

**THE CUSTOMS CODE OF  
THE REPUBLIC OF ARMENIA**

**(Adopted on July 6, 2000)**

**SECTION 1**

**MAIN PROVISIONS**

**CHAPTER 1. GENERAL PROVISIONS**

**Article 1. Customs Legislation of the Republic of Armenia**

1. The Customs Legislation of the Republic of Armenia shall govern relations associated with the customs affairs of the Republic of Armenia.
2. The Customs Legislation of the Republic of Armenia consists of this Customs Code, other laws and legal instruments addressing the customs relations.

**Article 2. Basic Definitions Used in the Code**

Within the meaning of this Code the term

- a) *'goods'* means all the articles, items and other property carried across the customs border of the Republic of Armenia, including currency, currency values, electric, thermal and other kinds of energy and vehicles, except the means of transport, the definition of which is given in paragraph (b) of this Article;
- b) *'means of transport'* means all types of vehicles, including containers and other collateral vehicles used for international carriage of passengers and goods across the customs border of the Republic of Armenia;
- c) *'carriage across the customs border of Republic of Armenia'* means the entry of the goods and means of transport into the customs territory of the Republic of Armenia or the exit thereof from the customs territory of the Republic of Armenia, including postal deliveries and transportation via pipeline and deliveries via electric circuits;
- d) *'import'* means the entry of the goods and means of transport into the customs territory of the Republic of Armenia;
- e) *'export'* means the exit of the goods and means of transport out of the customs territory of the Republic of Armenia;
- f) *'time of import or export'* means the time when the goods and means of transport cross the customs border of the Republic of Armenia;
- g) *'persons'* means parties and potential parties to the relationships governed by the Customs Legislation of the Republic of Armenia;
- h) *'persons of the Republic of Armenia'* means the Republic of Armenia, the municipalities, citizens of the Republic of Armenia, persons without citizenship residing in the Republic of Armenia on a permanent or mostly on a permanent basis, sole proprietors and organisations officially registered in the Republic of Armenia;

- i) *'foreign persons'* means persons not referred to in paragraph (h) of this Article;
- j) *'carrier of goods'* means persons that are owners or buyers of the goods or persons that are vested with authority to possess of the goods or, in accordance with a procedure defined in this Code, to dispose of them on their own behalf pursuant to a procedure provided for by the Legislation of the Republic of Armenia;
- k) *'declarant'* means a carrier of goods or a customs broker (mediator) declaring and presenting the goods and means of transport to the customs bodies;
- l) *'shipper'* means a person actually carrying the goods or incurring liability for the use of the means of transport;
- m) *'customs regime'* means a set of provisions regulating the implementation of the customs policy. These provisions state the purpose of the carriage of goods and means of transport across the customs border and regulate the relations arising from the carriage of the goods and means of transport;
- n) *'release'* means a delivery of the goods and means of transport to the persons referred to in paragraphs (h) and (i) after the completion of the customs formalities with the customs bodies;
- o) *'customs formalities'* means necessary procedures applied in respect to the release of the goods and means of transport, as provided for by this Code and other legal instruments, before the release thereof pursuant to a certain customs regime;
- p) *'customs control'* means a system of measures applied by the customs bodies with the view of ensuring the adherence to the provisions provided for by the laws and other legal instruments of the Republic of Armenia and international conventions;
- q) *'non-tariff measures'* means measures provided for by law and other legal instruments that restrict the import into the Republic of Armenia and export outside of the Republic of Armenia of the goods and means of transport without having a direct influence on the amounts of customs charges;
- r) *'customs charges'* means customs duties, taxes, duties and other mandatory charges levied by the customs bodies pursuant to the law on the goods and means of transport carried across the customs border of the Republic of Armenia;
- s) *'force majeure'* means any force or circumstance beyond a person's control inhibiting the latter to perform his/her obligations assumed pursuant this Code;
- t) *'measures aimed at the protection of consumer interests'* means non-tariff measures aimed at prevention of the carriage across the customs border of the Republic of Armenia of those goods and means of transport, which do not comply with the quality and other standards of the Republic of Armenia and internationally accepted criteria.

### **Article 3. Customs Affairs of the Republic of Armenia**

The customs affairs of the Republic of Armenia shall involve the procedure and conditions for the carriage of the goods and means of transport across the customs border of the Republic of Armenia, levy of customs charges, completion of customs formalities, establishment of customs control and other customs policy measures.

#### **Article 4. Customs Policy of the Republic of Armenia**

1. The Republic of Armenia shall pursue a uniform customs policy forming an indispensable part of the general economic policy of the Republic of Armenia.
2. The objectives of the customs policy pursued by the Republic of Armenia shall be the effective application of the customs control measures with respect to the goods' turnover across the customs border and throughout the customs territory of the Republic of Armenia and other customs policy measures, contribution to ensuring of the economic sovereignty and security of the Republic of Armenia, protection of the domestic market, implementation of other tasks of economic policy targeting to promote the national economy.

#### **Article 5. Customs Territory and Customs Border of the Republic of Armenia**

1. The customs territory of the Republic of Armenia shall comprise the territorial lands, water basin and airspace of the Republic of Armenia.
2. There may be areas under free customs warehouses within the territory of the Republic of Armenia. These areas shall be deemed as areas located outside the customs territory of the Republic of Armenia, unless otherwise provided for by law.
3. The frontiers of the Republic of Armenia's customs territory, as well as the frontiers of free customs warehouses shall be deemed as the customs border of the Republic of Armenia.

### **CHAPTER 2. ORGANISATION OF THE CUSTOMS AFFAIRS**

#### **Article 6. Handling of the Customs Affairs**

The customs affairs of the Republic of Armenia shall be handled, organised and supervised by the State Authorised Body (hereinafter referred to as "Superior Customs Body").

#### **Article 7. Customs Bodies**

1. In the Republic of Armenia the customs affairs shall be pursued by the customs bodies, which are law enforcement bodies.
2. The customs bodies of the Republic of Armenia shall include
  - a) the Superior Customs Body,
  - b) the regional customs houses under the Superior Customs Body,
  - c) the customs posts under the Superior Customs Body.
3. The regional customs houses and customs posts shall be established, reorganised and liquidated by the Government of the Republic of Armenia.
4. The regional customs houses and customs posts under the Superior Customs Body shall operate in the areas assigned by the Government of the Republic of Armenia in accordance with a procedure prescribed by the Superior Customs Body.

## **Article 8. Customs Laboratories and Training Facilities**

1. Customs laboratories may be created in the view of conducting expert examination and testing of goods for the customs purposes.
2. Specialised training institutions in the field of customs may be created with the view of conducting research works, training and re-training of personnel.

## **Article 9. Main Tasks of the Customs Bodies**

1. The main tasks of the customs bodies shall be:
  - a) to ensure the economic sovereignty, economic security, protection of economic interests and of the domestic market;
  - b) to ensure the application of the provisions laid down in the Customs Legislation, to supervise the fulfilment of the requirements stipulated by the Customs Code, to prevent, suspend and reveal the breaches of the Customs Legislation, to carry out activities in the field of levying the debts accumulated in respect of the Republic of Armenia's State Budget because of the non-fulfilment of the liabilities provided for by the Customs Legislation;
  - c) to apply customs related measures provided for by the Customs Legislation in the field of trade-and-economic relations, to apply non-tariff measures provided for by the Customs Legislation of the Republic of Armenia at the time of carrying the goods and means of transport across the customs border of the Republic of Armenia, to levy and transfer to the State Budget the customs charges;
  - d) to execute customs control and carry out customs formalities, to create favourable conditions for the goods' and travellers' traffic across the customs border of the Republic of Armenia;
  - e) to fight against contraband and other breaches of the Legislation of the Republic of Armenia relating to the carriage of goods and means of transport across the customs border, to prevent illegal traffic of narcotics, weapons, articles of cultural, historical and archaeological value, intellectual property objects, plants and animals on the verge of extermination, as well as the parts thereof and other goods, to support the international struggle against terrorism;
  - f) to support the development of the foreign economic relations of the Republic of Armenia;
  - g) to promote measures on quality control of imported goods with the view of ensuring protection of consumer interests;
  - h) to fulfil the Republic of Armenia's customs related obligations and effectuate the rights foreseen by international conventions, to co-operate with the customs and other competent bodies of foreign states and international organisations dealing with customs issues;
  - i) to maintain the customs statistics of the Republic of Armenia;
  - j) to analyse and study the customs affairs and provide advisory services in the customs field;

2. The tasks referred to in paragraph 1 of this Article shall be performed by the customs bodies within the scope of the competence thereof in cases where foreseen by the Customs Legislation .

#### **Article 10. Normative Acts of the Superior Customs Body**

The Superior Customs Body shall adopt administrative normative acts in cases envisaged by this Code and other legal instruments.

#### **Article 11. The Identification Sign of the Customs Bodies**

The customs bodies, the means of transport belonging to the customs bodies shall have an identification sign approved by the Government of the Republic of Armenia.

#### **Article 12. Officials of the Customs Bodies**

Only citizens of the Republic of Armenia shall be eligible for the employment with the customs bodies.

#### **Article 13. Liabilities of the Officials of the Customs Bodies**

The officials of the customs bodies shall incur liability for illegal actions or inactivity pending the exercise of their official duties as prescribed by this Code and other legal instruments.

#### **Article 14. Co-operation of the Customs Bodies with Other Persons**

1. Within the scope of their competence, the state bodies and officials of the state bodies shall be liable to assist the customs bodies in coping with the tasks laid before the customs bodies.
2. The customs bodies shall co-operate with other persons for the customs purposes.
3. Where so provided for by law, on the initiative and under the control of the customs bodies, certain functions falling within the competence of the customs bodies can be performed by other persons of the Republic of Armenia.

#### **Article 15. Allocation of Areas, Offices, Warehouses, Equipment and Means of Communication to the Customs Bodies**

Those organisations, institutions and natural persons which are interested that the customs formalities be carried out in their premises, shall allocate necessary areas, offices, warehouses, equipment and means of communication free of charge to the customs bodies.

#### **Article 16. Data Provided to the Customs Bodies for the Customs Purposes**

1. According to this Code and other legal instruments, data provided to the customs bodies for the customs purposes cannot be used for other purposes, except where otherwise stipulated by law.
2. Data constituting state, banking, commercial and official secrecy cannot be disclosed by the customs bodies or their officials, either they cannot be used by the customs bodies or their officials for personal purposes or be issued to third persons, including the state bodies, except for the cases foreseen by law, when with permission of the Superior Customs Body the customs bodies or their officials issue relevant data, originals or copies of documents to entitled by law third persons.

**Article 17. Appeal against Decisions, Actions or Inactivity of the Customs Bodies and Their Officials**

Decisions, actions or inactivity of the customs bodies and the customs officials can be appealed in accordance with a procedure provided for by the Legislation of the Republic of Armenia.

## SECTION 2

### CARRIAGE OF GOODS AND MEANS OF TRANSPORT ACROSS THE CUSTOMS BORDER OF THE REPUBLIC OF ARMENIA

#### CHAPTER 3. CARRIAGE OF GOODS AND MEANS OF TRANSPORT ACROSS THE CUSTOMS BORDER OF THE REPUBLIC OF ARMENIA CUSTOMS REGIMES

##### **Article 18. The Right to Import and Export Goods and Means of Transport**

1. The persons shall have equal rights to import into the Republic of Armenia and export out of the Republic of Armenia goods and means of transport.
2. The rights of the persons carrying goods and means of transport across the customs border of the Republic of Armenia can be limited where so provided for by law.

##### **Article 19. Prohibition on Import and Export of Goods and Means of Transport**

1. Import of goods and means of transport into the customs territory of the Republic of Armenia and their export out of the customs territory of the Republic of Armenia may be prohibited in cases foreseen by this Code and other legal instruments, when and where these goods and means of transport present a threat to the state and national security, public order, life and health of humans, flora and fauna, environment, moral values of the population, historical, cultural, archaeological values, property (including intellectual property), rights and legitimate interests of the persons.
2. The goods and means of transport referred to in paragraph 1 of this Article shall be subject to immediate exit outside the territory of the Republic of Armenia or return into the territory of the Republic of Armenia, when and where these goods and means of transport are not subject to confiscation pursuant to a procedure provided for by law. The exit outside the Republic of Armenia's territory or the return into the Republic of Armenia's territory of the mentioned goods shall be effectuated by the carrier or shipper thereof at his/her own expenses. Where the exit or return of the goods is not possible or is not brought into effect by the carrier or the shipper, these goods and means of transport shall be subject to:
  - a) being handed over to the customs bodies for the customs custody in the Republic of Armenia for up to ten days' period before they are released pursuant to a relevant customs regime. Upon the expiry of the mentioned period these goods and means of transport shall be subject to seizure in compliance with a procedure provided for by law;
  - b) declaration under the customs regime of destruction, if so is the will of the carrier.

##### **Article 20. Restrictions on the Import and Export of Goods and Means of Transport**

1. The Government of the Republic of Armenia may impose non-tariff measures on the import into and export out of the Republic of Armenia of the goods and means of transport pursuant to the Republic of Armenia's laws and international conventions on the grounds of economic policy, fulfilment of international obligations, economic sovereignty and security, protection of domestic consumer market, as well as in retaliation of discriminative measures or measures restrictive to the rights of the persons of the Republic of Armenia exercised by foreign states or unions of foreign states.

2. With the view of ensuring the provisions set out in paragraph 1 of Article 19 and paragraph 1 of Article 20, the Government of the Republic of Armenia
  - a) shall impose prohibitions on the carriage of certain types of goods and means of transport across the customs border of the Republic of Armenia pursuant to the customs regimes defined in this Code;
  - b) may impose restrictions on the carriage of certain types of goods and means of transport across the customs border of the Republic of Armenia pursuant to the customs regimes defined in this Code.

**Article 21. Procedure for the Carriage of Goods and Means of Transport across the Customs Border of the Republic of Armenia**

1. Goods and means of transport shall be carried across the customs border of the Republic of Armenia pursuant to the customs regimes defined in this Code.
2. Goods and means of transport can move to the customs posts at the customs border of the Republic of Armenia specified by the Superior Customs Body round the clock each day of a week.

**CHAPTER 4**

**CUSTOMS REGIMES**

**Article 22. Customs Regimes for the Carriage of Goods and Means of Transport across the Customs Border of the Republic of Armenia**

1. The following customs regimes shall be established for the customs purposes:
  - a) importation for free circulation;
  - b) re-importation;
  - c) transit shipment;
  - d) importation into a customs warehouse;
  - e) importation into a duty free shop;
  - f) temporary importation for inward processing;
  - g) temporary importation;
  - h) temporary exportation;
  - i) importation into a free customs warehouse;
  - j) temporary exportation for outward processing;
  - k) exportation for free circulation;
  - l) re-exportation;



- m) abandonment of the property right to the State r;
- n) destruction.

2. Customs regimes other than those mentioned above can be established by law.

### **Article 23. Assignment and Change of a Customs Regime**

1. Irrespective of the nature and quantity of goods and means of transport, any person shall be entitled to assign a customs regime or change it, unless otherwise provided for by this Code.
2. The customs regime designated for the carriage of goods and means of transport across the customs border of the Republic of Armenia can be changed within a period following the release of the goods and means of transport across the customs border of the Republic of Armenia during which, pursuant to this Code, they remain under the customs control. This rule shall not extend over the customs regime of *importation into a free customs warehouse*, which shall be subject to change in accordance with the provisions set out in paragraph 3 of this Article.
3. The customs regime of *importation into free a customs warehouse* designated for the carriage of goods and means of transport across the Republic of Armenia's customs border can be changed within a period, when the goods and means of transport are stored in a free customs warehouse following the release thereof across the customs border of the Republic of Armenia.

### **Article 24. Regulation of the Customs Regimes**

Relations arising in conjunction with the customs regimes but not regulated by this Code, shall be subject to regulation pursuant a procedure established by the Government of the Republic of Armenia.

### **Article 25. Regime of *Importation for Free Circulation***

1. The regime of *importation for free circulation* shall regulate the importation of goods into the Republic of Armenia without an obligation of further exportation thereof.
2. Within the framework of this customs regime and in cases and to the extent foreseen by law
  - a) customs charges shall be levied;
  - b) non-tariff measures shall be applied.

### **Article 26. Regime of *Re-importation***

1. The regime of *re-importation* shall regulate the reverse importation into the customs territory of the Republic of Armenia of the goods that were exported out of the Republic of Armenia's customs territory under the customs regimes of *temporary exportation for outward processing*, *temporary exportation* and of the goods originating in the Republic of Armenia that were exported under the regime of *exportation for free circulation*.
2. Within the framework of this customs regime

- a) only customs fees shall be levied, except for the cases when this regime is designated for the importation of the goods that have been formerly exported under the customs regime of *temporary exportation for outward processing*, in which case the imposition of the customs duties shall be subject to the provisions laid down in paragraph 3 of Article 48 of this Code;
- b) the amount of the customs duties levied on the exportation of goods out of the customs territory of the Republic of Armenia pursuant to the regime of *exportation for free circulation* shall be refunded when and where these goods are imported within up to one year's period as from the date of exportation thereof;
- c) non-tariff measures shall not be applied, except for those aimed at the protection of consumer interests;
- d) the changes of the re-imported goods as compared with the date of exportation thereof shall not be other than those caused by normal depreciation or carriage or preservation under unnatural conditions. This requirement shall not extend over the changes resulting from the processing of the goods that have been formerly exported pursuant to the regime of *temporary exportation for outward processing*.

#### **Article 27. Regime of Transit Shipment**

1. The regime of *transit shipment* shall regulate the carriage of goods placed under the customs control between two customs posts without changing the bill of lading.
2. Within the framework of this customs regime:
  - a) customs charges shall not be levied, except for the customs fees and, in cases where foreseen by law, other fees;
  - b) for this customs regime non-tariff measures shall not be applied, except where so prescribed by this Code, other laws and international conventions to which the Republic of Armenia is party;
  - c) the length of time for the carriage of the goods between two customs posts shall be limited to a ten days period, whereas in case of force majeure the goods shall be to the customs bodies for the customs custody within the mentioned period;
  - d) any changes of the goods except for those caused by normal depreciation or unnatural conditions of carriage or storage shall be excluded.
3. The Government of the Republic of Armenia shall establish
  - a) the list of goods, the transit shipment of which across the customs border of the Republic of Armenia is subject to licensing, as well as the procedure of licensing of these goods;
  - b) the procedure for the transit shipment of goods and means of transport;
  - c) the cases of compulsory customs escort of the goods in transit shipment.

#### **Article 28. Persons Liable for the Transit Shipment and Their Liabilities**

1. According to this Code and other legal instruments, the liabilities for the transit shipment of goods and means of transport shall be incurred by the carrier of the goods.

2. Where goods and means of transport in transit are alienated, lost or fail to reach the exit customs post of the Republic of Armenia by any reason not acceptable by the customs bodies, the carrier of goods shall be liable to re-declare the goods pursuant to the regime of *importation for free circulation* within a ten days period following the date of expiry specified for the transit shipment and pay the customs charges imposed in respect of that customs regime, as well as the amount of fines defined by law for the failure of payment thereof in due time as calculated from the date of importation of these goods.
3. Notwithstanding the provisions laid down in paragraph 2 of this Article, the carrier of goods shall be relieved from the payment of the customs charges foreseen for the customs regime of *importation for free circulation*, where the goods and means of transport are destructed or are lost irrevocably by reason of force majeure, normal depreciation or unnatural conditions of carriage or actions or inactivity of officials of the
4. State Bodies of the Republic of Armenia, if and where these facts are justified by documentary evidence.

#### **Article 29. Regime of *Importation into a Customs Warehouse***

1. The regime of importation into a customs warehouse shall regulate the import of goods into the Republic of Armenia with the view of their storage under the customs control in customs warehouses foreseen by this Code.
2. Within the framework of this regime
  - a) customs charges shall not be levied, except for the customs duties;
  - b) non-tariff measures shall not be applied, except for the cases prescribed by this Code for this customs regime.

#### **Article 30. Requirements for the Allocation of Goods under the Regime of *Importation to a Customs Warehouse***

1. The regime of *importation into a customs warehouse* may be applied in respect of those goods, the import of which into the territory of the Republic of Armenia is not prohibited.
2. The goods that may present a damage to other goods stored in the customs warehouse shall be stored in specially equipped warehouses.

#### **Article 31. Length of Time for the Storage of Goods under the Regime of *Importation into a Customs Warehouse***

1. Goods can be preserved under the regime of *importation into a customs warehouse* within up to one year's period.
2. The period specified in paragraph 1 of this Article can be limited by the customs bodies by reason of expiration of the shelf life of the goods and peculiarities of preservation.
3. Following the expiry of the period specified in paragraph 1 of this Article goods shall be subject to declaration under a different customs regime or to being handed over to the customs bodies for the customs custody.

#### **Article 32. Actions Applicable in Respect of the Goods Stored under the Regime of *Importation into a Customs Warehouse***

The following actions shall be applicable in respect of the goods stored under the regime of *importation into a customs warehouse*:

- a) provision of necessary conditions for the preservation of the goods;
- b) with permission of the customs bodies, preparation of the goods for their further delivery and sale, division into lots, sorting, packaging, re-packaging, labelling, loading, unloading, stamping and any other action which does not lead to the change in the quality and in the meaning of the goods.

### **Article 33. Regime of *Importation into a Duty Free Shop***

1. The customs regime of *importation into a duty free shop* shall regulate the import of goods into duty free trade points in the territory of the Republic of Armenia.
2. The importation of goods out of the customs territory of the Republic of Armenia into duty free trade points shall be preceded by a procedure of release under the regime of *exportation for free circulation* or *re-exportation* pursuant to this Code.
3. Within the framework of this customs regime:
  - a) customs charges shall not be levied, except for the customs fees;
  - b) non-tariff measures, other than those aimed at the protection of the consumer interests, shall not be applied.
4. This customs regime shall not be applicable in respect of the goods, the import of which into the territory of the Republic of Armenia and export out of the Republic of Armenia is prohibited.

