1.3 Somalia Customs Information

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In 1960 Somalia was declared independent and the Government established a customs law for all the UN agencies and other emergency and humanitarian organizations requiring humanitarian cargo to be exempted from taxes. The Federal Government continues to observe and follow that law, which is article No 14.

The Government Institution that handles tax exemption is the Customs Department of the Ministry of Finance. Without the clearance of this department, no imports or exports are permitted, as it is the sole agency that deals with the customs for both the Sea Ports and Airports.

Normally the Customs department operates under a national law and is authorized to examine the cargo in order to ascertain actual description, specification volume or quantity, so that the value and the rate of duty may be correctly determined and applied.

However, as a result of the civil war from 1991, Somalia has to date remained without a centralized Government. The instability led to the formation of two internationally unrecognized semi-autonomous Governments of Somaliland and Puntland, which opted to independently develop their institutions and communities. This has also resulted to the existence of minor differences in Customs Procedures in the Sea Ports and Airports as follows:

Customs Information – Somaliland

Customs matters in Somaliland are under the Ministry of Finance, Ministry of Resettlement, Rehabilitation and Reintegration (MRRR) and Planning facilitate duty exemption. There are no specific regulations that are really properly set up. All goods except duty exempt goods pay dutiable values, which vary in taxable value. Goods are usually calculated by adding together various government duties and include all other taxes. All perishable goods are 18.7598% on landed values, luxury items 100%, agricultural materials are 12.283%. These lump sum taxes are made up of sales tax, local government tax, service charge and stamp duty respectively.

Duties and Tax Exemption

Humanitarian aid is imported duty and tax-free as long as the proper government requirements have been met. It may be possible to obtain a ‘blanket clearance’, for which customs clearance is processed per shipment and allows the right to import, clear the cargo from the port and store it.

Customs working hours are from 0600 hours to 1800 hours local time both at the borders and elsewhere in Somaliland.

For contact information regarding government custom authorities, please follow the link below:

4.1 Somalia Government Contact List

Emergency Response

There are no specific rules and procedures in place for emergency operations. However, in the case of large-scale emergencies procedures can be discussed with the Somaliland authority to lift the regulations to allow for more expedient operations. Formerly, the Somalia Government used to exceptionally do away with the existing regulations for a limited period of time. The self-declared Somaliland Government has not signed any agreements or conventions as a country but is supportive to UN and other humanitarian Organizations.

<table>
<thead>
<tr>
<th>Agreements / Conventions Description</th>
<th>Ratified by Country?</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCO (World Customs Organization) member</td>
<td>Not signed, but follows the procedures</td>
</tr>
<tr>
<td>Annex J-5 Revised Kyoto Convention</td>
<td>No</td>
</tr>
<tr>
<td>OCHA Model Agreement</td>
<td>No</td>
</tr>
<tr>
<td>Tampere Convention (on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations)</td>
<td>No</td>
</tr>
<tr>
<td>Regional Agreements (on emergency/disaster response, but also customs unions, regional integration)</td>
<td>30th June 2013 (between Ethiopia and Somaliland)</td>
</tr>
</tbody>
</table>

Exemption Regular Regime (Non-Emergency Response)
During periods of non-emergency and when a state of emergency is no longer declared by the authorities or the imported items are not meant for emergency programmes, duties and tax exemptions are obtained through the normal Customs Clearance processing when the required documents are presented.

Humanitarian organizations that are not registered with the country and when they first arrive in the country, they inform the respective authority by presenting their intended operational plan. They must also submit an annual budget plan as well as an annual report for the past year and so long as an organization is in the country for humanitarian operations, it will qualify for tax exemption.

### Organizational Requirements to obtain Duty-Free Status

#### United Nations Agencies

- Shipping documents available Bill of Lading (BoL) and a copy of the manifest
- Non-commercial Invoice
- Letters to Ministry of National Planning (MoNP) and Ministry of Finance (MoF) requesting tax and duty exemption

#### Non-Governmental Organizations

- Shipping documents available (BoL and a copy of the manifest)
- Non-commercial Invoice (NCI)
- Letter to MoNP and MoF requesting tax and duty exemption

### Exemption Certificate Application Procedure

#### Duties and Taxes Exemption Application Procedure

**Generalities (include a list of necessary documentation)**

- Organization to submit a letter requesting tax exemption to MoNP with enclosed required documents including BoL and NCI
- If the MoNP approves then they will write a letter to the MoF allowing tax exemption
- Submit the letter from Ministry of National Planning to the Ministry of Finance addressed to the Minister of Finance, as well as the organization letter requesting tax exemption to MoF and required documents (BoL and NCI)
- Finally, the Customs Department, under the MoF, issues a Customs Clearance Paper (duty-free for humanitarian organizations) which can be used for both imports and exports

**Process to be followed (step by step or flowchart)**

- Step 1: Ministry of National Planning
- Step 2: Ministry of Finance
- Step 3: Customs Department, under the MoF, issues a Customs Clearance Certificate

### Exemption Certificate Document Requirements

The tax exemption processes does not require original documents and therefore a copy of the necessary documents is sufficient. It is also important to note that some documents as mentioned below require originals when collecting or receiving the cargo. UN and NGOs follow similar documentation process.

