use in search, rescue and relief operation or required for foreign relief personnel is granted on condition of re-export of such goods and maintaining a record of the details of such goods.
   (a) Transmission - communication and other information technology equipment;
   (b) Water purifying and water storage equipment and items;
   (c) All equipment, machinery, tools and electronic devices required by technical specialists, such as doctors, engineers, communication technicians, logisticians, community workers, etc. to perform their duties;
   (d) Equipment not directly involved in relief operations but used to fight and eliminate the consequences of natural and similar disasters, e.g. for elimination of pollution of all types, decontamination of buildings and territories, inspection of industrial structures etc.;
   (e) Administrative support items such as office equipment (e.g., computers, copiers), expendable supplies, staff security items and administrative manuals and documents;
   (f) Accommodation units and associated materials including cooking and dining equipment and supplies, sanitation requirements and safety/security items for rescue personnel;
   (g) Means of transport and spare parts and equipment for their repair;
   (h) Animals for rescue operations, e.g. trained dogs Possessions of disaster rescue and relief personnel;
   (i) Possessions of disaster rescue and relief personnel;
   (j) Other Goods as decided and specified by Government of Nepal.

(2) The time period of keeping the goods in Nepal, accompanied or in accompanied with the foreigners to be come into Nepal for search, rescue or relief operation should be mentioned.

(3) Goods temporarily imported keeping on record should be taken back within specified period. Taken back of such goods shall be permitted after verifying the import declaration and confirm that the same goods being exported. However, goods temporarily imported keeping on record can be handed over to any Government agency, if permitted by the Government of Nepal.

(4) The record of the temporary imports should be nullified after submitting the proof of export or hand over to any Government agency.
Domestic sale of such goods shall be allowed, on payment of applicable duties and taxes provided, such goods cannot be exported. However, goods such as foodstuff and medicines imported for the personal consumption of disaster relief personnel and animals for rescue operations shall be cleared by Customs Officer. Any unused foodstuff or medicines should be exported at the time of departure of such personnel and animals, or handed over to the Government of Nepal.

Chapter V

Miscellaneous

12. As prescribed by the existing law: Provisions, not mentioned in this procedure, about Customs clearance relief materials, shall be pursuant to Act, Rule and other prevailing laws.

13. Duty Exemption Provision: Duty exemption will be in accordance with the prevailing Fiscal Act or decisions of Government of Nepal.

14. Power to Remove Difficulties: If any confusion or any conflict arises on subject contained in this procedure during implementation and interpretation the decision of the Director General will be final.
Annex-1
Related to Clause 2(0)
Simplified declaration form
नेपाल सरकार
Government of Nepal
अर्थ मन्त्रालय
Ministry of Finance
भन्सार विभाग
Department of customs

राहत सामग्री घोषणा फाराम
(Declaration Form for Relief Materials)

1. मालवस्तु पठाउने संघ/संस्थाको नाम (Name of Sending Organization)
2. देश (Country):
3. मालवस्तु प्राप्त गर्न लिकायको नाम (Name of Receiving Organization):
4. मालवस्तु प्राप्त गर्न लिकायको ठेगाना (Adress of Receiving Organization):
5. सम्पर्क फोन नं. (Contact Phone no. of Receiver):

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<th>स.ं. (S.N)</th>
<th>HS Code</th>
<th>वस्तुको विवरण (Description of Goods)</th>
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<th>इकाई (Unit)</th>
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