### **Article 34. Regime of *Temporary Importation for Inward Processing***

1. The regime of *temporary importation for inward processing* shall regulate the import into the customs territory of the Republic of Armenia of goods for processing purposes on condition of the further re-exportation thereof.
2. Within the framework of this regime:
  - a) customs charges shall not be levied, except for the customs fees and other fees specified for this customs regime by this Code and other laws;
  - b) the import of goods for processing shall be allowed on the basis of a conclusion issued by a body referred to in Article 35 of this Code within a period specified by the declarant but not exceeding a period of one year as from the date of importation of the goods;
  - c) within the next ten days following the expiry of the period referred to in subparagraph (b) of this paragraph, the goods shall be re-declared under the regime of *re-exportation* or handed over to the customs bodies for the customs custody, during which the obligation of reverse exportation shall be deemed as not infringed.
3. When the goods imported under this customs regime are exported under the customs regime of *re-exportation*, during the customs formalities procedure the carrier of goods shall be liable to pay off the positive difference formed by the customs charges payable

upon the exportation of the processed goods and upon the exportation under the *re-exportation* customs regime of the goods imported for inward processing purposes, except for the customs fees, the calculation of which is made without deductions.

4. Where the goods imported into the customs territory of the Republic of Armenia under the customs regime of *temporary importation for inward processing* are assigned a new regime of *importation for free circulation*, the carrier of goods shall be liable to pay off the customs charges foreseen for the customs regime of *importation for free circulation* and the amount of fines foreseen by law for the failure of payment thereof in due time as calculated from the date of importation of the goods.

#### **Article 35. Minimum Output to be Obtained in Consequence of the Processing Operations of the Goods Imported under the Regime of *Temporary Importation for Inward Processing***

The minimum output to be obtained in consequence the processing operations of the goods shall be defined by the body so authorised by the Government of the Republic of Armenia and in accordance with a procedure established by the Government of the Republic of Armenia.

#### **Article 36. Liabilities of the Carriers of Goods Arising from the Failure of Exportation in Due time or Partial Exportation of the Goods Imported under the Regime of *Temporary Importation for Inward Processing***

Where the goods imported under the customs regime of *temporary importation for inward processing* are not exported or are partially exported within a specified period, the carrier of goods, if he/she has not handed over the goods to the customs for temporary custody shall be liable:

- a) within ten days following the expiry of the period specified for the exportation of the goods, to pay off the customs charges foreseen for the customs regime of *importation for free circulation* and amount of fines foreseen by law for the failure of payment thereof in due time as calculated from the date of importation of the goods or
- b) in case of exportation of the goods within a period referred to in paragraph (a) of this Article, to pay off the amount of fines mentioned in paragraph (a) as calculated from the date following the expiry of the period specified for the exportation of these goods.

#### **Article 37. The Regime of *Temporary Importation***

1. The regime of temporary importation shall regulate the importation of the goods on condition of their reverse exportation out of the customs territory of the Republic of Armenia.
2. Within the framework of this customs regime
  - a) customs charges shall not be levied except for the customs fees and, in cases where foreseen by this Code and other laws, other fees;
  - b) the release of goods under the customs regime of temporary importation shall be allowed for a period specified by the declarant, but not exceeding a period of one year. Where the initially specified period is less than a year, at the request of the declarant the Superior Customs Body may prolong this period up to one year as calculated from the date of importation, except for the goods and means of transport belonging to the diplomatic corps and consulates of foreign states, international

organisations, representations of foreign states alongside of international organisations and the employees thereof;

- c) non-tariff measures shall not be applied, except for those measures aimed at the protection of the consumer interests and, in cases where foreseen by this Code and other laws, other measures.
- d) within the next ten days following the expiry of the period referred to in subparagraph (b) of this paragraph, the goods shall be re-declared under the regime of *re-exportation* or handed over to the customs for customs custody, during which the obligation of reverse exportation shall be deemed as not infringed;
- e) any changes of the goods other than those caused by normal depreciation and carriage under unnatural conditions shall be prohibited.

#### **Article 38. Restrictions on the Application of the Customs Regime of *Temporary Importation***

The Government of the Republic of Armenia shall establish the list of goods the temporary importation of which into the customs territory of the Republic of Armenia is prohibited.

#### **Article 39. Surveillance of the Time Limits Specified for the Importation of Goods under the Regime of *Temporary Importation***

The surveillance of the time limits specified for the importation of the goods under the regime of temporary importation shall be carried out by the customs bodies.

#### **Article 40. Liabilities of the Carriers of Goods Arising from the Failure of Exportation in Due time or Partial Exportation of the Goods Imported under the Regime of *Temporary Importation***

Where the goods imported under the regime of *temporary importation* are not exported or are partially exported within a specified period, the carrier of goods, if he/she has not handed over the goods to the customs for customs custody, shall be liable:

- a) within ten days following the expiry of the period specified for the exportation of the goods, to re-declare these goods under the customs regime of *importation for free circulation* or under the customs regime of *re-importation* and pay off the customs charges specified for that regime, as well as the amount of fines specified by law in case of failure of payment thereof in due time as calculated from the date following the expiry of the period specified for the exportation of these goods or
- b) in case of importation of the goods within a period specified in subparagraph (a) of this Article, to pay off the amount of fines referred to in the above-mentioned subparagraph as calculated from the date following the expiry of the period specified for the exportation of these goods.

#### **Article 41. Regime of *Temporary Exportation***

1. The regime of *temporary exportation* shall regulate the export of goods out of the customs territory of the Republic of Armenia on condition of their further importation.
2. Within the framework of this regime:

- a) customs charges shall not be levied, except for the customs fees and, in cases where foreseen by this Code and other laws, other fees;
- b) the release of goods under the regime of *temporary exportation* shall be allowed for a period specified by the declarant, but not exceeding a period of one year. Where the initially specified period is less than one year, at the request of the declarant the Supreme Customs Body may prolong this period up to one year as calculated from the date of exportation;
- c) non-tariff measures shall not be applied, except for those measures aimed at the protection of the consumer interests and, in cases where foreseen by this Code and other laws, other measures;
- d) within ten days following the expiry of the period referred in subparagraph (b), the goods shall be subject to importation into the customs territory of the Republic of Armenia under the regime of *re-importation*;
- e) changes of the goods other than those caused by normal depreciation or unnatural conditions of carriage or storage shall be prohibited.

**Article 42. Restrictions on Application of the Customs Regime of *Temporary Importation***

The Government of the Republic of Armenia shall establish the list of goods the release of which outside the customs territory of the Republic of Armenia under the regime of *temporary exportation* is prohibited.

**Article 43. Surveillance of the Time Limits Specified for the Exportation of Goods under the Regime of *Temporary Exportation***

The surveillance of the time limits specified for the exportation of goods under the regime of *temporary exportation* shall be carried out by the customs bodies.

**Article 44. Liabilities of the Carriers of Goods Arising from the Failure of Importation in Due time or Partial Importation of the Goods Exported under the Regime of *Temporary Exportation***

Unless otherwise stipulated by the Customs Legislation of the Republic of Armenia, where the goods exported under the regime of *temporary exportation* are not imported or are partially imported within a specified period, the carrier of goods shall be liable:

- a) within ten days following the expiry of the period specified for the exportation of the goods, to re-declare these goods under the customs regime of *exportation for free circulation* or under the customs regime of *re-exportation* and pay off the customs charges specified for that regime, as well as the amount of fines specified by law in case of failure of payment thereof in due time as calculated from the date following the expiry of the period specified for the exportation of these goods or
- b) in case of importation of the goods within a period specified in subparagraph (a) of this Article, to pay off the amount of fines referred to in the above-mentioned subparagraph as calculated from the date following the expiry of the period specified for the importation of these goods.

**Article 45. Regime of Importation into a Free Customs Warehouse**

1. The regime of *importation into a free customs warehouse* shall regulate the import of goods into the Republic of Armenia for the purpose of storage thereof in free customs warehouses foreseen by this Code without the customs control.
2. Within the framework of this regime:
  - a) customs charges shall not be levied, except for the customs fees;
  - b) non-tariff measures shall not be applied, except for those measures referred to in this Article.
3. The goods released under the regime of *importation into a free customs warehouse* can be imported into the customs territory of the Republic of Armenia pursuant to a procedure envisaged for the regime of *importation for free circulation*.
4. The goods released under the regime of *importation into a free customs warehouse* can be exported out of the customs territory of the Republic of Armenia pursuant to the regime of *exportation for free circulation* or *the regime of re-exportation* without being subject to imposition of customs charges or non-tariff measures.
5. This customs regime cannot be applied in respect of the goods, the importation of which into and exportation out of the customs territory of the Republic of Armenia is prohibited.
6. The Government of the Republic of Armenia may set prohibitions and restrictions on the storage of certain types of goods in the free customs warehouses.

**Article 46. Actions in Respect of the Goods Released under the *Regime of Importation into a Free Customs Warehouse***

1. The following actions can be taken in respect of the goods released pursuant to the regime of *importation into a free customs warehouse*:
  - a) provision of necessary conditions for the storage of the goods;
  - b) preparation of the goods for the further delivery and sale thereof, division into lots, sorting, packaging, re-packaging, labelling, loading, unloading, stamping and any other action which does not lead to the change in the quality and in the meaning of the goods;
  - c) wholesale trade.
2. The customs bodies shall be entitled to prohibit activities and entry in the free customs warehouses of those persons that do not fulfil the requirements laid down in this Code and other legal instruments.

**Article 47. Length of Time for the Storage of Goods under the Regime of the *Importation into a Free Customs Warehouse***

1. Goods can be stored under the regime of *importation into a free customs warehouse* within up to 3 years' period.
2. The period specified in paragraph 1 of this Article can be restricted by the customs bodies proceeding from reasons of the shelf life and peculiarities of the goods.



#### **Article 48. Regime of Temporary Exportation for Outward Processing**

1. The customs regime of *temporary exportation for outward processing* shall regulate the exportation of goods out of the customs territory of the Republic of Armenia on condition of the further importation thereof.
2. Within the framework of this customs regime
  - a) no other customs charges shall be levied except for the customs duties;
  - b) the exportation of the goods for processing purposes shall be permitted by the customs bodies on the basis of a conclusion issued by a body referred to in Article 49 of this Code for a period requested by the declarant, but not exceeding the period of one year.
  - c) within ten days following the expiry of the period referred to in subparagraph (b) of this paragraph, the goods shall be subject to importation into the customs territory of the Republic of Armenia or to being handed over to the customs for customs custody.
3. When the goods exported under this customs regime are imported under the customs regime of *re-importation*, during the customs formalities procedure the carrier of goods shall be liable to pay off the positive difference formed by the customs charges payable on the importation of the processed goods and on the importation of the goods exported for inward processing purposes under the *re-importation* customs regime, except for the customs duties, the calculation of which is made without deductions.

#### **Article 49. Minimum Output to be Obtained in Consequence of the Processing Operations of the Goods Exported under the Regime of *Temporary Exportation for Outward Processing***

The minimum output to be obtained in consequence of the processing operations of the goods shall be defined by the body so authorised by the Government of the Republic of Armenia and in accordance with a procedure established by the Government of the Republic of Armenia.

#### **Article 50. Liabilities of the Carriers of Goods Arising from the Failure of Importation in Due time or Partial Importation of the Goods Exported under the Regime of *Temporary Exportation***

Where the goods exported under the customs regime of *temporary exportation for outward processing* are not imported or are partially imported within a specified period, the carrier of goods shall be liable:

- a) within ten days following the expiry of the period specified for the importation of the goods, to re-declare the non-imported goods under the customs regime of *exportation for free circulation* or *re-exportation* and pay off the customs charges specified for this customs regime, as well as the amount of fines specified by law in case of failure of payment thereof in due time as calculated from the date following the expiry of the period specified for the importation of these goods or
- b) in case of their importation within a period as specified in paragraph (a) of this Article, to pay off the amount of fines referred to in the same subparagraph as calculated from the date following the expiry of the period specified for the importation of the goods.

### **Article 51. Regime of *Exportation for Free Circulation***

1. The regime of *exportation for free circulation* shall regulate the export of goods out of the customs territory of the Republic of Armenia without an obligation of further importation of these goods.
2. Within the framework of this regime:
  - a) customs charges shall be levied;
  - b) non-tariff measures shall be applied;
  - c) goods shall be exported out of the customs territory of the Republic of Armenia within up to a ten days' period following the completion of the customs formalities or, in case of force majeure, shall be handed over to the customs for temporary custody within the mentioned period;
  - d) any changes of the goods, except for those caused by normal depreciation and unnatural conditions of carriage and preservation shall be prohibited after the release thereof prior to the exportation out of the customs territory of the Republic of Armenia.

### **Article 52. Regime of *Re-exportation***

1. The regime of *re-exportation* shall regulate the reverse exportation of the goods imported into the customs territory of the Republic of Armenia under the regimes of *temporary importation for inward processing* and *temporary importation*, the reverse exportation of the goods originating in the foreign states imported under the regimes of *importation for free circulation*, *importation into a free customs warehouse*, *importation into a customs warehouse* and the reverse exportation of the goods that have not been released after their importation into the customs territory of the Republic of Armenia.
2. Within the framework of this customs regime:
  - a) only customs fees shall be levied except for the cases, when goods exported under this regime were formerly imported under the regime of *temporary importation for inward processing*, in which case the imposition of the customs charges shall be subject to the provisions laid down in paragraph 3 of Article 34 of this Code;
  - b) where goods imported under the regime of *importation for free circulation* are exported out of the customs territory of the Republic of Armenia within up to 180 days as from the date of importation thereof, the amounts of import customs charges levied on these goods shall be subject to refunding, except for the customs fees;
  - c) non-tariff measures shall not be applied, except for those restrictions arising from the Republic of Armenia's international commitments;
  - d) the changes of the goods as compared with the date of importation thereof shall not be other than those caused by normal depreciation of the goods and carriage or preservation thereof under unnatural conditions, except for those changes resulting from the processing of the goods that were formerly imported under the regime of *temporary importation for inward processing*;

- e) the goods released under the regime of *re-exportation* shall be subject to importation out of the customs territory of the Republic of Armenia by the carrier of goods within up to ten days' period; in case of force majeure these goods shall be handed over to the customs for customs custody within the mentioned period.

**Article 53. Customs Regime of Abandonment of the Property Right to the State**

1. The regime of *abandonment of the property right to the State* shall regulate the gratuitous surrender of the goods to the Republic of Armenia by the carrier of the goods.
2. Within the framework of this regime:
  - a) customs charges shall not be levied;
  - b) non-tariff measures shall not be applied, except for those measures aimed at the protection of the consumer interests and, in cases where foreseen by the Legislation of the Republic of Armenia, other measures.
3. The Government of the Republic of Armenia shall establish the list of goods, in respect of which the regime of *abandonment of the property right to the State* is not applicable.

**Article 54. Customs Regime of Destruction**

1. The regime of destruction shall regulate the destruction of the goods under the customs control with the view of making their further use impossible.
2. The customs regime of destruction shall be effected with the consent of the carrier of goods in accordance with a procedure established by the Government of the Republic of Armenia.
3. Within the scope of this customs regime:
  - a) customs charges shall not be levied, except for the customs fees;
  - b) destruction of the goods shall be carried out at the expenses of the carrier of goods.
4. The Government of the Republic of Armenia shall establish the list of the goods in respect of which the regime of *destruction* is not applicable.

**Article 55. Relief of Liabilities Arising out from the Non-Fulfilment of the Obligation for Reverse Importation and Exportation within the Specified Period**

The carriers of goods shall not be committed to the liabilities laid down in Articles 36, 40, 44 and 50 of this Code, where the breach of the obligation for reverse exportation (reverse importation) arises out from a force majeure, carriage and storage under unnatural conditions, normal depreciation of goods, as well as destruction and loss thereof because of the actions or inactivity of the officials or by any other reason, if this fact is justified by documentary evidence.

**CHAPTER 5. CARRIAGE OF THE MEANS OF TRANSPORT CARRYING GOODS  
AND CERTAIN TYPES OF GOODS ACROSS THE  
CUSTOMS BORDER OF THE REPUBLIC OF ARMENIA**

#### **Article 56. Movement of the Means of Transport**

1. The means of transport shall move across the customs border of the Republic of Armenia in accordance with the customs regime assigned the means of transport.
2. The means of transport moving across the customs border of the Republic of Armenia shall stop at places identified by the customs bodies.
3. The stoppage time of the means of transport shall be established by the customs bodies taking into consideration the length of time necessary for the execution of customs control and completion of customs formalities with respect to the means of transport and goods carried by them.
4. The means of transport shall move from the place of the stoppage only with permission of the customs bodies.

#### **Article 57. Carriage of National Currency, Securities, Foreign Currency, Historical, Archaeological and Cultural Values of the Republic of Armenia across the Customs Border of the Republic of Armenia**

The procedure for the carriage of national currency, securities, foreign currency, historical, archaeological and cultural values of the Republic of Armenia shall be established by this Code and other legal instruments.

#### **Article 58. Establishment of a Simplified Procedure for the Carriage of Certain Types of Goods by Natural Persons across the Customs Border of the Republic of Armenia**

The Government of the Republic of Armenia may establish a simplified procedure for the carriage of certain types of goods by natural persons, as well as for the carriage of goods through international postal deliveries.

### **SECTION 3.**

#### **CERTAIN TYPES OF CUSTOMS RELATED ACTIVITIES LICENSING AND SUPERVISION**

#### **CHAPTER 6. TYPES OF ACTIVITIES SUBJECT TO LICENSING LICENSING AND SUPERVISION**

#### **ARTICLE 59. Types of Customs Related Activities Subject to Licensing and Main Licensing Requirements**

1. The following types of activities shall be subject to licensing:
  - a) storage of goods in a customs warehouse under the customs control;
  - b) realization of goods in a duty free shop under the customs control;
  - c) storage of goods in a free customs warehouse;
  - d) customs brokerage;
  - e) activity of a customs shipper.
2. The procedure for licensing of the activities referred to in paragraph 1 of this Article shall be established by the Government of the Republic of Armenia.
3. The licensing of the types of activities referred to in paragraph 1 of this Article shall be made by the Superior Customs Body, provided the following documents are furnished by the applicant:
  - a) a request (application) for the grant of a license;
  - b) copies of the applicant's statutory documents legalised in a due form and manner prescribed by law;
  - c) a written account on the statutory fund;
  - d) documents filled in adherence to criteria defined by the Government of the Republic of Armenia and containing descriptions of areas, other basic facilities and technical saturation of these areas and facilities necessary for pursuing of the types of activities referred to in subparagraphs (a)-(e);
  - e) documents ensuring the fulfilment of the requirements laid down in Article 70 of this Code necessary for the grant of a license for the type of activity referred to in subparagraph (d) of paragraph 1 of this Article.
4. For the licensing purposes it shall be prohibited to solicit from the applicant such kind of documents, the solicitation of which doesn't derive from the requirements of this Code and other legal instruments.

#### **Article 60. Supervision of Persons Running a Customs Related Activity Subject to Licensing**

The supervision of the types of activities subject to licensing pursuant to paragraph 2 of Article 59 of this Code shall be effected by the Superior Customs Body.

## **CHAPTER 7. STORAGE OF GOODS IN CUSTOMS WAREHOUSES UNDER THE CUSTOMS CONTROL**

### **Article 61. Customs Warehouses and Types of Customs Warehouses**

1. A customs warehouse is a complex of one or several separate premises and open air grounds, where the goods released under the customs regime of *importation into a free customs warehouse* are stored under the customs control.
2. The following types of customs warehouses may exist:
  - a) warehouses for ground storage designed for the storage of goods belonging to any person;
  - b) warehouses for indoor storage designed for the storage of goods belonging to certain persons;
  - c) specialised warehouses designed for the storage of certain types of goods belonging to any person.
3. The customs warehouses can be set up by persons of the Republic of Armenia, to whom a license has been issued pursuant to paragraph 2 of Article 59 of this Code.

### **Article 62. Customs Warehousing of Goods under the Customs Control**

1. The customs warehousing of goods shall be carried out in accordance with a procedure established by this Code and other legal instruments.
2. Persons responsible for the custody shall be liable:
  - a) not to allow the removal of goods from a customs warehouse, except where necessary to set up a customs control over the goods or to change the customs regime;
  - b) not to impede the execution of the customs control;
  - c) to ensure necessary conditions for the execution of the customs control by the customs bodies;
  - d) to maintain records of the movement of the goods and submit these to the customs bodies pursuant to a procedure established by the Superior Customs Body.

### **Article 63. The Relief of the Founders of Customs Warehouses from the Liability of the Payment of Customs Charges on the Goods Placed in a Customs Warehouse by other Persons**

Founders of customs warehouses shall not incur liability for the payment of the customs charges on the goods that have been placed in the customs warehouse by other persons.

## **CHAPTER 8. REALIZATION OF GOODS UNDER THE CUSTOMS CONTROL IN DUTY FREE SHOPS**

### **Article 64. Duty Free Shop and Establishment of a Duty Free Shop**

1. Duty free shops are areas specified within the zone of customs control, where goods released under the customs regime of *importation into a duty free shop* pursuant to a procedure established by this Code are disposed under the customs control.
2. Duty free shops may be set up by the persons of the Republic of Armenia in virtue of a license issued in accordance with paragraph 2 of Article 59 of this Code.

### **Article 65. Realization of Goods in Duty Free Shops**

1. Commercial activities in duty free shops shall be conducted under the customs control pursuant to a procedure established by law and other legal instruments.
2. Goods purchased in duty free shops shall be exported out of the customs territory of the Republic of Armenia without being subject to imposition of customs charges and tariff measures.

## **CHAPTER 9. STORAGE OF GOODS IN FREE CUSTOMS WAREHOUSES**

### **Article 66. Free Customs Warehouses**

1. A free customs warehouse is a complex of one or several separate premises and open air grounds, where the goods released under the customs regime of *importation into a free customs warehouse* are stored under the customs control.
2. Free customs warehouses can be set up by the persons of the Republic of Armenia in virtue of a license issued in accordance with paragraph 2 of Article 59 of this Code.

### **Article 67. Observance of Legislation within the Perimeter of Free Customs Warehouses**

1. In case of availability of sufficient data on the breach of the Legislation, the customs bodies shall be entitled to establish control over the goods placed in free customs warehouses.
2. The customs formalities with respect to the goods imported into and exported out of free customs warehouses either stored there may be carried out pursuant to a simplified procedure established by the Superior Customs Body.