In case there are issues and/or complications additional documents including fumigation certificate, Phytosanitary Certificates, Certificates of Origin, donation etc. may be required.

<table>
<thead>
<tr>
<th>Duties and Taxes Exemption Certificate Document Requirements (by commodity)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food</td>
</tr>
<tr>
<td>NFI (Shelter, WASH, Education)</td>
</tr>
<tr>
<td>Medicines</td>
</tr>
<tr>
<td>Vehicle &amp; Spare Parts</td>
</tr>
<tr>
<td>Staff &amp; Office Supplies</td>
</tr>
<tr>
<td>Telecoms Equipment</td>
</tr>
</tbody>
</table>
PUNTLAND

Documentation processing is as follows.
Before vessel arrival

- Clearance letter form H.E the president of Puntland or his vice president.
- Non-negotiable Cargo Receipt (NNCR) or BoL and cargo manifest for eventual customs clearance stowage/cargo plan and Notice of Readiness tendered upon arrival/berthing

During Discharge

- Daily discharge progress report of shipment discharged
- Daily superintendent report

After Discharge

- Final vessel discharge report
- Superintendent final report

MOGADISHU

Documentation process is as follows:

Humanitarian Vessel

- Request letter for the tax Exemption
- Copy of the Original Bill of Lading
- Packing List
- Purchase order
- Invoices of the document (Commercial/Non Commercial invoices)
- Certificate of Origin
- Delivery Order

Commercial Vessels.

- Notice to the port authority
- BoL and manifest
- Payment per bag
- Discharge commences.

**Customs Clearance Document Requirements**

Listed below are the documents required for Customs Clearance. Copies of the documents are sufficient for custom processing, but original documents are required by the shipping line or Master when collecting the cleared cargoes. UN and NGOs follow similar documentation process.

<table>
<thead>
<tr>
<th>Customs Clearance Document Requirements (by commodity)</th>
<th>Food</th>
<th>NFI (Shelter, WASH, Education)</th>
<th>Medicines</th>
<th>Vehicles &amp; Spare Parts</th>
<th>Staff &amp; Office Supplies</th>
<th>Telecoms Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>D&amp;T Exemption Certificate</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
</tr>
<tr>
<td>Invoice</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
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<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
</tr>
<tr>
<td>AWB/BL/Other Transport Documents</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
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<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
</tr>
<tr>
<td>Donation/Non-Commercial Certificates</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
</tr>
<tr>
<td>Packing Lists</td>
<td>Not required</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
<td>1 copy, applied to both UN &amp; NGO for Customs processing</td>
</tr>
<tr>
<td>Phytosanitary Certificate</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
<td>Not required at the moment</td>
</tr>
<tr>
<td>Other Documents</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

**Additional Notes**

n/a

**Customs Information – Puntland**

<table>
<thead>
<tr>
<th>Customs Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Document Requirements</strong></td>
</tr>
<tr>
<td>Organization Request for tax exemption, B/L and Non-commercial Invoice are important. A transit facilities paper will be obtained for transit cargoes. No deposit or guarantee is required</td>
</tr>
<tr>
<td><strong>Embargoes</strong></td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td><strong>Prohibited Items</strong></td>
</tr>
<tr>
<td>General drugs are prohibited</td>
</tr>
<tr>
<td><strong>General Restrictions</strong></td>
</tr>
<tr>
<td>No specific rules to ban GMO commodities. However, drugs and alcohol are not allowed into the country</td>
</tr>
</tbody>
</table>

Documentation processing is as follows.
Before vessel arrival

- WFP prepares a tax exemption request letter for both food and non-food items coming from outside Puntland State of Somalia, and submits to the attention of the Minister of Interior of PL as the first level.
- MoI prepares another letter based on the request received from WFP and forwards to the Minister of Finance of PL.
- MoF issues a Granted Tax Exempted Letter to WFP.
- WFP receives the Tax Exempted Letter and hands-over to the contracted clearing and forwarding agents/ Stevedore Companies.

Humanitarian Vessel

Below Documents are required to establish the Customs Clearance Request process;

- Request letter for the tax Exemption
- Non-negotiable Cargo Receipt (NNCR) or B/L and cargo manifest for eventual customs clearance stowage/cargo plan and Notice of Readiness tendered upon arrival/berthing
- Copy of the Original Bill of Lading
- Packing List
- Purchase order
- Invoices of the document (Commercial/Non Commercial invoices)
- Certificate of Origin
- Delivery Order

During Discharge

- Daily discharge progress report of shipment discharged
- Daily superintendent report

After Discharge

- Final vessel discharge report
- Superintendent final report