## **CHAPTER 10. CUSTOMS BROKERAGE ACTIVITIES**

### **Article 68. Customs Broker**

1. A customs broker is a person acting in his own name by the authorisation of the carrier of goods and pursuing an activity associated with the customs formalities and customs control in virtue of a license granted pursuant to paragraph 2 of Article 59 of this Code.
2. Relations between the customs broker and the person represented by him shall be regulated by law and a contract concluded between them.

### **Article 69. Rights of the Customs Broker**

The customs broker shall be entitled to carry out all the operations arising out from the requirements relating to the customs formalities, as well as other brokerage transactions relating to the customs affairs upon authorisation and at the expenses of the person he/she represents.

### **Article 70. Expert in Customs Formalities**

Only a citizen of the Republic of Armenia to whom a qualification of a customs expert is granted pursuant to a procedure established by the Superior Customs Body shall be entitled to carry out customs formalities on behalf of a customs broker.

### **Article 71. Use of Data Provided by a Client to the Customs Broker and His/ Her Employees**

1. Data provided by a client for the purposes of implementation of the tasks assigned by the client may be used solely for the customs purposes.
2. Data containing state, banking, commercial and official secrecy shall not be subject to publication and cannot be used by a customs broker or his/her employees for their own benefit or in favour of third persons and issued to third persons, including state bodies, except for the cases foreseen by law.

## **CHAPTER 11. CUSTOMS SHIPMENT**

### **Article 72. Customs Shipper**

1. Customs shipment operations may be carried out by the persons of the Republic of Armenia in virtue of a license issued in accordance with paragraph 2 of Article 59 of this Code.
2. A customs shipper shall carry out his/her activities in accordance with this Code and other legal instruments.
3. The carriage of goods released under the regime of *transit shipment* shall be realised without a compulsory customs escort, when and where these goods are carried by persons acting as customs shippers.

### **Article 73. Use of Data Provided by a Client to the Customs Shipper and His/Her Employees**

1. Data provided by a client for the purposes of implementation of the tasks assigned by the client may be used by the customs shipper and his/her employees solely for the customs purposes.
2. Data containing state, banking, commercial and official secrecy shall not be subject to publication and cannot be used by the customs shipper or his/her employees for their own benefit or in favour of third persons and issued to third persons, including the state bodies, except for the cases foreseen by law.



## SECTION 4

### CUSTOMS VALUATION OF THE GOODS CARRIED ACROSS THE CUSTOMS BORDER OF THE REPUBLIC OF ARMENIA

#### CHAPTER 12. GENERAL PROVISIONS ON CUSTOMS VALUATION

##### **Article 74. Purpose of Determination of the Customs Value**

The customs value of the goods carried across the customs border of the Republic of Armenia shall be determined for the purpose of calculating ad valorem customs charges, applying non-tariff measures expressed in ad valorem terms and maintaining of customs statistics.

##### **Article 75. Identical Goods**

Goods shall be deemed identical if they are the same in all respects, including physical characteristics, quality and reputation (trade mark), country of origin. Minor differences in appearance, which cannot lead the consumers to giving a preference to any of comparable goods, would not prevent goods from being regarded as identical.

##### **Article 76. Similar Goods**

Goods shall be deemed similar, if they, although not alike in all respects, have like characteristics and like component materials, which enable them to perform the same functions and to be interchangeable. The quality of the goods, their reputation (trade mark) are among the factors to be considered in determining whether goods are similar.

##### **Article 77. Additional Provisions on Identical and Similar Goods**

Goods manufactured by other producers may be regarded as similar or identical in respect of the declared goods only if similar and identical goods manufactured by the same producer are not available for drawing comparison.

##### **Article 78. Related Persons**

Persons shall be deemed to be related, only if

- a) they are officers or directors of one another's businesses;
- b) they are employer and employee of one another;
- c) any person directly or indirectly owns, controls or holds 5 per cent or more of the outstanding voting stock of each of them;
- d) one of them may in some way control or restrict the activity of the other;
- e) a third person may in some way control or restrict their activities;
- f) together they directly or indirectly control or restrict the activity of a third person;
- g) they jointly own the same property or are founders of a certain organization;
- h) they are members of the same family.

#### **Article 79. The Same or About the Same Period of Time**

A period of 90 days preceding the given date shall be deemed as the same or about the same period of time.

#### **Article 80. Goods of the Same Class**

Goods pertaining to the same branch of industry and classifiable under the same heading of the Goods Nomenclature of Foreign Economic Activities (GNFEA) shall be deemed as goods of the same class.

### **CHAPTER 13. CUSTOMS VALUE AND CONSTITUENTS OF THE CUSTOMS VALUE OF THE GOODS CARRIED ACROSS THE CUSTOMS BORDER OF THE REPUBLIC OF ARMENIA**

#### **Article 81. Customs Value**

The customs value of the goods carried across the customs border of the Republic of Armenia shall be the price paid or payable for the goods when sold for export to the country of importation and carried up to the customs border of the Republic of Armenia.

#### **Article 82. Determination of the Customs Value**

The customs value of the goods carried across the customs border of the Republic of Armenia shall be determined by the declarant, except for the cases prescribed by this Code, when the customs value is determined by the customs bodies.

#### **Article 83. Constituents of the Customs Value**

The customs value shall include

- a) the transaction value of the goods in the country of exportation;
- b) transport, loading, unloading, transshipment, insurance and other related costs made in connection of the goods' carriage up to the customs border of the Republic of Armenia;
- c) commission and brokerage accrued in relation to the carriage of the goods up to customs border of the Republic of Armenia , except buying commissions;
- d) the costs of the following goods and services where supplied directly or indirectly by the buyer to the supplier free of charge or at reduced cost for use in connection with the production and supply of the goods carried across the customs border of the Republic of Armenia:
  - i) the value of materials, components, parts and similar items incorporated in the goods;
  - ii) the value of tools and other similar items used in the production of the goods;
  - iii) the value of materials consumed in the production of the goods;

- iv) the value of engineering, artwork, design work, and other similar work necessary for the production of the goods;
- e) royalties and licence fees related to the sale of the goods being valued paid or payable by the buyer, either directly or indirectly, to the supplier;
- f) the value of tare, packing and packaging;
- g) the amounts payable to the supplier by the buyer for the further sale, use and disposal of the goods carried across the customs border of the Republic of Armenia.

#### **Article 84. Inclusion of the Constituents of the Customs Value in the Customs Value**

The costs referred to in subparagraphs (b)-(g) of Article 83 of this Code shall be included in the customs value where they are disregarded in the transaction value of the goods.

#### **Article 85. Costs Not Included in the Customs Value**

The following shall not be included in the customs value:

- a) indirect taxes paid or payable in the country of export and separately shown in payment documentation;
- b) shipment, loading, unloading, transshipment, insurance, commissions and brokerage costs made in the country of importation;
- c) the interest charges deriving from the financial liabilities of the buyer in relation to the supplier, except for the charges specified in paragraph (g) of Article 83 of this Code, provided that the interest rate in question does not exceed the average interest rate of similar transaction carried out at or nearly the same period of time in the country of export;
- d) the value of data (software etc.) borne on electronic carrier media.

#### **Article 86. Declaration of the Customs Value**

The customs value of the goods carried across the customs border of the Republic of Armenia shall be declared by the carrier of goods or his/her representative along with other data subject to declaration.

### **CHAPTER 14. RULES FOR DETERMINATION OF THE CUSTOMS VALUE**

#### **Article 87. Method of Determination of the Customs Value on the Basis of the Transaction Value**

1. For the purpose of determining the customs value of the goods carried across the customs border of the Republic of Armenia on the basis of the transaction value, the following documents shall be due to be presented by the declarant:

- a) a document confirming the purchase of the goods in the country of export (invoice or any other interchangeable document) with indication of the date of issue of the document, reference number, seller (shipper), buyer (consignee), detailed description of the goods (denomination of the goods and the trade mark or brand name, if such are available) number of pieces, unit of measurement, unit price, weight and total value, as well as, where the goods are foreseen for shipment, the costs involved in relation to the shipment, loading, unloading, transshipment, insurance and other similar costs, commissions and brokerage (except for the buying commissions), the value of costs accrued, directly or indirectly, by the buyer to the supplier free of charge or at reduced cost for use in connection with the production and supply of the goods and for any subsequent resale, use or disposal of the goods, separately shown in the payment documents;
  - b) certificate of country of origin of the goods;
  - c) declaration confirmed by the customs authorities of the exporting country, where the seller (shipper) of the goods is mentioned as exporter of the goods and the buyer (importer) of the goods is mentioned as consignee;
  - d) contract on sales of the goods or any interchangeable document.
2. The customs value of the goods carried across the customs border of the Republic of Armenia shall be determined on the basis of the transaction value if:
- a) no other restrictions are imposed in relation to the disposal or use of the goods in question, apart from those, which are covered by the laws or Government Decrees of the Republic of Armenia or which limit the geographical area, where the goods may be resold or which do not essentially influence the price of the goods;
  - b) the sale or the selling (buying) price is not dependent on any circumstance, due to which the customs value cannot be determined on the basis of the price of the goods;
  - c) any part of the proceeds of any subsequent resale or disposal of the goods by the buyer does not accrue directly or indirectly to the seller, unless an appropriate adjustment can be made in accordance with subparagraph (g) of Article 83;
  - d) the buyer and seller are not related, or where the buyer and seller are related, the transaction value is not ostensibly low or it may not be determined or verified.

**Article 88. Cases of Determination of the Customs Value by the Customs Bodies**

1. The customs value determined by the declarant shall be disregarded, if:
- a) the declarant does not present documents to prove the costs accrued in relation to the loading, unloading, transshipment and insurance of the goods and for bringing thereof up to the customs border of the Republic of Armenia;
  - b) the declarant does not present to the customs bodies documents referred to in paragraph 1 of Article 87 of this Code;
  - c) restrictions are imposed on the carrier of goods in relation to the disposal and use thereof, apart from the restrictions, which are covered by law and other legal instruments or which limit the geographical area, where the goods may be resold or which do not essentially influence the price of the goods;

- d) the selling price of the goods is dependent on a circumstance, due to which the customs value cannot be determined on the basis of value of the goods;
  - e) any part of the proceeds of any subsequent resale or disposal of the goods by the buyer accrues directly or indirectly to the seller, if an appropriate adjustment cannot be made in accordance with subparagraph (g) of Article 83;
  - f) the customs value calculated on the basis of the transaction value is ostensibly low by reason of relatedness of the buyer and seller.
2. The customs value of the goods carried across the customs border of the Republic of Armenia shall be determined by the customs bodies through making relevant adjustment to Article 83 of this Code for the cases foreseen by subparagraph (a) of paragraph 1 of this Article.
  3. The customs value of the goods carried across the customs border of the Republic of Armenia shall be determined by the customs bodies pursuant to Articles 89-94 of this Code where for the cases foreseen by subparagraphs (b)-(f) of this Article.
  4. For the purposes of this Article, the customs bodies shall make use of data available at their disposal either furnished by the declarant or by the state bodies of the Republic of Armenia and foreign states. The procedure for according data to the customs bodies by the state bodies of the Republic of Armenia shall be established by the Government of the Republic of Armenia.

#### **Article 89. Determination of the Customs Value on the Basis of the Transaction Value of Identical Goods**

The customs value of the goods carried across the customs border of the Republic of Armenia shall be determined on the basis of the transaction value of identical goods sold for export to the country of importation in or about in the same quantities and at or about the same time as the goods being valued.

#### **Article 90. Determination of the Customs Value on the Basis of the Transaction Value of Similar Goods**

The customs value of the goods carried across the customs border of the Republic of Armenia shall be determined on the basis of the transaction value of similar goods sold for export to the country of exportation in or about in the same quantities and at or about the same time as the goods being valued.

#### **Article 91. Determination of the Customs Value of the Goods Carried across the Customs Border on the Basis of the Unit Price of the Goods at which the Goods are Sold on the Domestic Market of the Republic of Armenia**

1. Where the goods carried across the customs border of the Republic of Armenia or identical or similar goods, which are deemed identical or similar under the provisions of Article 75 and 76 of this Code, are sold on the domestic market of the Republic of Armenia in the condition as imported in the greatest aggregate quantity, the customs value thereof shall be determined on the basis of the unit price at which the goods or the identical or similar goods are sold at or about the same time of importation of the goods valued, taking into account the deductions referred to in paragraph 2 of this Article and additions referred to in paragraph 3 of this Article depending whether the goods are imported or exported.
2. The deductions referred to in paragraph 1 of this Article are the following:

- a) commissions and commercial additions (including the profit usually obtained from the sales of these goods on the domestic market of the Republic of Armenia) usually applied in the Republic of Armenia in connection with sales of the goods of the same class in case of determining the customs value of the imported goods;
  - b) costs of transport, warehousing, insurance and other similar costs incurred in the territory of the Republic of Armenia in case of determining the customs value of the imported goods;
  - c) taxes and other mandatory fees subject to payment in connection with the sales of the goods in the Republic of Armenia in case of determining the customs value of the imported and exported goods;
  - d) customs charges subject to payment on imported goods in case of determining the customs value of the imported goods.
3. The additions referred to in paragraph 1 of this Article shall include the warehousing, transport and insurance costs of the goods and other similar costs. These additions shall be made only in case of determining the customs value of the goods subject to exportation out of the Republic of Armenia.
4. If neither the goods imported at or about the same time nor identical nor similar goods are sold on the domestic market of the Republic of Armenia in the same condition as imported, then the customs value of the imported goods can be determined on the basis of the [unit] price at which the imported goods are sold in the Republic of Armenia in the greatest aggregate quantity after undergoing further processing, due allowance being made for the value added by such processing and the deductions provided for by this Article.

#### **Article 92. Determination of the Customs Value on the Basis of the Computed Value**

The customs value of the goods carried across the customs territory of the Republic of Armenia shall be determined on the basis of the computed value thereof, consisting of the sum of:

- a) the cost or value of materials and processing employed in producing the imported goods;
- b) an amount for profit and general expenses expected by producers in sales of goods of the same class or kind in the country of export for the import into the Republic of Armenia or in the Republic of Armenia for the export into the country of import.
- c) the transport, loading, unloading, transshipment, insurance and other similar costs incurred in relation to bringing the goods of the same class, which are deemed as goods of the same class under the provisions of Article 80 of this Code, up to the customs border of the Republic of Armenia at or about the same time;
- d) commissions and brokerage, except for the buying commission and brokerage, incurred usually for bringing the same or nearly the same quantity of goods of the same class, which are deemed goods of the same class under the provisions of Article 80, up to the customs border of the Republic of Armenia at or about the same time.

### **Article 93. Determination of the Customs Value on the Basis of the Fall-back Method**

Where the customs value of the goods carried across the customs border of the Republic of Armenia cannot be determined under the above rules laid down in this section, the customs value of the goods shall be determined by other means consistent with the principles and general provisions of the General Agreement on Tariffs and Trade - on the basis of data available in the Republic of Armenia. The customs value cannot be determined on the basis of:

- a) the selling price in the Republic of Armenia of the goods produced in the Republic of Armenia for determining the customs value of the imported goods;
- b) a system which provides for the acceptance for customs purposes of the higher of two alternatives;
- c) the price of the goods on the domestic market of the country of export for the calculation of the customs value of the imported goods;
- d) the costs of production, except for the computed values determined for the identical or similar goods under Article 92 of this Code;
- e) the price of the goods envisaged for export to other countries;
- f) minimum or maximum customs values;
- g) arbitrary values.

### **Article 94. Sequence of Application of the Rules of Determination of the Customs Value**

1. The rules for determination of the customs value laid down in Article 87-93 of this Code shall be applied in sequential order, except where otherwise stipulated under paragraph 2 of this Article.
2. The sequential order for the application of the rules laid down under Articles 92 and 93 of this Code shall be reversed upon the request of the declarant. If the declarant does not request that the sequential order be reversed, the normal order of the sequence shall be followed. Where, upon such request, the customs value cannot be determined under Article 93 of this Code, the customs value shall be determined under Article 92 of this Code.

## **CHAPTER 15. DATA USED FOR DETERMINATION OF THE CUSTOMS VALUE AND APPEAL AGAINST DECISIONS AND ACTIONS OF CUSTOMS OFFICIALS**

### **Article 95. Data Used for Determining of the Customs Value**

1. Based on the request in writing of the carrier of goods, the customs bodies shall, within five days, notify in writing of the amount of the customs value and the method of determination of the customs value.
2. Data accorded to the customs bodies by the declarant to the end of determining the customs value cannot be used by the customs bodies otherwise than for the purposes laid down under Article 73 of this Code. These data cannot be issued to third persons without the consent of the declarant, except where otherwise provided for by law.

3. The data used for determining the customs value of the goods, including the sources thereof, shall be open and shall be subject to publication by the customs bodies at least 10 days prior to having recourse to such data.
4. The requirement set forth in paragraph 3 of this Article shall not extend over the data and sources thereof referred to in paragraph 4 of Article 88. The data used for the purposes of determining the customs value of the goods and the sources thereof referred to in this paragraph, except for the confidential data retained by law, shall be open and may be published on the initiative of the Superior Customs Body.
5. In case of converting the foreign currency for the purposes of determining the customs value of the goods, the exchange rate established by the Central Bank of the Republic of Armenia on the date of declaration of the goods in question shall apply.

**Article 96. Disagreement with the Decisions Made by the Customs Bodies or Customs Officials on Determination of the Customs Value**

1. Where the circumstances necessitate the customs bodies to determine or verify the customs value declared by the declarant, the customs formalities with respect to the goods shall be carried out on the basis of the customs value (transaction value) declared by the declarant if a security in the amount of the disputable sum of the customs charges is deposited with a bank for a period up to 30 days on condition that a final calculation shall be made depending on the final decision.
2. Where the customs bodies are not agreed with the amount of the customs value declared by the declarant or the method of determination of the customs value, on the day when the declaration is lodged, they shall hand over to the declarant a conclusion on refusal drawn up in a form and manner prescribed by the Superior Customs Body, stating in it the reasons due to which the amount of the customs value or the method of determination of the customs value cannot be accepted and indicating the address of the Superior Customs Body or the customs official with whom the declarant may lodge an appeal.
3. In case the customs bodies are not agreed with the amount of the customs value or the method of determination of the customs value, the declarant, within ten days after receiving the conclusion on refusal, may lodge an appeal with the Superior Customs Body or with court. The Superior Customs Body shall take a decision within 30 days and notify of it the declarant. The appeal shall not exempt the declarant from fulfilling his obligations relating to the subject matter of the appeal in the specified period.



## SECTION 5. CUSTOMS CHARGES

### CHAPTER 16. GENERAL PROVISIONS ON CUSTOMS CHARGES

#### Article 97. Customs Charges

According to this Code and other legal instruments of the Republic of Armenia, goods carried across the customs border of the Republic of Armenia shall be subject to imposition of customs charges, including:

- a) customs duties;
- b) customs fees;
- c) taxes, duties and other mandatory fees defined by law and levied by the customs bodies.

### CHAPTER 17. CUSTOMS DUTIES

#### Article 98. Customs Duties

Customs duties are mandatory charges payable to the state budget on the goods carried across the customs border of the Republic of Armenia in the amounts and in accordance with a procedure prescribed by this Code.

#### Article 99. Procedure for the Imposition of Customs Duties

The customs duties and custom duty rates shall be imposed in accordance with this Code.

#### Article 100. Types of Customs Duties Based on the Nature of Transactions

The following customs duties shall apply in the Republic of Armenia based on the nature of transactions:

- a) export customs duties shall be imposed on the goods subject to exportation out of the customs territory of the Republic of Armenia;
- b) import customs duties shall be imposed on the goods subject to importation into the customs territory of the Republic of Armenia;
- c) seasonal customs duties shall be imposed on certain types of goods imported into and exported out of the customs territory of the Republic of Armenia during a certain period of a year.

#### Article 101. Types of Customs Duties Based on the Method of Calculation

The following customs duties based on the method of calculation shall apply in the Republic of Armenia:

- a) *ad valorem* customs duties shall be calculated in percents in relation to the customs value of the goods subject to taxation;
- b) *specific (fixed)* customs duties shall be calculated at a fixed rate per unit of the goods subject to taxation;

c) *mixed customs duties* shall combine the ad valorem and specific (fixed) customs duties.

The following customs duties shall apply with the view of protecting of the economic interests of the Republic of Armenia and promote economic activities:

- a) counteracting customs duties shall be imposed in retaliation to discriminatory actions against the Republic of Armenia by separate persons, states and unions thereof;
- b) promoting customs duties shall be imposed with the view of reducing the customs duty rates imposed on the imports from certain countries.

### Article 102. Customs Duty Rates

1. The customs duties shall be levied in accordance with the following rates:

CN code	Brief Description of Products	Import	Export
1	2	3	4
01	Live animals	0	0
02	Meat and meat offal	10	0
03	Fish, crustaceans molluscs and other aquatic invertebrates	10	0
0301	Live fish.	0	0
04	Milk and dairy produce; birds' eggs	10	0
05	Products of animals origin, not elsewhere specified or included	10	0
06	Lives trees and other plants; bulbs, roots and the like; cut flower and ornamental foliage	10	0
07	Vegetables, edible roots and tubers	10	0
070110 000	Potato seed	0	0
08	Edible fruit and nuts; peel of citrus fruits or melons	10	0
09	Coffee, tea, mate (Paraguay tea) and spices	10	0
10	Cereals	0	0
11	Products of milling industry, malt, starches, inulin, wheat gluten	10	0
1107	Malt, whether or not roasted	0	0
1108	Inulin.	0	0
12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruits; industrial or medical plants; straw and fodder of which:	0	0
120600	Sunflower seeds	10	0
13	Lac; gums, resins and other vegetable saps and extracts, of which:	0	0
1302	Vegetable saps and extracts	10	0

14	Vegetable plaiting materials and other vegetable products	0	0
15	Animal or vegetable fats and oils, and their cleavage products; prepared edible fats; animal or vegetable waxes (candles)	10	0
16	Preparations of meat, of fish or of crustaceans, mollusks or other aquatic invertebrates	10	0
17	Sugar and sugar confectionery made from sugar	10	0
18	Cocoa and cocoa preparations	10	0
19	Preparations of cereals, flour, starch and milk; pastrycooks' products of which:	0	0
1902	Macaroni	10	0
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products	10	0
190530	Sweet biscuits; waffles and wafers	10	0
20	Preparations of vegetables	10	0
21	Miscellaneous edible preparations of which:	10	0
2102	Yeasts	0	0
22	Spirit, beverages and vinegar	10	0
23	Residues and waste from the food industry; prepared animal fodder	0	0
230910	Dog or cat food, put up for retail sale	10	0
24	Tobacco and manufactured tobacco substitutes of which:	0	0
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes.	10	0
25	Salt; sulfur; earth and stone; plastering materials, lime and cement of which:	0	0
250100910	Table salt	10	0
2515	Marble, travertine, ecaussine and other calcareous monumental or building stone of an apparent specific gravity of 2.5 or more, and alabaster, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape	10	0
2516	Granite, porphyry, basalt, sandstone and other monumental or building stone, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape	10	0
2518	Dolomite, whether or not calcined; dolomite roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape; agglomerated dolomite (including tarred dolomite)	10	0

2523	Portland cement, aluminous cement, slag cement, supersulphate cement and similar hydraulic cements, whether or not coloured or in the form of clinkers	10	0
26	Ores, slag and ash	0	0
27	Mineral fuels, mineral oils and products of their distillation; bitumen substances; mineral waxes	0	0
28	Inorganic chemicals: organic or inorganic compounds of precious metals, rare-earth metals, radioactive elements or isotopes	0	0
29	Organic chemicals	0	0
30	Pharmaceutical products	0	0
31	Fertilizers	0	0
32	Tanning or dyeing extracts; tanning and their derivatives; pigments and coloring matter; paints and varnishes; putty and other mastics; inks (printing dyes)	0	0
33	Ether oils and essential oils	0	0
34	Soap, organic surface-active agents, washing and perfuming preparations, artificial waxes, prepared waxes, polishing and scouring preparations; "dental waxes" and dental preparations with a basis of plaster	0	0
35	Albuminoidal substances; modified starches; glues; enzymes	0	0
36	Explosives; pyrotechnic products, matches	0	0
37	Photographic and cinematographic goods	0	0
38	Miscellaneous chemical products	0	0
39	Plastics and articles thereof	0	0
3917	Tubes, pipes and hoses, and fittings therefor (for example, joints, elbows, flanges), of plastics.	10	0
391710	Artificial guts (sausage casings) of hardened protein or of cellulosic materials	0	0
391721 100	Rigid tubes, pipes, and hoses of polymers of ethylene, for use in civil aircraft	0	0
391721 910	Plastic tubes, pipes, hoses, and fittings of polymers of ethylene, for use in civil aircraft	0	0
391723 100	Plastic tubes, pipes, hoses of polymer of vinyl chloride, seamless and of a length exceeding the maximum cross-sectional dimension, whether or not surface worked, but not otherwise worked	0	0
391723 910	Plastic tubes, pipes, hoses of polymer of vinyl chloride, with fittings attached for use in civil aircraft	0	0
391729 910	Pipes, tubes, hoses of other plastics, with fittings attached, for use in civil aircraft	0	0
391731 100	Plastic pipes, tubes, and hoses, having a minimum burst pressure of 27.6 MPa, with fittings attached, for use in civil aircraft	0	0
391733 100	Other plastic pipes, tubes, hoses, not reinforced or otherwise combined with other materials, with fittings for use in civil aircraft	0	0

391739 910	Other plastic pipes, tubes, hoses, with fittings attached, for use in civil aircraft	0	0
391740 100	Plastic fittings, for use in civil aircraft	0	0
3922	Baths, shower-baths, wash-basins, bidets, lavatory pans, seats and covers, flushing cisterns and similar sanitary ware, of plastics.	10	0
3923	Articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastics.	10	0
3924	Tableware, kitchenware, other household articles and toilet articles, of plastics.	10	0
3925	Builders' ware of plastics, not elsewhere specified or included.	10	0
3926	Other articles of plastics and articles of other materials of headings Nos. 39.01 to 39.14.	10	0
392690 100	Other articles of plastics and articles of other materials of headings Nos. 3901 to 3914, for technical uses, for use in civil aircraft	0	0
40	Rubber and articles thereof	0	0
401110 000	New pneumatic tyres of rubber of a kind used on motor cars	10	0
401210 300	Retreaded tyres of rubber of a kind used on motor cars	10	0
401210 500	Retreaded rubber tyres of a kind used on buses or lorries	10	0
401220 900	Used pneumatic tyres	10	0
401310 100	Inner tubes, of rubber of a kind used on motorcars	10	0
401519 100	Household rubber gloves	10	0
401519 900	Other rubber gloves	10	0
401590 000	Other rubber clothing accessories	10	0
401691 000	Floor coverings and mats of rubber	10	0
401692 000	Erasers	10	0
41	Raw hides and skins and leather	0	0
42	Articles of leather	10	0
43	Furskins and artificial fur; manufactures thereof	0	0
4303	Articles of apparel, clothing accessories and other articles of fur skin.	10	0
44	Wood and articles of wood	0	0
45	Cork and articles of cork	0	0
46	Manufactures of straw, of other plaiting materials	10	0
47	Pulp of wood or of other fibrous cellulose material; waste and scarp of paper	0	0
48	Paper and paperboard and articles thereof; paper pulp articles	0	0

4818	Toilet paper and similar paper, cellulose wadding or webs of cellulose fibres, of a kind used for household or sanitary purposes, in rolls of a width not exceeding 36 cm, or cut to size or shape; handkerchiefs, cleansing tissues, towels, tablecloths, serviettes, napkins for babies, tampons, bed sheets and similar household, sanitary or hospital articles, articles of apparel and clothing accessories, of paper pulp, paper, cellulose wadding or webs of cellulose fibres	10	0
4819	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres; box files, letter trays, and similar articles, of paper or paperboard of a kind used in offices, shops or the like.	10	0
49	Printed books, newspapers, pictures and other products of printing industry, manuscripts, typescripts and plans	0	0
50	Silk and silk production	10	0
5002	Raw silk (not thrown).	0	0
5004	Silk yarn (other than yarn spun from silk waste) not put up for retail sale.	0	0
5005	Yarn spun from silk waste, not put up for retail sale.	0	0
51	Wool and wool production	0	0
52	Cotton	0	0
53	Other vegetable textile fibers, paper yarn and woven fabrics of paper yarn	0	0
54	Man-made filaments	0	0
5407	Woven fabrics of synthetic filament yarn	10	0
5408	Woven fabrics of artificial filament yarn	10	0
55	Man-made staple fibres	0	0
56	Wadding, felt and nonwovens; special yarns, twine, cordage, ropes and cables and articles thereof	0	0
57	Carpets and other textile floor coverings	10	0
58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery	10	0
5801	Woven pile fabrics and chenille fabrics, other than fabrics of heading No. 5802 or 5806	0	0
5802	Terry towelling and similar woven terry fabrics, other than narrow fabrics of heading No. 5806; tufted textile fabrics, other than products of heading No. 5703	0	0
5803	Gauze, other than narrow fabrics of heading No. 5806	0	0
59	Impregnated, coated, covered laminated textile fabrics	0	0
5904	Linoleum	10	0
60	Knitted or crocheted fabrics	0	0
61	Articles of apparel and clothing accessories, knitted or crocheted	10	0
62	Articles of apparel and clothing accessories, not knitted or crocheted	10	0

63	Other made-up textile articles	10	0
64	Footwear	10	0
6406	Parts of footwear	0	0
65	Headgears	10	0
66	Umbrellas, sun umbrellas, walking sticks, seat sticks, whips, riding crops	10	0
67	Prepared feather and down and articles made of feathers or of down; artificial flowers	10	0
68	Articles of stone , plaster, cement, asbestos, mica or similar materials	10	0
681290 100	Other fabricated asbestos fibres for use in civil aircraft	0	0
681310 100	Brake linings and pads with a basis of asbestos or other mineral substances, for use in civil aircraft	0	0
681390 100	Other friction materials with a basis of asbestos or other mineral substances, for use in civil aircraft	0	0
69	Ceramic products	10	0
70	Glass and glassware	0	0
7004	Drawn glass and blown glass (colored throughout the mass)	10	0
7005	Float glass and surface ground or polished glass	10	0
7009	Glass mirrors for the cars	10	0
7013	Glassware of a kind used for table and kitchen	10	0
7016	Glass bricks, tiles and other articles of glass for decorative purposes	10	0
7018	Glass beads, imitation pearls, imitation precious or semi-precious stones and similar glass smallwares, and articles thereof	10	0
71	Natural or cultured pearls, precious or semiprecious stones, precious metals, metals clad with precious metal and articles thereof; imitation jewellery; coins	0	0
7101	Pearls	10	0
7113	Articles of jewellery and parts thereof, of precious metal or of metal clad with precious metal	10	0
7114	Articles of goldsmiths' or silversmiths' wares and parts thereof, of precious metal or of metal clad with precious metal	10	0
7115	Other articles of precious metal or of metal clad with precious metal	10	0
7117	Imitation jewellery	10	0
7118	Coin	10	0
72	Ferrous metals	0	0
73	Articles of ferrous metals	0	0
7323	Table, kitchen or other household articles and parts thereof	10	0
74	Copper and articles thereof	0	0
75	Nickel and articles thereof	0	0

76	Aluminum and articles thereof	0	0
7615	Table, kitchen or other household articles and parts thereof, of aluminium	10	0
7616	Other articles of aluminium	10	0
78	Lead and articles thereof	0	0
79	Zinc and articles thereof	0	0
80	Tin and articles thereof	0	0
81	Other base metals, cermets, articles thereof	0	0
82	Tools implements, cutlery, spoons and forks of base metal and parts thereof	0	0
8215	Spoons, forks, and knives of base metal	10	0
83	Miscellaneous articles of base metal	0	0
8303	Armoured or reinforced safes, strong-boxes and doors and safe deposit lockers for strong-rooms, cash or deed boxes and the like, of base metal.	10	0
84	Nuclear reactors, boilers, equipment and mechanical tools	0	0
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated.	10	0
841581 100	Incorporating a refrigerating unit and a valve for reversal of the cooling/heat cycle, for use in civil aircraft	0	0
841582 100	Other, incorporating a refrigerating unit, for use in civil aircraft	0	0
841583 100	Not incorporating a refrigerating unit, for use in civil aircraft	0	0
841590 100	Parts of air conditioning machines of subheadings 841581, 841582 or 841583, for use in civil aircraft	0	0
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading No. 8415.	10	0
841810 100	Combined refrigerator-freezers, fitted with separate external doors, for use in civil aircraft	0	0
841830 100	Freezers of the chest type, not exceeding 800 l capacity, for use in civil aircraft	0	0
841840 100	Freezers of the upright type, not exceeding 900 l capacity, for use in civil aircraft	0	0
841861 100	Other refrigerating or freezing equipment; heat pumps: compression type units whose condensers are heat exchangers, for use in civil aircraft	0	0
841869 100	Other refrigerating or freezing equipment; heat pumps: compression type units, for use in civil aircraft	0	0
845011	Household or laundry-type washing machines, including machines which both wash and dry, each of a dry linen capacity not exceeding 10 kg, fully-automatic	10	0
845012	Household or laundry-type washing machines, including machines which both wash and dry, each of a dry linen	10	0



	capacity not exceeding 10 kg with built-in centrifugal drier		
845019	Other household or laundry-type washing machines, including machines which both wash and dry, each of a dry linen capacity not exceeding 10 kg	10	0
847210	Duplicating machines	10	0
85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers	10	0
8501	Electric motors and generators (excluding generating sets).	0	0
8502	Electric generating sets and rotary converters.	0	0
8503	Parts suitable for use solely or principally with the machines of heading No. 8501 or 8502.	0	0
8504	Electrical transformers, static converters (for example, rectifiers) and inductors.	0	0
8505	Electro-magnets; permanent magnets and articles intended to become permanent magnets after magnetisation; electro-magnetic or permanent magnet chucks, clamps and similar holding devices; electro-magnetic couplings, clutches and brakes; electro-magnetic lifting heads	0	0
850710 100	Lead-acid electric accumulators, of a kind used for starting piston engines, for use in civil aircraft	0	0
850720 100	Other lead-acid electric accumulators, for use in civil aircraft	0	0
850730 100	Nickel-cadmium, for use in civil aircraft	0	0
850740 100	Nickel-iron electric accumulators, for use in civil aircraft	0	0
850780 100	Other electric accumulators, for use in civil aircraft	0	0
850790 100	Parts of electric accumulators, for use in civil aircraft	0	0
8508	Electro-mechanical tools for working in the hand, with self-contained electric motor	0	0
8511	Electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal combustion engines (for example, ignition magnetos, magneto-dynamos, ignition coils, sparking plugs and glow plugs, starter motors); generators (for example, dynamos, alternators) and cut-outs of a kind used in conjunction with such engines	0	0
8515	Electric (including electrically heated gas), laser or other light or photon beam, ultrasonic, electron beam, magnetic pulse or plasma arc soldering, brazing or welding machines and apparatus, whether or not capable of cutting; electric machines and apparatus for hot spraying of metals or cements	0	0
851621	Storage heating radiators	0	0
851629	Other electric space heating apparatus and electric soil heating apparatus:	0	0

851680 100	Electric heating resistors assembled only with a simple insulated former and electrical connections, used for anti-icing or de-icing, for use in civil aircraft	0	0
851810 100	Microphones and stands therefor, for use in civil aircraft	0	0
851821 100	Single loudspeakers, mounted in their enclosures, for use in civil aircraft	0	0
851822 100	Multiple loudspeakers, mounted in the same enclosure, for use in civil aircraft	0	0
851829 100	Other loudspeakers, for use in civil aircraft	0	0
851830 100	Headphones, earphones and combined microphone/speaker sets, for use in civil aircraft	0	0
851840 100	Audio-frequency electric amplifiers, for use in civil aircraft	0	0
851850 100	Electric sound amplifier sets, for use in civil aircraft	0	0
852090 100	Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound reproducing device, for use in civil aircraft	0	0
852110 100	Video recording or reproducing apparatus, whether or not incorporating a video tuner of magnetic tape-type, for use in civil aircraft	0	0
852290 100	Assemblies and sub-assemblies consisting of two or more fastened or joined together, for apparatus falling within parts or pieces subheading 8520 90, for use in civil aircraft	0	0
852510	Transmission apparatus	0	0
852520 100	Transmission apparatus incorporating reception apparatus, of which radio-telegraphic or radio-telephonic apparatus, for use in civil aircraft	0	0
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus.	0	0
852790 100	Reception apparatus for radio-telephony or radio-telegraphy, for use in civil aircraft	0	0
852910 100	Aerials and aerial reflectors of all kinds; parts suitable for use therewith, for use in civil aircraft	0	0
852990 100	Assemblies and sub-assemblies consisting of two or more parts or pieces fastened or joined together, for apparatus falling within subheadings 852610 10, 8526 91 11, 8526 91 19 and 8526 92 10, for use in civil aircraft	0	0
8530	Electrical signalling, safety or traffic control equipment for railways, tramways, roads, inland waterways, parking facilities, port installations or airfields (other than those of heading No. 8608).	0	0
8531	Electric sound or visual signalling apparatus (for example, bells, sirens, indicator panels, burglar or fire alarms), other than those of heading No. 8512 or 8530	0	0
8532	Electrical capacitors, fixed, variable or adjustable (pre-set)	0	0
8533	Electrical resistors (including rheostats and potentiometers), other than heating resistors	0	0

8534	Printed circuits	0	0
8535	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, fuses, lightning arresters, voltage limiters, surge suppressors, plugs, junction boxes), for a voltage exceeding 1000 V	0	0
8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders, junction boxes), for a voltage not exceeding 1000 V	0	0
8537	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading No. 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, and numerical and control apparatus, other than switching apparatus of heading No. 8517	0	0
8538	Parts suitable for use solely or principally with the apparatus of heading No. 8535, 8536 or 8537	0	0
853910 100	Sealed beam lamp units, for use in civil aircraft	0	0
854389 100	Flight recorders, for use in civil aircraft	0	0
8544	Insulated (including enamelled or anodised) wire, cable (including co-axial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	0	0
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	0	0
8546	Electrical insulators of any material	0	0
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating material apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly, other than insulators of heading No 8546; electrical conduit tubing and joints therefor, of base metal lined with insulating material	0	0
8548	Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter	0	0
86	Railway or tramway. Locomotives, rolling stock, track fixtures and parts thereof; mechanical and elektro-mechanical traffic signal equipment	0	0
87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof	10	0

8701	Tractors	0	0
8702	Motor vehicles for the transport of ten or more persons, including the driver.	0	0
870390 100	Motor-cars with electric motors (trolley-buses)	0	0
8704	Motor vehicles for the transport of goods	0	0
8705	Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, breakdown lorries, crane lorries, fire fighting vehicles, concrete-mixer lorries, road sweeper lorries, spraying lorries, mobile workshops, mobile radiological units)	0	0
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles	0	0
8710	Tanks and other armoured fighting vehicles, motorised, whether or not fitted with weapons, and parts of such vehicles.	0	0
8713	Invalid carriages, whether or not motorised or otherwise mechanically propelled.	0	0
8714	Parts and accessories of vehicles of heading No. 8713.	0	0
88	Aircraft, spacecraft, and parts thereof	0	0
89	Ships, boats and floating structures	0	0
90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof	0	0
9006	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs	10	0
9009	Photo-copying apparatus incorporating an optical system or of the contact type and thermo-copying apparatus	10	0
91	Clock and watches, parts thereof	10	0
910400 100	Instrument panel clocks and clocks of a similar type for use in civil aircraft	0	0
9108-9112 9114	Clock or watch parts.	0	0
92	Musical instruments; parts and accessories of such articles	0	0
93	Arms and ammunition	0	0
94	Furniture; bedding, mattresses. Mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings	10	0
940110 100	Seats of a kind used for civil aircraft	0	0
9402	Medical, surgical, dental or veterinary furniture	0	0

940320 100	Other metal furniture, for use in civil aircraft	0	0
940510 100	Of base metal or of plastic, for use in civil aircraft	0	0
940560 100	Illuminated signs, illuminated name-plates and the like of base metal or of plastic, for use in civil aircraft	0	0
940592 100	Parts of plastics of the articles of subheadings 940510 or 940560 for use in civil aircraft	0	0
940599 100	Parts of the articles of subheadings 940510 or 940560 of base metal for use in civil aircraft	0	0
9406	Prefabricated buildings.	0	0
95	Toys, games and sports requisites; parts and accessories thereof	0	0
9504	Articles for funfair, table or parlour games, including pintables, billiards, special tables for casino games and automatic bowling alley equipment.	10	0
9506	Articles and equipment for general physical exercise, gymnastics, athletics, other sports	10	0
950800 000	Roundabouts, swings, shooting galleries and other fairground amusements; travelling circuses, travelling menageries and travelling theatres	10	0
96	Miscellaneous manufactured articles	10	0
97	Works of art, collectors' pieces and antiques	10	0

2. Where, according to paragraph 1 of this Article, the customs duty rate designated for the goods falling under a certain subheading is other than the rate of the heading of the goods under which the given subheading of goods is falling, the rate designated for the given subheading of goods shall apply, irrespective of the rate designated for the heading of goods in question.
3. For the customs purposes the goods carried across the customs border of the Republic of Armenia shall be classified under the Goods Nomenclature of Foreign Economic Activities (GNFEA).

### **Article 103. Calculation and Payment of the Customs Duties**

1. The calculation of the customs duties shall be made by the customs bodies in accordance with the customs duty acting rates as for the date of submission of the customs declaration.
2. The payment of the customs duties shall be made in accordance with a procedure established by the Government of the Republic of Armenia within ten days as beginning from the date of bringing the goods across the customs border of the Republic of Armenia.
3. The customs duties shall be payable in the national currency (in Drams) of the Republic of Armenia.

### **Article 104. Relief from Customs Duties**

1. The following goods shall be relieved from the customs duties:

- a) goods released under the regime of *transit shipment*;
  - b) goods released under the regime of *temporary importation*;
  - c) goods released under the regime of *temporary exportation*;
  - d) goods released under the regime of *temporary importation for inward processing*;
  - e) goods released under the regime of *temporary exportation for outward processing*;
  - f) goods released under the regime of *importation into a customs warehouse*;
  - g) goods released under the regime of *importation into a free customs warehouse*;
  - h) goods released under the regime of *importation into a free customs warehouse*;
  - i) goods released under the regime of *re-importation* and *re-exportation*, except for the cases foreseen by this Code;
  - j) goods released under the regime of *destruction*;
  - k) goods released under the regime of *importation into a duty free shop*;
  - l) the means of transport used for regular interstate transport of freight, luggage and travellers, as well as tools, fuel, foodstuffs, which may necessarily be needed during the trip, at stopovers or for fixing the malfunctions of the mentioned means of transport;
  - m) currency, foreign currency and securities;
  - n) the goods imported into the Republic of Armenia within the framework of humanitarian aid or charity programmes. In case the programmes are not directly referred to in the Legislation (including international treaties to which the Republic of Armenia is party), the differentiation of the humanitarian aid, charity and technical assistance programmes shall be made by a body authorised by the Government of the Republic of Armenia;
  - o) goods included in the schedule drawn for the contribution to the statutory fund of commercial organisations and approved by the Government of the Republic of Armenia. Within three years' period following the application of the privileges set forth in this subparagraph, in case of alienation of the goods, the levy of customs duties, including the amount of fines imposed in case of failure to pay the mentioned charges in due time shall be made in accordance with a procedure prescribed by this Code and other legal instruments.
2. The sample quantities of goods imported into the Republic of Armenia within the framework of exhibitions, international fairs and similar events shall be exempted from the customs charges, except for the customs fees.

**Article 105. Other Privileges Accorded to the Goods Carried across the Customs Border of the Republic of Armenia by Natural Persons**

1. Natural persons may carry across the customs border of the Republic of Armenia goods up to 50 kg in total weight and up to US \$500 in terms of Drams in total customs value as accompanying luggage without paying the customs duties.
2. Natural persons may carry across the customs border of the Republic of Armenia goods transported through international delivery up to 20 kg in total weight and up to US \$100 in terms of Drams in total customs value without paying the customs duties.
3. Within the limits stipulated by paragraphs 1 and 2 of this Article, the Government of the Republic of Armenia shall establish the kind quantities based on measurement units for certain types of goods.
4. Within the meaning of this Code, 'accompanying luggage' means luggage crossing the customs border of the Republic of Armenia at the same time with natural persons or luggage that has arrived with delay due to circumstances not depending on natural persons or was lost or sent at the wrong address at the time of crossing the customs border of the Republic of Armenia.
5. Natural persons may carry across the customs border of the Republic of Armenia personal belongings worn by them or contained in their luggage. These goods shall be those that:
  - a) do not have the manufacturer's packaging, labelling and are contained in the luggage;
  - b) are worn by natural persons at the time of crossing the customs border of the Republic of Armenia.
6. Persons arriving into the Republic of Armenia for permanent residence may import their personal property without paying the customs duties.
7. Natural persons of the Republic of Armenia may carry across the customs border of the Republic of Armenia their hereditary property without paying the customs duties in case they submit to the customs bodies relevant documents on inheritance.
8. The same person shall be entitled to resort to the application of the privilege stipulated by paragraphs 1 and 2 of this Article once every 180 days, except for the frontier trade markets, when the same person may have recourse to the application of the privilege laid down in paragraph 1 of this Article once every month.

#### **Article 106. Other Privileges Relating to the Customs Duties**

Other privileges relating to the customs duties may be established by law.

#### **Article 107. Import of Goods by Foreign Persons**

1. Where the goods declared by foreign persons under the regimes of *importation for free circulation* and *re-importation* have ostensibly commercial quantities, the customs bodies shall require:
  - a) to present a contract on supply concluded with a person of the Republic of Armenia or
  - b) to get registered as a person dealing with entrepreneurial activities pursuant to a procedure established by law.

2. In the event the requirements set forth in paragraph 1 of this Article are not satisfied, the customs bodies shall prohibit the import of the goods.
3. The kind quantities based on measurement units for the goods in ostensibly commercial quantities shall be established by the Government of the Republic of Armenia.

#### **Article 108. Levy and Refund of the Customs Duties. Liability for the Non-payment of the Customs Duties**

1. Where the customs duties, defined under this Customs Code and other legal acts, are levied in excess of the calculated amount thereof, at will of the payer, the overpaid amounts shall be entered by the customs bodies in the accounts of other payable financial liabilities with the customs bodies or shall be refunded no later than within 30 days after the submission of a request on refund by the payer.
2. A request to refund the overpaid amounts of the customs duties or to enter these amounts in the accounts of other financial liabilities shall be accepted within a period of two years following the date of payment of the customs duties.
3. The amounts of outstanding customs duties incurred by reason of partial payment or non-payment of the customs duties by the carrier of goods shall be levied by the customs bodies within a period of two years as from the date when the financial liability has arisen.
4. Where the payment of the customs duties is made with a deferment as from the date of expiry of the period specified for making such payments, the payer shall be liable to a fine at 0.2% of the total amount of the outstanding customs duties against every day of delay.

### **CHAPTER 18. CUSTOMS FEES**

#### **Article 109. Customs Fees**

1. Customs fees are mandatory charges payable to the state budget, which are levied in accordance with a procedure and in the amounts prescribed by this Code and are used to improve the handling of the customs affairs and to ensure the material and technical and social bases under the customs bodies.
2. The Superior Customs Body shall submit to the Government of the Republic of Armenia an annual report on the allotment of the customs fees during the previous year in the course of the first quarter of the current year. .

#### **Article 110. Rates of Customs Fees**

1. The customs formalities (apart from the inspection and registration) in respect of the goods and means of transport carried across the customs border of the Republic of Armenia, as well as currency and foreign currency carried by the banks shall be performed against a customs fee of AMD 3,500.
2. A customs fee levied on the inspection and registration of the goods, except the goods transported through pipeline and electric transmission circuits, shall add up to:



- a) AMD 1,000 for the customs control of cargo declared under the same declaration and having up to one ton of weight ;
  - b) AMD 300 for each additional (or incomplete) ton of weight of cargo declared under the same declaration and having above one ton of weight. .
3. For the customs control and registration of the goods transported through pipeline and electric transmission circuits, a customs fee of AMD 500,000 shall be levied each month.
  4. If the customs formalities are performed in places other than those specified by the customs bodies, the customs fees shall be levied in the two-fold amount of the rates prescribed by this Article.
  5. Each document form shall be distributed by the customs bodies against a customs fee of AMD 1,000.
  6. The customs escort of the goods throughout the customs territory of the Republic of Armenia shall be provided against a customs fee of AMD 10,000 per each 100 km. The goods shall be assigned a compulsory customs escort in case of transit thereof (except where foreseen by this Code and in cases, when the application of the customs means of security is not possible), while in other cases the customs escort shall be accorded upon the written request of the shipper.
  7. The cargo shall be stored by the customs bodies against a daily customs fee of:
    - a) AMD 1000 for the cargo under 1 ton of weight;
    - b) AMD 300 for each additional one (or incomplete) ton of cargo;
  8. The customs control of the means of transport shall be provided against a customs fee of:
    - a) AMD 2,000 for a car with up to 10 seats;
    - b) AMD 5,000 for other means of transport.

#### **Article 111. Privileges Relating to the Customs Fees**

The following goods shall be relieved from the customs fees:

- a) goods that enter into the customs territory of the Republic of Armenia within the framework of humanitarian aid and charity programmes. In case the projects are not directly referred to in the Legislation (including international treaties to which the Republic of Armenia is party), the differentiation of the humanitarian aid, charity and technical assistance programmes shall be made by a body authorised by the Government of the Republic of Armenia;
- b) all the goods carried across the customs border of the Republic of Armenia by natural persons and subject to customs duty privileges, that are referred to in Article 105 of this Code;
- c) cultural values exported under the regime of *temporary exportation* and subject to re-importation pursuant to a procedure established by law;

- d) means of transport involved in regular international transport operations pending the transportation.

#### **Article 112. Indexation of the Amount of the Customs Fees**

Beginning from February of the year of 2000, the absolute rates (in AMD ) of the customs fees prescribed by Article 110 of this Code shall be subject to augmentation or reduction once every 12 months to the extent of average change of the exchange rate of AMD established by the Central Bank of the Republic of Armenia in the previous year.

#### **Article 113. Levy and Refund of the Customs Fees. Liability for the Non-payment of the Customs Fees**

1. Where the customs fees, defined under this Customs Code and other legal instruments, are levied in excess of the calculated amount thereof, at will of the payer, the overpaid amounts shall be entered by the customs bodies in the accounts of other payable financial liabilities with the customs bodies or shall be refunded no later than within 30 days after the submission of a request on refund by the payer.
2. A request to refund the overpaid amounts of the customs fees or to enter these amounts in the accounts of other financial liabilities shall be accepted within a period of one year following the date of payment of the customs fees.
3. The amounts of the outstanding customs fees incurred by reason of partial payment or non-payment of the customs fees by the carriers of goods shall be levied by the customs bodies within a period of one year as from the date when the financial liability has arisen.
4. The payment of the customs fees shall be made within a three day period as calculated from the date of the performance of the customs service.
5. The customs fees shall be subject to payment in the national currency of the Republic of Armenia - in Drams (AMD).
6. Where the payment of the customs fees is made with a deferment as from the date of expiry of the period specified for making such payments, the payer shall be liable to a fine at 0.2% of the total amount of the outstanding customs fees against every day of delay.

## SECTION 6

### CUSTOMS FORMALITIES

#### CHAPTER 19. GENERAL PROVISIONS

##### **Article 114. Carrying out of the Customs Formalities**

The customs formalities shall be carried out in accordance with a procedure stipulated by this Code and other legal instruments of the Republic of Armenia.

##### **Article 115. Place and Time for Carrying out of Customs Formalities**

1. Customs formalities shall be carried out in places designated for that purpose by the Superior Customs Body during the working hours of the customs bodies.
2. At the request of the carrier of goods and at his/her own expenses, the customs bodies performing the customs formalities, may carry out the customs formalities in other places and out of working hours in accordance with the regulations stipulated by the Government of the Republic of Armenia.

##### **Article 116. Presence of Authorised Person at the Customs Formalities Procedure**

Any person entitled to appropriate rights in respect of the goods and means of transport pursuant to the Legislation of the Republic of Armenia shall be obliged to be present during the customs formalities procedure.

##### **Article 117. Language of the Customs Formalities**

The customs formalities, including the filling in of the forms, shall be carried out in Armenian or any other internationally accepted language designated by the Superior Customs Body.

##### **Article 118. Involvement of Other State Bodies in the Customs Formalities Procedure**

Where foreseen by the Legislation, the customs formalities in respect of the goods and means of transport crossing the customs border of the Republic of Armenia shall be performed only after veterinary, phytosanitary, ecological and other forms of inspection.

##### **Article 119. Use and Disposal of Goods and Means of Transport Placed under the Customs Formalities Procedure**

Goods and means of transport passing through the customs formalities cannot be used or disposed of, except where otherwise stipulated by this Code or other legal instruments.

##### **Article 120. Simplified Procedure for Carrying out of the Customs Formalities**

A simplified customs formalities procedure may be applied on the import and export of certain types of goods into and out of the customs territory of the Republic of Armenia, where so provided for by the Government of the Republic of Armenia or international conventions. .

##### **Article 121. Fulfilment of Measures Required for the Performance of the Customs Formalities**

1. Any person carrying goods across the customs border of the Republic of Armenia or realising the direct shipment thereof, founders of customs warehouses, any other persons entitled to appropriate rights in respect of the goods and means of transport that cross the customs border of the Republic of Armenia shall be liable, at the request of the customs bodies, to transport, weigh or perform any other activity towards defining the quantity of the goods, as well as loading, unloading, eliminating of packaging damages, opening of the packages, packaging and re-packaging, unlocking of customs warehouses and any other territory under the customs control where goods and means of transport may have been placed.
2. Measures specified in paragraph 1 of this Article shall be carried out before the completion of the customs formalities only with permission of the customs bodies.

#### **Article 122. Taking Specimens and Samples for the Customs Formalities Purposes**

1. For the customs formalities purposes the customs bodies shall be entitled to take specimens or samples and conduct examination.
2. Specimens and samples may also be taken from the goods under the customs control by persons legally entitled to adequate rights with respect to the goods in question or any other state competent body with a view to executing adequate control.
3. For the examination purposes, specimens or samples shall be taken in the minimum possible quantity.
4. If specimens or samples are taken from the goods, a protocol shall be drawn up in a form and manner prescribed by the Superior Customs Body.
5. Persons legally entitled to adequate rights with respect to the goods or their representatives shall be present when specimens and samples are taken. The customs officials shall be present when specimens and samples are taken by other state bodies or people entitled to adequate rights with respect to the goods.
6. The State Competent Body or persons legally entitled to adequate rights with respect to the goods shall incur liability for the for the costs relating to taking specimens or samples.
7. If persons legally entitled to adequate rights with respect to the goods fail to appear within 10 days after the presentation of the goods, the customs bodies shall be entitled to take specimens and samples in their default. In such cases, two witnesses shall be present at the procedure of taking specimens and samples.
8. Persons legally entitled to adequate rights with respect to the goods or their representatives shall have the right to get acquainted with the findings of the examination. Other state competent bodies shall notify the Superior Customs Body on the findings of the examination conducted by them.
9. The customs bodies shall not compensate the expenses incurred by the carrier in relation to giving specimens or samples.
10. Persons legally entitled to adequate rights with respect to the goods shall not be liable for the costs incurred in relation to the examination of the goods, if the examination is not performed upon his own initiative.

11. The procedure for taking specimens and samples shall be established by the Government of the Republic of Armenia.

## **CHAPTER 20. CUSTODY OF GOODS AND MEANS OF TRANSPORT BY THE CUSTOMS BODIES**

### **Article 123. Custody**

The goods and means of transport shall be subject to placement under the customs custody where so provided for by the provisions of this Code.

### **Article 124. Place of Custody**

Goods and means of transport shall be taken under custody in places designated for that purpose by the customs bodies.

### **Article 125. Documents to be Presented while Handing over Goods and Means of Transport for Custody**

The customs bodies shall require only documents containing particulars necessary for identification of the goods or means of transport subject to placement under custody.

### **Article 126. Time Limits for Custody**

1. Goods and means of transport may remain under custody until the amount of fee set up by law for the custody thereof has reached the customs value of the goods.
2. The period of time specified under paragraph 1 of this Article may be limited depending on the shelf life of the goods and the specificity of storing thereof.

### **Article 127. Measures Applied to Goods and Means of Transport in Custody**

Goods and means of transport in custody may:

- a) be examined or entered into stock records by the customs bodies, as well as by the persons legally entitled to adequate rights with respect to the goods or by competent state bodies with permission of the customs bodies;
- b) specimens or samples may be taken from them with permission of the customs bodies;
- c) undergo treatment by the persons entitled to adequate rights with respect to the goods necessary for the preservation of the goods, including restoring of the damaged packaging of the goods.

## **CHAPTER 21 DECLARATION**

### **Article 128. Declaration of Goods and Means of Transport**

1. Goods and means of transport shall be subject to declaration at regional customs houses or customs posts according to a procedure established by the Superior Customs Body, except where otherwise stipulated by law, if:

- a) the goods and means of transport are carried across the customs border of the Republic of Armenia;
  - b) the customs regime applied to them is changed.
2. Declaration shall be performed in writing or orally, in the form and manner prescribed by the Superior Customs Body. It shall contain authentic data on the goods and means of transport, purpose of carriage, as well as any other data required for execution of customs control and fulfilment of customs formalities.
  3. Goods, irrespective of their quantity and nature, may be declared in parts under different customs regimes within a period specified by this Code, unless otherwise specified by the law.

#### **Article 129. Place of Declaration**

1. Goods and means of transport shall be declared at the customs office where the customs formalities of the goods in question are carried out.
2. Empty means of transport and those carrying only passengers shall be declared at the time of crossing the customs border, except for the air transport, which shall be declared at the time of arrival at the airport.

#### **Article 130. Dates for the Submission of a Customs Declaration**

1. A declaration for the goods and means of transport shall be presented to the customs bodies before the imposition of measures of customs control and release of the goods and means of transport:
  - a) within ten days following the importation, in case the goods and means of transport carrying the goods are imported;
  - b) within ten days preceding the exportation, in case the goods and means of transport carrying the goods are exported.
2. Declarations for empty and passenger means of transport shall be submitted:
  - a) within three hours after the importation, in case the means of transport are imported into the Republic of Armenia;
  - b) within three hours before the exportation, in case the means of transport are exported out of the Republic of Armenia.
3. Natural persons, upon crossing the customs border, shall declare their accompanying luggage along with presenting it to the customs bodies for the customs control purposes before the execution of measures of customs control.

#### **Article 131. Declarant**

1. A declarant shall be the carrier of the goods or a person authorised by him/her.
2. The declarant shall be a person of the Republic of Armenia except when the goods are carried across the customs border of the Republic of Armenia by natural persons.

3. According to this Code, the declarant shall be answerable for the authenticity of data contained in the declaration.
4. In the place of natural persons, either disabled or under the age of 16, crossing the customs border of the Republic of Armenia, the declaration shall be filled in by the lawful representatives thereof, who shall incur the liabilities of a declarant as defined by this Code, including the liability for the authenticity of the declared data.

#### **Article 132. Rights and Liabilities of a Declarant**

1. Before filling in the declaration, the declarant shall have the right to examine and measure the goods and means of transport under the customs control and to take specimens or samples with permission of the customs bodies, provided that a relevant record shall be entered in the declaration.
2. The declarant shall be liable:
  - a) to declare the goods and means of transport in accordance with a procedure stipulated by this Code;
  - b) to present the declared goods and means of transport upon the request of the customs bodies;
  - c) to submit all the required documents and data to the customs bodies.

#### **Article 133. Documents and Data Required for the Customs Purposes**

1. Documents and data required for the customs purposes shall be subject to submission to the customs bodies pending the process of filling in of a declaration.
2. The customs bodies shall be entitled to solicit from the declarant only data, which shall be entered in the declaration, as well as documents verifying the reliability of these data.
3. Apart from the data and documents referred to in paragraph 2 of this Article, the customs bodies shall be entitled to solicit other data and documents, where so provided for by this Code and other legal instruments.

#### **Article 134. Admission of the Customs Declaration**

1. The filled in declaration shall be admitted by the customs bodies.
2. Prior to the admission of the declaration, the customs official shall:
  - a) verify that the customs declaration is duly filled in;
  - b) inform the declarant about his/her liability in case the declaration contains false data;
  - c) verify the authenticity of the declared data through oral questioning;
  - d) ask the declarant to present a new declaration introducing necessary changes and amendments in case discrepancies are revealed in consequence of steps referred to in paragraphs (a)-(c) of this Article.

3. The customs declaration shall become a legal document at the time of admission thereof.

#### **Article 135. Changes and Amendments to Customs Declaration Annulment of the Customs Declaration**

1. Changes and amendments to the customs declaration shall be introduced before its admission by a customs official.
2. Except within the scope of their competence, the customs officials shall not be entitled to fill in the declaration forms or make any changes or amendments to them on their own initiative or by instruction or at the request of any other person .
3. The declarant may apply to the customs bodies in connection with the annulment of the declaration in line with a procedure established by the Superior Customs Body after the completion of the customs formalities.

#### **Article 136. Simplified Procedure for the Declaration of Goods and Means of Transport**

The Superior Customs Body may establish a simplified procedure for the declaration of the goods and means of transport with a view to improving the customs formalities procedure.

#### **Article 137. Preliminary Declaration**

1. The declarant may preliminarily declare the goods and means of transport prior to the carriage of the goods and means of transport in question across the customs border of the Republic of Armenia. The preliminary declaration shall be subject to revision after the goods and means of transport have crossed the customs border of the Republic of Armenia.
2. The cases and procedure of preliminary declaration shall be established by the Superior Customs Body.

### **SECTION 7**

#### **CUSTOMS CONTROL**

##### **CHAPTER 22 GENERAL PROVISIONS**

#### **Article 138. Execution of Customs Control and Forms of Customs Control**

1. Customs control shall be performed with the view of ensuring the order set up in respect of the carriage of the goods and means of transport. All the goods and means of transport carried across the customs border of the Republic of Armenia shall be subject to the customs control, unless otherwise stipulated by this Code.
2. The customs control shall be executed by the customs officials. The customs control shall imply:
  - a) verification of all the data and documents for the customs purposes;
  - b) customs inspection (inspection of goods and means of transport, examination of person as a special form of the customs control);



- c) entering of the goods and means of transport into records;
  - d) oral questioning of natural persons;
  - e) review of the application of accounting and reporting systems;
  - f) inspection of customs warehouses, free customs warehouses, duty free shops, customs control zones, premises and territories where goods and means of transport subject to customs control can be stored or activities subject to customs control may develop;
  - g) application of means of customs security;
  - h) any other form of control stipulated by law.
3. Technical means used for the customs control purposes shall not present danger for the life and health of animals, plants and humans, as well as shall not cause any damage to the goods and means of transport.
  4. The customs control technique shall be established by the Government of the Republic of Armenia.

**Article 139. Time Limits for the Customs Control over the Goods and Means of Transport according to Customs Regimes**

1. Goods and means of transport carried across the customs border of the Republic of Armenia shall remain under customs control:
  - a) from the time of import until the time of release pursuant to the regimes of *importation for free circulation* and *re-importation*;
  - b) from the time of submission to the customs bodies of relevant documents for the customs purposes until the time of exportation out of the customs territory of the Republic of Armenia pursuant to the regimes of *exportation for free circulation* and *re-exportation*;
  - c) from the time of import until the time of exportation pursuant to the regimes of *temporary importation* and *temporary importation for inward processing*;
  - d) from the time of submission to the customs bodies of relevant documents for the customs purposes until the time of the entry into the customs territory of the Republic of Armenia pursuant to the regimes of *temporary exportation* and *temporary exportation for outward processing*;
  - e) from the time of import until the time of exportation out of the customs territory of the Republic of Armenia pursuant to the regime of transit;
  - f) from the time of import pursuant to the regimes of *entry into a customs warehouse* and *entry into a free customs warehouse* until the time of release pursuant to other regimes;
  - g) from the time of import until the time of release pursuant to the regime *entry into a free customs warehouse*;

- h) from the time of import until the time of realization pursuant to the regime of *importation into a duty free shop*;
- i) from the time of import until the time of release pursuant to the regime of abandonment of property rights to the State;
- j) from the time of import until the time of destruction pursuant to the regime of destruction.

#### **Article 140. Customs Control Zones**

1. With a view to establish customs control and basing on the proposals of the Superior Customs Body, the Government of the Republic of Armenia may establish customs control zones at the cross border customs posts, in places where the customs formalities are carried out and where the customs bodies are located.
2. Any trade related activity, movement of the goods or means of transport, any action (including entry and exit), including officials from other state bodies, performed by people within the limits of their competence may take place only with permission and under the control of the customs bodies, except where otherwise stipulated by law.

#### **Article 141. Documents and Data Required for the Customs Control Purposes**

1. Any person carrying goods and means of transport across the customs border of the Republic of Armenia, or those who are under customs control by reason of the activity they pursue, shall be liable to present to the customs bodies all the documents and data required for the customs control purposes. The list and procedure for the submission of the mentioned documents and data shall be established by the Government of the Republic of Armenia.
2. Law enforcement bodies of the Republic of Armenia, persons of the Republic of Armenia shall present all the necessary documents and data required for the customs control purposes on their own initiative or at the written request of the customs bodies.

#### **Article 142. Involvement of Specialists and Experts in the Process of Execution of Customs Control**

To the end of ensuring the execution of customs control, the customs bodies shall be entitled to involve specialists and experts from competent state bodies in the activities carried out by themselves in accordance with the provisions laid down by law.

#### **Article 143. Access of Customs Officials to Premises and Territories Designated for Customs Control**

1. To ensure the execution of customs control, by a fiat of the head of the customs body, the customs officials shall have access to premises and territories where:
  - a) goods and means of transport subject to customs control may have been placed;
  - b) data required for customs control purposes may be available;
  - c) activities liable to customs control may be performed.
2. Entry of the customs officials into residences of natural persons shall be made pursuant to a procedure established by law.

#### **Article 144. Means of Customs Security and Application Thereof**

1. The customs bodies may apply means of customs security with respect to the means of transport, premises and other places where goods or means of transport subject to customs control may have been placed and where activities subject to customs supervision are carried out.
2. Means of customs security shall be applied by means of using stamps, seals, brands, numerical or alphabetical and other marks, identification marks, through marking, taking specimens or samples, describing of goods or means of transport, making of drawings, scale images, photos or illustrations, using of documents accompanying the goods and other means of customs security.
3. The means of customs security may be changed or abolished only by the customs bodies and with their permission, except for the cases of a real danger of irretrievable, substantial deterioration or destruction of the goods and means of transport. The customs bodies shall be immediately notified about the change or abolishment of the means of customs security in which case proofs justifying the existence of the aforementioned real danger shall be presented to the customs.

#### **Article 145. Inspection of Goods and Means of Transport**

1. The customs bodies shall be entitled to perform inspection of means of transport and goods with the view of verifying the lawfulness of transport of goods and means of transport across the customs border of the Republic of Armenia, as well as keeping records and levying customs charges.
2. A person carrying goods and means of transport across the customs border of the Republic of Armenia or his/her representative responsible for the storage of the goods in question shall be obliged to be present during the inspection.
3. During the inspection of the goods and means of transport the customs officials shall verify the authenticity of the declared data.

#### **Article 146. Inspection of Luggage Carried by Natural Persons**

1. Any official of a regional customs house or customs post shall be entitled to perform inspection of personal luggage by unpacking it, where there are reasons to suppose that the goods carried by natural persons across the customs border of the Republic of Armenia are subject to control or entry into records by other state bodies either to imposition of customs charges or if the carriage of these goods is prohibited or restricted.
2. The customs bodies shall be entitled to perform inspection of personal luggage of natural persons on transit in the customs territory of the Republic of Armenia if there are reasons to assume that the luggage contains goods, the transport of which via the territory of the Republic of Armenia is prohibited.
3. Inspection of luggage shall be carried out only in the presence of the natural person or his/her authorised representative.
4. If the natural person or his/her authorised representative is not present, the inspection of the luggage shall be performed:

- a) in case there are sufficient grounds to suppose that the luggage contains goods that are dangerous for the life and health of humans, animals and plants or that may inflict material damage to people;
  - b) in case the natural person or his/her authorised representative does not appear within 30 days from the date of receiving the luggage;
  - c) in case of international postal deliveries.
5. When the natural person or his/her authorised representative is not present, the inspection of the luggage shall be carried out in the presence of a representative of the company carrying out the shipment, delivery or storage thereof.

**Article 147. Examination of Person**

1. Examination of person, as an exclusive form of customs control, shall be carried out in accordance with the decision in writing of the head or deputy head of a customs house or customs post, provided that there are sufficient grounds to assume that the persons crossing the customs border of the Republic of Armenia, or being in the territory of customs control zone or transit zone of international airport conceal articles of contraband, articles constituting direct objects of breach of the customs rules or articles, the transit shipment of which across the territory of the Republic of Armenia is prohibited .
2. Prior to examination of person, the customs official shall present a written decision of the head or deputy head of the regional customs house or customs post to the natural person and suggest him/her to voluntarily surrender the concealed goods.
3. The examination of person shall be performed by the customs official of a regional customs house or customs post being of the same sex as the examined person, as well as in the presence of two witnesses of the same sex in a separate room the conditions of which correspond to sanitary and hygienic requirements. Access to that room shall be denied to natural persons not participating in the examination. The examination of the body of person shall be performed solely by a medical specialist.
4. Examination of disabled people or persons under 16 shall be carried out in the presence of their lawful representatives.
5. The method of examination of a person shall be established by the Government of the Republic of Armenia.

**Article 148. Selectiveness of Customs Inspection**

Goods imported into or exported out of the Republic of Armenia may be released by the customs house or customs posts without an inspection under a procedure prescribed by the Government of the Republic of Armenia.

**Article 149. Relief from Certain Types of Customs Control**

1. Where so provided for by this Code and other legal instruments, the customs house or customs posts shall not apply certain types of customs control.
2. Non-performance of customs control shall not mean relief of persons from the liability to observe the rules laid down for carrying goods and means of transport across the customs border of the Republic of Armenia.

3. Warplanes crossing the customs border of the Republic of Armenia shall not be subject to customs inspection. The warplanes and carrier warplanes performing military-and-operational tasks by the special assignment of the Ministry of Defence of the Republic of Armenia, as well as military equipment en route shall be relieved from the customs inspection at the time of crossing the customs border of the Republic of Armenia. Warplanes and carrier warplanes, as well as military equipment belonging to foreign countries shall not be subject to customs inspection at the time of crossing the customs border of the Republic of Armenia.
4. Personal belongings of military servicemen crossing the customs border of the Republic of Armenia shall be subject to customs inspection, unless otherwise prescribed by law.
5. Commanders of military units whose military equipment, referred to in paragraph 3 of this Article, is routed across the border, shall incur liability for the observance of the provisions stipulated by the laws and legal instruments of the Republic of Armenia pertaining to this action.

#### **Article 150. Repeated Customs Control over Goods and Means of Transport**

1. According to a decision of the head of a customs body, a repeated customs control may be executed in respect of the goods and means of transport before the expiry of period specified for the customs control thereof.
2. According to a decision of the head or deputy head of the Superior Customs Body, a repeated customs control may be executed within 10 days following the expiry of the period specified in paragraph 1 of this Article.

#### **Article 151. Provision of Specimens or Samples for Customs Control Purposes, Cargo Related and Other Similar Operations with the Goods and Means of Transport**

1. For the customs control purposes, carriers of goods shall be obliged to provide specimens and samples, perform cargo or other similar operations with respect to the goods and means of transport at the request of the customs bodies. The shipper shall not impede the implementation of such operations.
2. Specimens and samples for examination purposes shall be taken in minimum sufficient quantities. In case specimens or test samples are taken, the customs bodies shall notify the importer or his/her representative in writing.

#### **Article 152. Presence of Carrier of Goods and Shipper or Their Representative at the Time of Execution of Customs Control over the Goods and Means of Transport**

1. A person in charge of the carriage or shipment of the goods or his/her representative shall be entitled to be present at the time of execution of the customs control in relation to the goods and means of transport.
2. Where so required by the customs bodies, carriers or shippers of the goods shall be present at the time of execution of certain operations relating to the customs control.

#### **Article 153. Rights and Liabilities of Persons at the Time of Execution of Customs Control**

1. At the time of execution of customs control persons shall have the right:
  - a) to give explanations;

- b) to make use of interpreter's services;
  - c) to make use of attorney's or expert's services;
  - d) to get acquainted with the techniques of execution of customs control;
  - e) to appeal against unlawful operations and inactivity of the customs officials performing customs control;
  - f) to get elucidated from the customs officials about his/her rights at the time of execution of customs control;
  - g) to file petitions.
2. At the time of execution of customs control, persons shall be obliged to comply with the requirements of the customs officials executing customs control, which correspond the provisions laid down in this Code and other legal instruments, not impede the execution of customs control.

## **SECTION 8**

### **CURRENCY CONTROL**

#### **CHAPTER 23. CURRENCY CONTROL EXECUTED BY THE CUSTOMS BODIES**

##### **Article 154. Customs Bodies as Agents Executing Currency Control**

1. The customs bodies of the Republic of Armenia shall be deemed as agents executing currency control.
2. The functions and authorities of the customs bodies in executing the customs control foreseen by this Article shall be defined according to a procedure established by the Central Bank of the Republic of Armenia.

##### **Article 155. Competence of the Customs Bodies in Executing Currency Control**

The customs bodies shall execute currency control in relation to the carriage across the customs border of the Republic of Armenia of the currency of the Republic of Armenia and currency values expressed in the currency of the Republic of Armenia by persons.

##### **Article 156. Executing of Currency Control by the Customs Bodies**

1. The currency control executed by the customs bodies of the Republic of Armenia shall constitute an indispensable component of the customs control.
2. The customs bodies of the Republic of Armenia shall execute currency control pursuant to this Code and Currency Legislation of the Republic of Armenia.

##### **Article 157. Liability for Offences Disclosed during the Execution of Currency Control by the Customs Bodies**

Persons who have violated the Currency Legislation of the Republic of Armenia shall incur liability in accordance with a procedure defined by law, if such violations are

disclosed in the process of execution of currency control by the customs bodies.

## **SECTION 9**

### **COUNTRY OF ORIGIN OF THE GOODS**

#### **CHAPTER 24**

#### **GENERAL PROVISIONS ON DETERMINATION OF THE COUNTRY OF ORIGIN OF THE GOODS**

##### **Article 158 Country of Origin of the Goods and the Purpose of Determination of the Country of Origin**

1. A country of origin of a good shall be deemed the country where that good was wholly obtained or sufficiently processed the last time in accordance with criteria defined in this section.
2. In case of necessity, a group of countries, a customs union, a region of the world or any country can be viewed as country of origin of the good.
3. In the Republic of Armenia the country of origin of domestic and foreign goods shall be determined by an authorised body of the Republic of Armenia pursuant to a procedure provided for in this Code.
4. The procedure for issuing certificates and licenses of country of origin and conducting of expertise shall be established by the Government of the Republic of Armenia.

##### **Article 159 The Purpose of Determination of the Country of Origin of Goods**

The country of origin of the goods carried across the customs border of the Republic of Armenia shall be determined to the end of applying tariff or non-tariff regulations with respect to these goods, maintaining of customs statistics and issuing of certificates and/or licenses of country of origin.

#### **CHAPTER 25 RULES OF DETERMINATION OF THE COUNTRY OF ORIGIN OF THE GOODS**

##### **Article 160**

##### **Rules of Origin for the Goods Wholly Obtained in One Country**

The following goods shall be deemed as wholly obtained in one country:

- a) live animals born and raised in that country;
- b) animals obtained by hunting, trapping, fishing in the territorial and internal waters of that country or by performing other similar activities;
- c) produce obtained from live animals in that country;
- d) plants and plant products harvested, picked or gathered in that country;
- e) minerals and other naturally occurring substances not included in items (a)-(d), which are obtained from the territory, entrails or territorial and internal waters of that country;

- f) waste and recoverable resources derived from manufacturing and processing operations or from consumption in that country and fit only for disposal or as raw material;
- g) products obtained by fishing in neutral waters by vessels lawfully flying the flag of that country;
- h) produce made from the products referred to in (g) on board of the country's factory ship;
- i) products obtained on board of a spaceship owned or rented by that country pending the flight;
- j) goods obtained or produced in that country solely from products referred to in items (a)-(h).

### **Article 161. Rules of Origin for the Goods Obtained with Participation of More than One Country**

1. The country of origin of a good shall be the country where the good has undergone the last sufficient processing, where more than one country are concerned in the production of the good.
2. As criteria of sufficient processing shall be deemed:
  - a) the processing operations, wherein they lead to a change in any of the four digits in the classification of goods under GNFEA;
  - b) the processing operations, wherein the value of the incorporated in the given good materials, which originate in the given country and the value-added in percents add up at least 30% of the ex-works price of the manufactured goods, whereas indirect taxes, commissions, transport, insurance, security and other similar costs are disregarded in the ex-works price.
3. Goods which are classified as sets (goods in sets) under GNFEA or are viewed as such shall be deemed as originating in a country where the set has been assembled or put together, if the overall value of the non-originating parts of the set does not exceed 45% of the value of the set.

### **Article 162. Sequence of Application of the Rules of Origin**

1. For the purpose of determining the country of origin of the goods, Articles 160 and 161 and the paragraphs and subparagraphs laid down under these Articles shall be used in their sequential order. Each Article, paragraph or subparagraph can be used provided the country of origin of the goods cannot be determined under the previous Article, paragraph and subparagraph.
2. Where the country of origin of the goods cannot be determined under Articles 160 and 161 of this Code, the country of origin of the goods shall be the country where the goods in question were relieved from the customs control the last time before being brought into the Republic of Armenia. This provision shall not apply in case goods in transit or goods placed in customs warehouses (other similar places of storage) are released from the customs control.



## CHAPTER 26. APPLICATION OF THE RULES OF ORIGIN

### Article 163. Special Provisions on Determination of the Country of Origin of the Goods

1. Notwithstanding the requirements laid down in paragraph 2 of Article 161, the following shall not be deemed as criteria of sufficient processing:
  - a) changes made exclusively in the meaning of the goods, for instance the modification of a minibus into a lorry and the like;
  - b) mere packaging, in any form, including bottling, wrapping and the like;
  - c) classification of incomplete goods under finished goods, or the classification of finished, but not assembled products under assembled products pursuant to the rules of the Harmonized System;
  - d) simple assembling operations, particularly, mere plugging together of units to form a good classifiable in another heading, such as the joining of a monitor, CPU, keyboard and mouse to the end of making a computer and the like;
  - e) the mere addition of preservatives;
  - f) obtaining of goods classifiable under chapter 02 (meat and meat offal) of the GNFEA from the goods classifiable chapter heading 01 (live animals) of the GNFEA ;
  - g) preparatory works for the sale or transportation of the goods (making into lots, sorting, wrapping and the like),
  - h) necessary operations for the protection, transportation and storage of the products;
  - i) affixing of marks, labels or other distinguishing signs of the like on products or their packaging;
  - j) obtaining of products through mixing of goods (components), whereas the characteristics of these products little vary from the initial characteristics of the components;
  - k) combination of two or more actions referred to in subparagraphs (a) to (j) above.
2. Notwithstanding the requirements laid down under subparagraph 1(a) of this Article, goods obtained through the change in their meaning shall be considered sufficiently processed, where the operations of the processing meet the criteria for sufficient processing referred to in subparagraph (b) of paragraph 2 of this Article.
3. In determining the country of origin of the goods, the country of origin of packaging materials and tares presented along with the goods shall be disregarded on the basis of any provision on the change in the customs classification under GNFEA referred to in subparagraph (a) of paragraph (2) of this Article. The classification of the packaging materials and tares shall be made along with the goods classifiable under GNFEA.

4. The following shall not be taken into account when determining the country of origin of the goods:
  - a) the country of origin of the energy, fuel, equipment, machines and tools used in the production of the given goods;
  - b) the country of origin of materials not envisaged by the technological process and not incorporated in the goods, but used for giving the goods their final form;
  - c) the country of origin of supplementary equipment and spare parts carried along with the goods, where the quantity and value thereof are typical for the given goods and where they are not presented by a separate invoice.

5. Where the goods classifiable as sets under the Harmonised System are carried across the customs border of the Republic of Armenia in a few separate consignments, with a view of implementation of paragraph 3 of Article 161 of this Code:

- a) the declarant shall notify the customs bodies in writing of reasons of partition, the list of parts included in each consignment with a reference to the relevant classification codes, the value of each good included in the consignment and the country of origin thereof;
- b) all the partitioned goods shall be shipped from the same country by the same shipper;
- c) the entire lot shall be carried across the customs border of the Republic of Armenia no later than within six months after the admission of declaration by the customs bodies.

## **CHAPTER 27. DECLARATION AND CONFIRMATION OF THE COUNTRY OF ORIGIN**

### **Article 164. Declaration of the Country of Origin**

Where the goods carried across the customs border of the Republic of Armenia are subject to declaration, the declarant, along with other data, shall declare the country of origin of the goods.

### **Article 165. Confirmation of the Country of Origin**

1. The data declared in respect of the country of origin of the goods shall be subject to confirmation by the customs bodies. The declared country of origin shall be accepted by the customs bodies as basis for carrying out customs formalities, if, as the only country of origin it is mentioned:
  - a) in a certificate or license of origin issued by the authorised body of the country of origin of the goods or by the body authorised by the Government of the Republic of Armenia;
  - b) on the goods, packaging thereof and documents accompanying these goods.
2. Submission of a certificate or licence of origin shall not constitute a mandatory prerequisite for confirmation of the country of origin of the goods.
3. Where more than one country are indicated on the goods, the packaging of the goods and the documents accompanying thereof

3.1 the customs bodies shall confirm the country of origin indicated in the certificate or licence of origin, if a certificate or licence is available;

3.2 where a licence or certificate of origin is not available, or where more than one country are mentioned in the certificate or licence

a) at discretion of the declarant, the customs bodies shall confirm one of the countries indicated on the goods, on the packaging thereof and the documents accompanying these goods;

b) the combination of the highest tariff rates and the most stringent non-tariff regulations stipulated by law of the Republic of Armenia shall be imposed on the declared goods originating in the countries referred to in subparagraph (a) of paragraph 3.2 of this Article;

3.3. where a certificate or licence of origin is unavailable, or if the country of origin of the goods is not indicated on the goods, packaging thereof and documentation accompanying these goods, the provisions laid down in subparagraph (b) of paragraph 3.2 of this Article instead of the countries referred to in subparagraph (a) of the same paragraph shall apply with respect to all the countries without any limitations.

4. The declarant may, within 120 days after passing through the customs formalities pursuant to a procedure laid down under subparagraph (b) of paragraph 3.2 and paragraph 3.3 of this Article, furnish evidence with the aim of proving the country of origin of the goods declared by him/her and get back the overpaid amount of money, in case the amount is overpaid.

5. The proofs referred to in paragraph 4 of this Article shall be deemed the certificate and licence of origin issued by the competent body of the Republic of Armenia for the goods in question.

#### **Article 166. Data Indicated in the Certificate or Licence of Origin**

The certificate or licence of country of origin of the goods carried across the customs border of the Republic of Armenia shall include the following data:

a) the country of origin of the goods;

b) the possible detailed description of the goods;

c) the classification code of the goods according to GNFEA;

d) the quantity of the goods.

### **CHAPTER 28. THE RECEIPT, GRANT AND USE OF DATA RELATING TO THE COUNTRY OF ORIGIN OF GOODS BY THE STATE COMPETENT BODIES OF THE REPUBLIC OF ARMENIA**

#### **Article 167. The Receipt, Grant and Use of Data Relating to the Country of Origin of Goods by the Authorised Bodies of the Republic of Armenia**

1. For the purposes of determination and confirmation of the country of origin of the goods, the data furnished by the declarant shall be retained by the competent bodies of the Republic of Armenia pursuant to a procedure established by the Legislation of the

Republic of Armenia and cannot be used for the purposes other than those set forth in Section 9 of this Code. These data cannot be published without the consent of the person who has furnished them, except where otherwise stipulated by law of the Republic of Armenia.

2. At the request of the importer, exporter or any other person with a justifiable, the determination of the country of origin of the goods shall be carried out within 90 days following the submission of such a request, provided all the data relating to the goods are furnished, the list of which shall be established by the competent body determining the country of origin of the goods in the Republic of Armenia.

**CHAPTER 29. SUBMISSION OF A CERTIFICATE OR LICENCE OF ORIGIN  
APPEAL AGAINST ACTIONS, INACTIVITY AND DECISION OF THE STATE BODIES  
AND THE OFFICIALS THEREOF IN RELATION TO THE DETERMINATION AND  
CONFIRMATION OF THE COUNTRY OF ORIGIN**

**Article 168. The Necessity to Present a Certificate or Licence of Origin**

1. Notwithstanding the requirements laid down under paragraph 2 of Article 165 of this Code, the submission of a certificate or licence of origin shall be mandatory for the purposes of applying preferential rules provided for by international treaties (agreements) with respect to the goods carried across the customs border of the Republic of Armenia.
2. The unavailability of a certificate or licence of origin cannot be a basis for prohibiting the carriage of goods across the customs border of the Republic of Armenia.

**Article 169. Appeal against Actions, Inactivity and Decision of the State Bodies and the Officials Thereof in Relation to the Determination and Confirmation of the Country of Origin**

1. The declarant may apply to the Superior Bodies or to court, where he/she is not agreed with the method of determination or confirmation of the country of origin of the goods by the competent bodies of the Republic of Armenia. The Superior Body shall be liable to consider the request within one month and notify the applicant.
2. The appeal shall not relieve the declarant from fulfilling his/her obligations relating to the subject matter of the appeal in the specified period.

## SECTION 10

### CUSTOMS RELATED PRIVILEGES OF CERTAIN FOREIGN PERSONS

#### CHAPTER 30. PROCEDURE OF CARRIAGE ACROSS THE CUSTOMS BORDER OF THE REPUBLIC OF ARMENIA OF GOODS BELONGING TO PERSONS ENTITLED TO CUSTOMS RELATED PRIVILEGES,

##### **Article 170. Customs Related Privileges of the Diplomatic Representations of the Foreign States**

The diplomatic representatives of the foreign states in the customs territory of the Republic of Armenia may import and export goods meant for the official use of the representations exempt from customs payments in adherence to procedures established for the carriage of goods across the customs border of the Republic of Armenia.

##### **Article 171. Customs Related Privileges of Head and Diplomatic Staff of a Diplomatic Representation of a Foreign State**

1. Head and diplomatic staff of a diplomatic representation and, as well as their family members living together with them, may import and export the goods of personal use exempt from customs payments in adherence to procedures established for the carriage of goods across the customs border of the Republic of Armenia.

2. The luggage of the head of the diplomatic representation of a foreign state, the diplomatic staff of the representation, their family members living together with them, shall be relieved from inspection, where there are no grounds to suspect, that it includes goods not meant for personal use, or such goods, the import and export of which is prohibited by the Legislation or is regulated by quarantine or other special rules. Such inspection may be carried out only in the presence of the persons referred to in this Article or their authorised representatives.

##### **Article 172. Customs Related Privileges of Administrative and Technical Staff of Diplomatic Representations of Foreign States**

The administrative and technical staff of diplomatic representations of foreign states and their family members living together with them, where they are not permanent residents of the Republic of Armenia, may import articles of top priorities exempt from customs charges.

##### **Article 173. Customs Related Privileges of Consulates and Consulate Staff of Foreign States**

1. The consulates of foreign states, their heads and officers, as well as their family members shall enjoy the customs related privileges specified in this Code for the diplomatic representations and diplomatic staff of foreign states.

2. According to the special agreement with each separate state, and proceeding from the reciprocity principle, the serving staff of consulates, as well as their family members, who are not permanent residents of the Republic of Armenia, can be granted the customs related privileges of the respective staff of the diplomatic representations of foreign states as envisaged by this Code.

##### **Article 174. Delivery of Diplomatic Mail and Consular Pouch (Valise) of Foreign States across the State Border of the Republic of Armenia**

1. The diplomatic mail and the consular pouch (valise) of the foreign states delivered across the state border of the Republic of Armenia are not subject to opening or detention. Where there are grounds to suspect, that the consular pouch contains goods not specified in paragraph 3 of this Article, the customs body shall be entitled to demand that the pouch should be opened in the presence of customs officials. In case the request to open the consular pouch is declined, the pouch shall be returned to the place of its shipment.

2. All the goods forming the diplomatic mail and the consular pouch shall have the obvious external signs distinguishing their nature.

3. The diplomatic mail may include only diplomatic documents and goods meant for official use; the consular pouch may include only official correspondence and documents or goods, exclusively meant for the official use.

#### **Article 175. Customs Related Privileges of the Foreign Diplomatic and Consular Couriers (Messengers)**

The foreign diplomatic and consular couriers (messengers) may import into the Republic of Armenia and export out the Republic of Armenia goods of personal use exempt from customs charges and customs inspection on a reciprocity basis.

#### **Article 176. Customs Related Privileges of Members of Foreign Representations and Delegations**

1. The representations of foreign states, the members of the parliamentary and governmental delegations, as well as the foreign delegation members, coming to the Republic of Armenia to participate in the inter-state negotiations, international consultations and meetings on a reciprocity basis, or perform other official activities, shall enjoy the customs related privileges of the diplomatic staff of the representations referred to in this Code. The same privileges shall be granted to the family members accompanying those persons.

2. The diplomatic staff of the representations and the consular officials of foreign states, their family members, as well as the persons referred to in the paragraph 1 of this, in transit for the same purposes through the territory of the Republic of Armenia, shall be granted the customs related privileges of the diplomatic staff of the representations envisaged by this Code.

#### **Article 177. Customs Privileges of International Organizations, Foreign States Representations alongside of such Organizations, as well as their Staff**

1. The customs related privileges of international inter-governmental organisations, the representations of foreign states alongside of such organizations, as well as the staff of these organizations and representations are foreseen by the relevant international agreements of the Republic of Armenia.

2. The customs related privileges may be granted to the delegations of the international non-governmental organizations and their staff according to the legislative acts of the Republic of Armenia.

#### **Article 178. Other Privileges of Foreign Persons**

Foreign persons may be granted to other customs privileges according to the law.

## SECTION 11

### HANDLING OF THE CUSTOMS STATISTICS AND GOODS NOMENCLATURE OF THE FOREIGN ECONOMIC ACTIVITIES

#### CHAPTER 31. HANDLING OF THE CUSTOMS STATISTICS

##### Article 179. Customs Statistics of the Foreign Trade

1. The customs bodies shall perform the collection and processing of the information on goods carried across the customs border of the Republic of Armenia, as well as, according to the procedure established by the Government of the Republic of Armenia, collect, present and publish the data of the customs statistics for the following purposes: collection of the information on the foreign trade of the Republic of Armenia; control over the state budget enhancement on account of customs charges; currency control; analysis and development of the foreign trade; trade and payment balances and the entire state of economy of the Republic of Armenia.
2. The customs statistics of the foreign trade of the Republic of Armenia shall be handled according to this Code and the procedures established by other laws.
3. The customs bodies shall handle other customs statistics for the purpose of the implementation of the customs policy.
4. A methodology providing the compatibility of the international and the state statistical data of the Republic of Armenia shall be used for the handling of the customs statistics.

##### Article 180. Documents and Information Used for the Statistical Purposes

1. The documents and information established by the Superior Customs Body for the performance of the customs formalities and the customs control in compliance with the provisions of this Code shall be used for the customs statistical purposes.
2. The information collected for the customs statistical purposes may be used only for the purposes envisaged by this Code and other legal instruments.

#### CHAPTER 32. HANDLING OF GOODS NOMENCLATURE OF FOREIGN ECONOMIC ACTIVITIES

##### Article 181. The Handling of Goods Nomenclature of Foreign Economic Activities

For the purpose of handling of the GNFEA the Superior Customs Body shall:

- a) ensure the adequate awareness of the GNFEA, its international comments, other decisions on the amendments and additions concerning these comments;
- b) bring the GNFEA into conformity with the norms of classification of goods adopted on the international basis;
- c) ensure the publication of the GNFEA;
- d) approve the clarifications on the GNFEA; ensure their publication.



e) realize other operations connected with the handling of the GNFEA.

### **Article 182. Classification of Goods**

The classification of the goods shall be done by the customs bodies through prescribing the goods to the classified heading of goods under GNFEA.

## **SECTION 12**

### **CONTRABAND, INVESTIGATION AND OPERATIVE INQUIRY ACTIVITIES OF THE CUSTOMS BODIES**

#### **CHAPTER 33. CONTRABAND**

### **Article 183. Contraband**

1. The illegal carriage of goods in large quantities, cultural or other values, as well as, irrespective of their size, weapons, ammunition, narcotics, strongly affecting toxin, radioactive, explosive substances and explosives across the customs border of the Republic of Armenia void of the customs control, or by means of concealing from the customs control, or by fraudulent use of the customs and other documents shall be deemed a contraband.

2. The contraband shall be condemned according to the Criminal Code of the Republic of Armenia.

#### **CHAPTER 34. CUSTOMS BODIES AS INVESTIGATION BODIES**

### **Article 184. Customs Bodies as Investigation Bodies**

The customs bodies shall be deemed as investigation bodies inquiring into the contraband and other customs offences foreseen by the Criminal Procedure Code, the investigation of which falls within the competence of the customs bodies.

### **Article 185. Carrying out of Investigation by the Customs Bodies**

In case of existence of features of contraband and other customs offences the investigation shall be conducted by the customs bodies of the Republic of Armenia. The customs body shall initiate a criminal case on the basis of the provisions of the Criminal Procedure Legislation of the Republic of Armenia, perform urgent investigation with the aim of revealing and confirming evidence relating to the offence and the identifying the persons that have committed the offence.

#### **CHAPTER 35. OPERATIVE INVESTIGATION CONDUCTED BY THE CUSTOMS BODIES**

### **Article 186. Operative Investigation Conducted the Customs Bodies**

The customs bodies shall conduct the operative investigation according to the laws and other legal instruments of the Republic of Armenia.

## CHAPTER 36. CONTROLLABLE SUPPLY OF NARCOTICS AND STRONG PSYCOTROPIC SUBSTANCES

### Article 187. Controllable Supply of Narcotics and Strong Psychotropic Substances

1. In order to prevent illegal international circulation of narcotics and strong psychotropic substances and reveal the persons involved in it, the customs bodies, according to the arrangements reached with the customs and other competent bodies of the foreign states, as well as according to the international treaties to which the Republic of Armenia is party, shall apply the *controllable supply* method for each particular case, i.e. shall permit, under their control, the import into and the export out the Republic of Armenia, , or transit shipment through it's the Republic of Armenia's territory of narcotics and strong psychotropic substances illegally included into the circulation.

2. In case of making a decision on the application of the *controllable supply* method, no criminal case shall be initiated against the person illegally trafficking narcotics and strong psychotropic substances; the customs bodies shall urgently inform the General Prosecutor of the Republic of Armenia on the decision made.

3. The *controllable supply* method may also be applied in respect of the goods, which served as means or instruments of the crime, were acquired through a criminal way and are subject to confiscation in the cases envisaged in Article 212 of this Code.

### Article 188. Disposal of the Confiscated Property and Financial Means According to the *Controllable Supply* Method of

The financial means confiscated by the courts of the Republic of Armenia and other states on the cases of crimes, for the revealing and preventing of which the *controllable supply* method " has been applied, as well as the means obtained from the realization of the confiscated property shall be distributed among the states, the customs and other competent bodies, of which have their contribution in applying this method on the basis of the arrangements reached between the state competent bodies of the Republic of Armenia and the competent departments of the foreign states.

## SECTION 13

### BREACHES OF CUSTOMS RULES AND LIABILITY FOR THE BREACHES OF THE CUSTOMS RULES

#### PROCEEDINGS BROUGHT AGAINST THE BREACHES OF CUSTOMS RULES

### Article 189. Breaches of the Customs Rules

1. Any action of a person or his/her inactivity directed against the order established for the customs control and customs formalities performed in respect of the goods and means of transport carried across the customs border of the Republic of Armenia pursuant to the Customs Legislation of the Republic of Armenia and international treaties in the customs field to which the Republic of Armenia is party shall be deemed a breach of the customs rules. Persons breaking the customs rules shall incur liability in accordance with this Code.

2. Natural persons and officials shall incur liability for the deliberate or inconsiderate breach of the customs rules.

#### **Article 190. Non-compliance with the Requirements and Instructions of a Customs Official, Abuse, Threat and Assault of a Customs Official**

1. A deliberate non-fulfilment of the lawful requirements set forth by a customs official shall entail admonition or assignment of fine in the amount of AMD 10,000.
2. The abuse, threat and assault of a customs official on duty shall entail imposition of a fine in the amount of AMD 20,000, provided the actions of the offender does not entail a criminal liability.

#### **Article 191. Avoidance to Stop the Means of Transport**

Avoidance to stop the means of transport moving across the customs border of the Republic of Armenia in places designated by the customs bodies shall entail imposition of a fine in the amount of AMD 100,000.

#### **Article 192. Departure of the Means of Transport without Permission**

Departure of the means of transport without permission of the customs bodies, including the vehicles which are viewed as goods under this Code, shall entail imposition of fine in the amount of AMD 100,000.

#### **Article 193. Impediment of the Access of a Customs Official to the Goods Placed under Customs Control**

The impediment of the access of a customs official to the goods placed under customs control shall entail imposition of a fine in the amount of AMD 50,000.

#### **Article 194. Non-submission of Required Documents for the Execution of Customs Control**

The non-submission of a customs declaration on the goods and means of transport in the specified period, as well as the non-submission of relevant documents required for executing customs control in relation to the goods and means of transport upon the request of the customs bodies, irrespective of the submission of a customs declaration, shall entail imposition of a fine in the amount of AMD 50,000.

#### **Article 195. Failure to Deliver the Goods, Means of Transport and Documents Accompanying the Goods and Means of Transport to a Customs Body**

The failure to deliver the goods, means of transport and the documents accompanying thereof from one customs body to another in the specified period shall entail imposition of a fine in the amount of AMD 100,000.

#### **Article 196. Damage or Loss of the Customs Means of Security**

The damage or loss of the seals or other means of security applied by the customs bodies shall entail imposition of a fine in the amount of AMD 200,000.

#### **Article 197. Cargo and Other Operations Performed without Permission of the Customs Bodies**

1. The loading, unloading, transshipment of the goods placed under customs control, repair of the packaging damages, opening of the packages, packaging, re-packaging or the change of the means of customs security applied on the goods or the packaging

accompanying thereof without permission of a customs body shall entail imposition of a fine at 50% of the customs value of the goods.

2. The same action committed by a person repeatedly within one year after the imposition of administrative fine shall entail imposition of a fine equal to the customs value of the goods.

#### **Article 198. Delivery of the Goods without Permission of the Customs Bodies, the Loss Thereof**

Delivery of the goods placed under customs control without permission of the customs bodies, as well as the loss thereof shall entail imposition of a fine at 50% of the customs value of the goods.

#### **Article 199. Breach of Obligations for Re-exportation or Re-importation**

1. The failure to export the goods and means of transport imported into the Republic of Armenia on condition of reverse exportation or the failure to return the goods exported out of the Republic of Armenia on condition of reverse importation shall entail imposition of a fine at 10% of the customs value of the goods and means of transport in question.

2. The same breach performed in combination with the alienation of the goods and means of transport in question, shall entail imposition of a fine equal to the customs value of the alienated goods and means of transport.

#### **Article 200. Carriage of Goods and Means of Transport across the Customs Border with Evasion of Customs Control**

The carriage of goods and means of transport across the customs border of the Republic of Armenia with evasion of customs control, i.e. the carriage thereof across the customs border of the Republic of Armenia to venues located outside the places where the customs bodies are located shall entail imposition of a fine equal to the customs value of the goods and means of transport in case of absence of corpus delicti.

#### **Article 201. Carriage of Goods across the Customs Border Concealing from Customs Control**

The carriage of goods and means of transport across the customs border of the Republic of Armenia concealing them from customs control, i.e. making use of caches or any other means hampering the detection of the goods either by means of changing the appearance of the goods shall entail imposition of a fine equal to the customs value of the goods in case of absence of corpus delicti.

#### **Article 202. Carriage of Goods and Means of Transport across the Customs Border by Means of Fraudulent Use of Customs Documents, Other Documents and Means of Customs Security**

The carriage of goods and means of transport across the customs border of the Republic of Armenia by means of submitting to the customs body false, illegally obtained or invalidated documents on the customs control and customs formalities, or using false means of customs security shall entail imposition of a fine equal to the customs value of the goods and means of transport in case of absence of corpus delicti.

### **Article 203. Non-declaration of Goods and Means of Transport or the Declaration Thereof under False Name**

The non-declaration of the goods and means of transport carried across the customs border of the Republic of Armenia , i.e. the failure to declare valid data concerning the goods and means of transport in due manner and form, as well as the declaration under false name shall entail imposition of fine in the amount of the customs value of the goods and means of transport in case of absence of corpus delicti.

### **Article 204. Use of Goods and Means of Transport Granted Customs Duty Privileges for other Purposes without Permission of the Customs Bodies**

The use of the goods and means of transport granted customs duty privileges for purposes other than those for which the privileges have been granted without permission of the customs bodies shall entail imposition of a fine equal to the customs value of the goods and means of transport.

## **CHAPTER 38. PROCEEDINGS AGAINST BREACHES OF CUSTOMS RULES**

### **Article 205. Legislation Regulating the Conduct of Cases of Breach of Customs Rules**

The conduct of cases of breach of the customs rules shall be regulated by this Chapter and by a Section of the Code on Administrative Breaches of the Republic of Armenia not contradicting the present Chapter.

### **Article 206. Jurisdiction**

1. Cases of breach of the customs rules shall be conducted by the officials assigned for that purpose by the heads of customs bodies.
2. Cases of breach of the customs rules shall be investigated and ruled by the customs bodies. Heads and deputy heads of the customs bodies, heads of the institutional divisions under Superior Customs Body vested with relevant jurisdiction shall be entitled to investigate the mentioned cases and take a decision on behalf of the customs bodies.

### **Article 207. Reasons for Instituting Proceedings against Breaches of the Customs Rules**

1. The reasons for instituting proceedings against breaches of the customs rules shall be the following:
  - a) detection of cases of breach of the customs rules by the customs officials on duty;
  - b) communications of persons on breaches of the customs rules;
  - c) reports of media outlets on breaches of the customs rules;
  - d) data communicated by the law enforcement bodies and competent bodies of the foreign states;
2. Proceedings against breaches of the customs rules may be instituted in case of availability of sufficient data indicating such breach.

### **Article 208. Putting in Motion Communications on Breaches of the Customs Rules**

1. Within three days following the communication of information on breaches of the customs rules, the customs bodies shall perform one of the following actions:
  - a) draw up a protocol on the breach of the customs rules;
  - b) make a decision on declining the institution of proceedings in default of grounds;
  - c) forward the communicated data according to jurisdiction.
2. The actions taken pursuant to paragraph 1 of this Article shall be notified in writing to the person who has communicated the data.

#### **Article 209. Protocol on the Breach of the Customs Rules**

1. The proceedings against the breach of the customs rules shall be started with the drawing up of a protocol on the breach of the customs rules.
2. The place, date, hour, last name and position of the customs official, names and addresses of witnesses (if there are any), identity data of the offender of the customs rules, particulars of the breach of the customs rules, a preliminary decision on the case made on the basis of the relevant Article of this Code, information obtained with respect to the articles and documents in question, as well as other circumstances of importance for the case shall be entered in the protocol.
3. The protocol shall be read by the person who has drafted it and by all other persons involved in the action. Where necessary, participation of interpreter shall be ensured, the rights of the involved persons be elucidated.
4. The protocol shall be signed by the official who has drafted it, the offender, if he/she is available and the witnesses.
5. Where the person who has infringed the customs rules declines to sign the protocol, a relevant record shall be entered into the protocol with a statement of argumentation of the offender. The explanations provided by him/her shall be attached to the protocol.
6. The protocol on the breach of the customs rules shall be made in two copies. The second copy of it shall be handed over to the offender after taking his/her signature or shall be sent to him/her with a cover letter attached.

#### **Article 210. Particular Assignments with Respect to Breaches of the Customs Rules**

1. Within his/her competence the customs official conducting the case of breach of the customs rules or the head or deputy head of the customs body where the mentioned customs official is employed shall be entitled to assign a customs official employed with a different customs body to fulfil separate tasks associated with the case at the regional level.
2. The given task shall be subject to fulfilment within five days from the date of assignment.

#### **Article 211. Administrative Detention**

1. With a view to drawing up a protocol on the breach of the customs rules and taking a decision on the case of breach, with the aim of clarification of the identity of the offender of the customs rules, it shall be allowed to take the latter in administrative custody for

three hours, provided that other means of clarification of the identity of the offender are exhausted.

2. Where sufficient data are available that a person carries goods across the customs border of the Republic of Armenia concealing them in his/her body and if that person shows resistance during personal examination either makes attempts to escape, he/she may be taken in custody for a three-day period and refer a notification in writing to the prosecutor within 24 hours from the time of being taken in custody.
3. The term of administrative detention shall be calculated from the time of bringing the offender into the premises of the customs body or any other premises on an alternative basis, where the measures laid down under paragraph 1 of this Article can be performed, and, in case the offender is in the state of intoxication, from the time of his/her becoming sober.
4. In relation to the administrative detention a protocol shall be drawn up, with indication of the last name and position of the person who has drawn up it, [identity] data of the person taken in custody, grounds for taking the person in custody, date and time of taking in custody.

#### **Article 212. Seizure of Goods, Means of Transport and Documents**

1. Goods deemed as direct objects of violation of the customs rules, means of transport exploited for the carriage thereof across the custom border, the caches designed for the carriage of the goods across the customs border of the Republic of Armenia, as well as the documents necessary for the investigation into the case of breach of the customs rules shall be liable to seizure. The seizure shall be performed in the presence of witnesses and, in case of necessity, with participation of interpreter and expert.
2. For the purpose of executing the seizure, the customs bodies shall have the right to require opening of the premises and caches or, in case their request is not satisfied, to open the premises and caches by themselves and enter there. The procedure for the entry into the apartments of natural persons by the customs officials shall be established by law. All the seized goods, means of transport and documents shall be presented to the participants of the act of seizure and shall be described in details in the protocol and, in case of necessity, sealed.
3. A relevant protocol shall be drawn up following the end of the act of seizure, with indication of the last name and position of the person who has drawn up the protocol, place of seizure, time, circumstances, identity data of participants of the act of seizure, quantity of the seized goods, size, weight, peculiar characteristics and other features.
4. The official that has drawn up the protocol shall be liable to familiarise all the participants with the protocol. The participants shall sign the protocol after being familiarised with it and shall have the right to request that their comments be entered in the protocol.
5. A copy of the protocol shall be handed over to the person, from whom the goods, means of transport and documents are seized.

#### **Article 213. Procedure for Identification of Goods and Means of Transport**

1. In case of necessity to present the goods and means of transport for identification, a customs official employed with the customs body conducting the case of the breach of the customs rules, shall take from the person identifying the goods explanations in advance about the features of the goods and the circumstances in which he/she has

seen the goods or means of transport. After taking explanations, the good or article subject to identification shall, along with other goods and articles, which are to the possible extent similar to the goods subject to identification, be presented to the person identifying them. The person identifying the good shall be requested to point out the one he can identify and explain by which features and characteristics he recognized the article.

2. A relevant protocol on the results of identification shall be drawn up, with indication of the last name and position of the person who has drawn up the protocol, the place where the identification procedure has taken place, the date, description of the goods and means of transport presented for identification. Also the features, by which these goods and means of transport have been identified and [identity] data of participants shall be entered in the protocol. The protocol shall be signed by all the participants of the act of seizure. In case pictures have been taken, recordings or any other fixing made, a relevant record shall be entered in the protocol.

#### **Article 214. Carrying out of Customs Inspection**

1. If there are sufficient reasons to suppose that the goods deemed as direct objects of the breach of the customs rules are stored in the territories, premises or means of transport belonging to persons, or to suppose that in the mentioned territories, premises or means of transport there are specially designed caches used for the secret carriage of the goods across the customs border of the Republic of Armenia, the officials of the customs bodies shall be entitled to perform inspection of the territories, premises or means of transport. The representatives of the establishments where the inspection is conducted shall be required to take part in the inspection without fail. If necessary, experts shall be involved as well.
2. In relation to the customs inspection a protocol shall be drawn up, with indication of the last name and position of the person who has drawn it up, the place of inspection, date, detailed description of the findings of the inspection, [identity] data of the participants. The protocol shall be signed by all the participants of the act of seizure. In case pictures have been taken, recordings or any other fixing made, a relevant record shall be entered in the protocol.

#### **Article 215. Taking of Specimens and Samples for Examination Purposes**

1. Pending the investigation of cases of violation of the customs rules, the customs officials shall be entitled to take specimens or samples from the manufactured products, raw material, substances, manuscripts for examination purposes, where the examination thereof is necessary for the investigation purposes.
2. The decision on taking specimens and samples shall be well-grounded and shall contain the last name and position of the decision-maker, as well as details from where, in which quantities, what kind of specimens or samples shall be taken and other details.
3. The customs official, in the presence of the participants and witnesses, shall carry out all the operations and take specimens and samples. Except for the documents, all the specimens and samples taken shall be packed and sealed.
4. A relevant protocol on taking specimens and samples pursuant to the provisions laid down in Article 122 of this Code shall be drawn up, with indication of all the applied actions, methods and measures and types of the specimens and samples taken.



#### **Article 216. Conducting of Expert Examination**

1. For the purpose of clarifying important circumstances relating to the case, the customs official conducting the case of breach of the customs rules shall assign an expert examination, if special professional knowledge is required in the fields of science, engineering, art, handicrafts or any other field.
2. A decision on conducting an expert examination shall be made with a statement of grounds of assigning such examination, indication of material evidence and other articles liable to expert examination and specification of circumstances in which they have been revealed or acquired. The decision shall also contain a reference to the institution where the expert examination shall be conducted, as well as questions posed to the expert.
3. The official assigning an expert examination shall elucidate the expert his rights and liabilities stipulated by law.
4. The expert shall be liable to draw a reasonable and impartial conclusion, and, in case of necessity, to appear and give clarifications on the circumstances detected ending the expert examination at the request of the customs bodies.

#### **Article 217. Valuation of the Seized Goods and Articles**

1. The customs body shall assess the value of the goods, seized pursuant to Article 212, according to acting prices of the Republic of Armenia. Failing such data, the assessment of the value of the seized goods shall be made on the basis of the expert findings.
2. The customs body shall convert the foreign currency confiscated pursuant to Article 212 of this Code according to the currency exchange rate established by the Central Bank of the Republic of Armenia on the date of confiscation.

#### **Article 218. Place of Investigation of the Case of Breach of the Customs Rules**

1. The case of breach of the customs rules shall be investigated by the regional customs body, where the breach has been recorded.
2. In separate cases the investigation may be conducted in the place, where the breach has been detected or in the place of location of the offender, if such conditions contribute to the fastest and most comprehensive way of carrying the case.
3. The Head of the Superior Customs Body shall have the right to withdraw the investigation of the case being conducted under the subordination of one customs body and assign the investigation of the case to another regional customs body.

#### **Article 219. Participation of the Respondent in the Investigation of the Case of Breach of the Customs Rules**

1. The investigation of the case of breach of the customs rules shall be conducted with participation of the person eligible for administrative liability.
2. The case may be investigated in default of that person, if the latter has been notified about the place and time of investigation in due manner stipulated by law, but has not filed a petition, or if the person is absent and his/her place of location is unknown, or if he/she is outside the territory of the Republic of Armenia.

3. In the case of paragraph 2 of this Article, the customs official shall take all the necessary actions and investigate the case pursuant to a procedure established by law.

#### **Article 220. Inadmissibility of Disclosing the Materials Relating to the Cases of Breach of the Customs Rules**

1. Data relating to cases of breach of the customs rules may be disclosed wholly or partly with permission of the customs official investigating the given case.
2. In case of necessity the customs official shall give a notice to the persons involved in the case on inadmissibility of disclosing the data relating to the case without his/her permission and the liability set by law for doing so.

#### **Article 221. Decisions of the Customs Bodies on the Cases of Breach of the Customs Rules**

1. Following the end of investigation of the case of breach of the customs rules, the customs official shall make one of the following decisions:
  - a) to impose an administrative fine;
  - b) to terminate the case.
2. The mentioned decision shall contain the last name and position of the decision-maker, date of decision making, data of a person in respect of which the case has been carried, in case he/she is disclosed, also a statement of circumstances which have been revealed pending the investigation of the case, as well as an allusion to the respective Article of this Code under which a liability is foreseen for the breach of the customs rules, including the decision made in relation to the case, period and procedure established for launching an appeal against the decision.
3. A copy of the decision referred to in paragraph 1 of this Article shall be handed over or sent to the person, to whom the decision concerns after the decision-making. The decision shall be deemed as delivered if the person to whom it has been sent was not available at the indicated place of residence or location or sojourn or he/she has indicated a wrong address.

#### **Article 222. Appeal against Decisions of the Customs Bodies on Imposing an Administrative Fine**

1. A decision of the customs bodies on imposing an administrative fine may be appealed to the Superior Customs Body (customs official) or to court.
2. The decision of the customs bodies on imposing an administrative fine may be appealed to the Superior Customs Body (customs official) within ten days after decision-making.
3. Where the period specified under paragraph 2 of this Article has been missed for valid reasons, based on the request of a person to whom the decision concerns, it may be restored by the official of the Superior Customs Body investigating the case.

#### **Article 223. Examination of the Decision Made in Relation to the Appeal and Imposition of Administrative Fine as a Measure of Supervision**

1. The official examining the appeal, as well as the decision on imposing an administrative fine as a measure of supervision of the observance by the customs

officials of the lawfulness of the conduct of cases of breach of the customs rules, in relation to the mentioned appeal and decision shall make the one of the following decisions:

- a) to retain the decision without changes and leave the appeal without satisfaction;
  - b) to declare the decision invalid and assign a new investigation of the case;
  - c) to declare the decision invalid and terminate the case;
  - d) To change the amount of the fine within the limits foreseen by this Code, but not exceeding the amount of the assigned fine.
2. The appeal against the decision on imposing an administrative fine shall be considered within one month following the date of receipt thereof or within 15 days if there is no need to conduct additional investigation and check into the case.

#### **Article 224. Term of Restitution of the Seized Goods**

The person, whose goods have been seized for the purpose of guaranteeing the forced levy of the amount of fine or the value of the goods and means of transport, may receive them from the customs body within six months after paying the fine.

#### **Article 225. Payment and Forced Levy of Administrative Fine**

1. Within 15 days following the delivery of the decision, the person incurring liability shall voluntarily pay the administrative fine to the customs body that has made the decision.
2. In case the amount of the fine is not paid on a voluntary basis, it shall be levied forcedly under a judicial procedure.
3. The decision on imposing an administrative fine shall not be subject to fulfilment, if a claim on the forced levy of the fine has not been filed within three months after decision-making.

#### **Article 226. Rights and Obligations of a Person Subjected to Administrative Liability**

1. A person that is subject to administrative liability, from the time of commencement of proceedings against him/her shall have the right :
  - a) to give explanations;
  - b) to file petitions;
  - c) to make use of the attorney's or expert's services;
  - d) to speak in his/her mother tongue and make use of the interpreter's service in case he/she has not a command of the Armenian language;
  - e) to get acquainted with the materials of the case;
  - f) to appeal against the decision on imposing an administrative fine;
  - g) to get to know what for a suit has been brought against him;

- h) to get elucidation from the body conducting the case about his/her rights pending the proceedings;
  - i) to raise an objection against the actions of the body conducting the case and request that his/her objections be recorded in the protocol;
  - j) to make a challenge;
  - k) to get acquainted with the protocols of sessions, at which he/she was present or took part, to make his/her comments regarding the completeness and veracity of the records in the protocols, to request that records be made in the protocol in case these records cover a circumstance, which, according to him/her deserve mentioning.
2. The person that is subject to administrative liability shall be obliged to fulfil the lawful requirements of the person conducting the case and do not hamper the conduct of the case.

## SECTION 14.

### ASSISTANCE OF THE CUSTOMS BODIES IN THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

#### CHAPTER 39.

#### PROCEDURE OF ASSISTANCE IN THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS OF PERSONS BY THE CUSTOMS BODIES

##### **Article 227. Applying to the Customs Bodies on the Subject of Protection of Intellectual Property Rights**

1. Under the law of the Republic of Armenia, the legal owner of the right on the intellectual property objects, or any other person having a lawful right to use that object, as well as the successor in title or representative of the latter (hereinafter, "right holder"), who has valid grounds to suspect that across the customs border of the Republic of Armenia may be carried goods infringing intellectual property rights, may file an application (hereinafter, "suspension application) with the Superior Customs Body for the registration of the intellectual property object and for the suspension of the release of such goods under any customs regime.

2. The provisions of paragraph 1 of this Article shall not apply:

- (a) to the goods carried across the customs border of the Republic of Armenia under the customs regime of transit shipment;
- (b) to the carriage of goods across the customs border of the Republic of Armenia by natural persons for personal use;
- (c) to those goods being carried across the customs border, which have been lawfully put into commodity market for circulation by the right holder or with his consent.

3. The suspension application shall include:

- (a) a minute (detailed) description of the intellectual property object, as well as a sample of it if possible, so that to make it recognizable for the Customs Bodies;
- (b) the list of those goods, which may contain the intellectual property object under registration;
- (c) the forms of application (the form of marking a specific good by the trademark of the right holder, etc.) of the intellectual property object under registration by the right holder or by any other person with the consent of the latter, for the goods mentioned in subparagraph (b) of this paragraph;
- (d) the period of time, not exceeding two years, during which assistance from the customs bodies is expected;
- (e) the applicant's undertaking to indemnify the costs of the customs bodies (costs for minute inspection of the cargo and storage of the suspended goods in a warehouse of temporary storage) related to the suspension of the goods release, as well as, the possible costs and damages of the person carrying and shipping the goods, if any further judicial or other settlement prove that the carriage of the goods across the

customs border by the latter has not been performed with the infringement of the intellectual property right of the applicant ;

- (f) undertaking to ensure the fulfillment of his/her undertaking referred to in subparagraph (e) of this paragraph by giving to the customs bodies a security or other equivalent assurance in the amount prescribed by the latter, within a three days period after being informed by the customs bodies about the suspension of the goods on the basis of his/her application;
- (g) the name and the place of location of the applicant.

4. While filing the application referred to in paragraph 3 of this Article, the right holder shall be requested :

a) to submit, along with the application, the documents confirming his rights to the present intellectual property object and payment of the state duty.

b) to provide the customs bodies with all other pertinent information available to him/her, which will enable the latter to make a decision on the application. The furnishing of the aforementioned information shall not be a precondition for the admission of the application.

5. The application referred to in paragraph 3 of this Article can be of specific or general nature. The specific application shall be submitted when the applicant is aware of an impending carriage of specific illegal (infringing) goods across the customs border of the Republic of Armenia or their placement with a certain customs body, and expects from the customs bodies assistance for one attendance only. Such applications shall be submitted ten days prior to the date when the assistance from the customs bodies is expected. In other cases a general application shall be submitted.

6. In case the customs bodies grant the application of the right holder, an assistance shall be accorded to him/her pursuant to the present Section within a period specified in the given application, if within this period the application has not been withdrawn by the right holder or if the rights of the right holder have not ceased, about which the right holder shall inform the customs bodies no later than the next working day after becoming aware of the fact. The liability for the measures undertaken by the customs bodies on the basis of the right holder's application due to the lack of information about the fact of cessation of the right holder's rights shall be borne by the right holder.

7. The admission of the application referred to in paragraph 1 of this Article by the Superior Customs Body shall be covered by a duty to be levied under a procedure provided for by law.

8. The form of the application referred to in paragraph 1 of this Article and the procedure of filing and consideration thereof shall be established by the Superior Customs Body .

#### **Article 228. Registration of Intellectual Property Object, Keeping of a Register and Consideration of the Suspension Application in the Superior Customs Authority**

1. The Superior Customs Body shall keep a register of intellectual property objects. After registering the intellectual property objects the Superior Customs Body shall undertake measures to suspend the goods release infringing the intellectual property rights under any customs regime.

2. The types of the intellectual property objects that can be included in the register, as well

as the procedure for handling and publication of the register shall be established by the Superior Customs Body.

3. The Superior Customs Body shall consider the suspension application within five days and, in case of necessity, within 2 days shall communicate its decision to the applicant and the customs bodies in writing. In case a decision is made to grant the application, the Superior Customs Body shall define the period, during which the customs Authorities shall undertake the respective measures. Any refusal to grant an application shall be substantiated and may be appealed in judicial way.

### **Article 229. Suspension of the Release of Goods Infringing Intellectual Property Right Carried across the Customs Border of the Republic of Armenia**

1. In case goods containing intellectual property objects, that are entered into the register, are presented to the customs bodies and if the customs bodies possess valid reasons that those goods may infringe the right holder's rights, such goods shall be subject to removal to places of custody.
2. A decision on suspension of the goods release shall be made by the head or deputy head of the customs body for a period of ten days, with a possibility for extension of this period by no more than another ten days under the provisions stipulated in paragraph (a) of Article 232 of this Code.
3. The customs body shall notify the carrier of goods about the reasons of suspension during the next day following the decision-making and shall communicate to him the name of the right holder and place of location of the latter and of suspended goods, as well as shall communicate to the right holder the name of the carrier of goods and place of location of the latter and of suspended goods.
4. In the notification referred to in the paragraph 3 of this Article the customs body shall also specify the customs value of the goods liable to suspension and the amount of the security or other equivalent assurance mentioned in the Article 227.
5. The procedure for making a decision on suspension of the goods release, notifying the right holder and carrier of goods of the decision made and extending the period for suspension of the goods release shall be established by the Superior Customs Body.

### **Article 230. Procedure for Indemnity of the Costs Related to Suspension of the Goods release**

1. After being notified of the suspension of the goods release, the right holder shall be requested to indemnify the customs bodies against any costs incurred in relation to the suspension of the goods release by placing a security or any other assurance, as well as to provide his/her undertaking to indemnify the possible costs and damages incurred by the person carrying and shipping the goods within 3 days. The sum of that amount shall be determined by the customs official, who has made the decision on suspension of the goods release, and shall add up to 5% of customs value of the suspended goods.
2. The indemnification of the costs and damages specified in this Article shall be carried out pursuant to a procedure defined by law.

### **Article 231. Data Accorded by a Customs Body of the Republic of Armenia**

1. Without prejudice to the legislation on state, official, commercial and other secrecy

protected by law, a customs body shall have the right to accord the right holder and carrier of goods data necessary to solve the problem arisen in relation to the intellectual property right protection.

2. The aforementioned data cannot be passed to third person by the right holder and carrier of goods, except for cases stipulated by law, and shall be used exclusively for the purpose it has been provided for.

3. The right holder and carrier of goods shall have the right to take specimens and samples from the goods, the release of which is suspended, as well as present them for inspection with permission of the customs body and in the presence of a customs official.

#### **Article 232. Abolition of Decision on Suspension of the Release**

A decision on suspension of the release shall be subject to abolition and the goods shall be released under a procedure provided for by this Code if

- a) within ten days after notifying the right holder of the decision on suspension of the goods release, the customs body that has made the decision on suspension of the goods release is not informed that the matter has been referred to judicial authorities in view of making another substantive decision on the case and that the court has undertaken a measure (provisional measure) to ensure the claim on prolonging the suspension of the goods release. At the request of the applicant, the time-limit of suspension applied primarily may be extended by the customs body for 10 days, if the applicant proves that the suit has been started, whereas the writ of execution has not been delivered to him/her;
- b) within the period of validity of the decision on the suspension of the release of goods, the right holder applies to the Superior Customs Body with a request to cancel the decision on the suspension or to exclude the intellectual property object from the register, or does not provide his undertaking specified under Article 227 of this Code in the specified period and amount.

#### **Article 233. Relieve of Liability from the Customs Bodies**

Notwithstanding the fact whether, pursuant to Article 227 of this Code, an application has been received or has not been received, the customs bodies shall not be liable for:

- a) any failure to detect goods infringing the intellectual property rights;
- b) making and fulfilling lawful decisions on suspension of the release of the goods referred to in paragraph (a) of this Article;
- c) the release of the goods containing intellectual property objects, that are not entered in the register referred to in the Article 228 of this Code;
- d) the release of the goods when and where the right holder does not perform his obligations under this Section.



## SECTION 15

### DISPOSAL OF CERTAIN GOODS AND USE OF THE OBTAINED MEANS

#### CHAPTER 40. DISPOSAL OF CERTAIN GOODS

##### **Article 234. Certain Goods Subject to Disposal**

According to a procedure established by this Code, perishable goods which are handed over to the customs bodies for custody and are placed under the customs control, or which are considered direct objects of contraband or breach of the customs rules, as well as those goods, the shelf life of which is about to expire, shall be subject to disposal by the customs bodies with the consent of the person lawfully entitled to adequate rights with respect to the goods.

##### **Article 235. Goods Subject to the Disposal and the Procedure of the Disposal**

1. The activities relating to the disposal of the goods mentioned in Article 234 of this Code shall be implemented according to a procedure established by the Government of the Republic of Armenia.
2. The following activities shall be considered to be activities relating to the disposal:
  - a) the carriage and storage of the goods in the places specially adapted for them;
  - b) activities carried out for the purpose of realization of goods, including their separate division into lots, packaging, re-packaging, etc;
  - c) realization of goods.
3. Realization of the goods under a procedure established under this Article shall mean the realization thereof through auctions taking into account the state of their preservation, the auction prices cannot be considerably lower than the retail prices of the goods acting in the Republic of Armenia.
4. The costs connected with the preservation, preparations for realization of the goods and organization of the auctions shall be made at the expenses of the carriers of goods.

#### CHAPTER 41. ALLOCATION OF MEANS OBTAINED FROM THE DISPOSAL OF GOODS

##### **Article 236. Allocation of the Amounts Obtained from the Realization of Goods**

The amounts obtained from the realization of the goods shall be transferred to the state budget of the Republic of Armenia to the specially opened accounts.

##### **Article 237. Re-calculation of the Amounts Obtained from the Realization of the Goods**

After the final decision, made in accordance with a procedure established for the disposal of goods deemed as direct objects of Contraband or breach of the customs rules, the amounts obtained from their realization shall be subject to re-calculation taking into account the requirements of that decision and Article 235 of this Code. As a result of re-calculation,

the amounts subject to restitution be returned to the carrier of goods within ten days after making the final decision, according to a procedure established by law.

## SECTION 16

### CUSTOMS OFFICIALS

#### CHAPTER 42. LEGAL STATUS OF THE CUSTOMS OFFICIALS

##### Article 238. Customs Officials

1. The class and special ranks shall be granted to the customs officials.
2. A uniform shall be designed for the customs officials; its fashion shall be determined by the Government of the Republic of Armenia, and the procedure of its wearing – by the Superior Customs Body. The uniform shall be distributed free of charge.

##### Article 239. Responsibility of the Customs Bodies and their Officials

1. The customs bodies shall bear responsibility for their unlawful actions or for losses and damages caused to the persons or their property through their inactivity.

The losses or damages caused to the persons or their property because of the inactivity of the customs bodies shall be indemnified according to a procedure established by the Legislation of the Republic of Armenia.

The losses and damages resulted from the lawful actions of the customs bodies shall not be reimbursed.

2. The customs officials shall bear disciplinary, administrative and criminal liability for their unlawful actions or their inactivity, as well as the illegal decisions made by them, according to a procedure established by the Legislation of the Republic of Armenia.

##### Article 240. Class and Special Ranks

1. The following class ranks shall be established for the officials of the customs bodies of the Republic of Armenia:

- state chief advisor of the customs service;
- state advisor of the customs service;
- first rank advisor of the customs service;
- second rank advisor of the customs service;
- third rank advisor of the customs service;
- first rank inspector of the customs service;
- second rank inspector of the customs service;
- third rank inspector of the customs service.

2. The following special ranks shall be established for the officials of the customs bodies of the Republic of Armenia:

- major-general of the customs service;
- colonel of the customs service;
- lieutenant-colonel of the customs service;
- major of the customs service;
- captain of the customs service;
- senior lieutenant of the customs service;
- lieutenant of the customs service;
- junior lieutenant of the customs service.

3. The class and special ranks of the customs officials shall be conferred on in the sequential order, according to the qualification, current position and work experience; as well as taking into account the special and military ranks conferred on at the previous work or service places, but only after one year from the time of starting their work at the customs bodies, except for the cases referred to in the paragraph 6 of this Article.

4. The following terms shall be established for conferring on each of the special and class ranks after starting working with the customs bodies:

a) 1 year for the class rank of third rank inspector of the customs service and the special rank of junior lieutenant of the customs service;

b) 3 years for the class ranks of second rank inspector of the customs service, first rank inspector of the customs service and for the special ranks of captain of the customs service, senior lieutenant of the customs service, lieutenant of the customs service;

c) 4 years for the class ranks of third rank advisor of the customs service, second rank advisor of the customs service, first rank advisor of the customs service and for the special ranks of major of the customs service, lieutenant colonel of the customs service, colonel of the customs service.

5. The conferring on of the class and special ranks without keeping to the sequential order shall be permitted only in case of assignment of the employees of the customs bodies to a higher position or performance of significant services during their work, despite of the ranks envisaged for the current position and the period specified for holding the rank, but not more than once and not higher than two ranks for holding each of the class and special ranks within the established period .

The class and special ranks may be conferred on without keeping to the requirements of this paragraph with the permission the Government of the Republic of Armenia.

6. The class ranks of the state chief advisor of the customs service, the state advisor of the customs service and the special rank of the major-general of the customs service shall be conferred on by the President of the Republic of Armenia according to the nomination of the Prime Minister of the Republic of Armenia.

7. The special and class ranks of the customs officials not mentioned in the paragraph 6 of this Article shall be conferred on by the Head of the Superior Customs Body.

8. The Government of the Republic of Armenia shall establish the procedure of conferring on special and class ranks referred to in paragraph 4 of this Article, making of adjusted additional payments to the customs officials, as well as of determining the highest special and class ranks conferred on the customs officials according to their current position.

9. The special and class ranks shall be granted to the customs officials for the term of life.

10. The customs officials can be deprived of their class and special ranks in case of their dismissal of the office.

11. The class and special ranks may be lowered, but not lower than by two levels as a disciplinary penalty against gross violations of official duties, periodical non-observance of the duties or their non-adequate performance, as well as commitment of vicious deeds.

12. Appointment to the respective positions of the customs bodies shall be made according to the special and class ranks of the given person. The person being appointed to the respective position must hold a rank not lower than by two levels as compared with the highest special and class ranks established for this position.

The requirements of this paragraph shall not apply to the appointment of the head of the customs body and his/her deputies.

#### **Article 241. Guarantees for Carrying out of the Duties by the Customs Officials**

1. The customs officials shall be under the State's protection while performing their official duties.

2. The customs officials shall be guided by this Code and other legal instruments while performing their official duties.

3. Any unlawful interference into the activities of the customs officials shall be prohibited and shall entail liability according to a procedure established by the Legislation.

4. Creation of political parties within the customs bodies shall be prohibited.

5. The customs officials cannot hold other state post or carry out other payable work, except the scientific, pedagogical and creative activities.

### **CHAPTER 43. PROCEDURE AND CONDITIONS OF APPLICATION OF THE PHYSICAL FORCE, SPECIAL MEANS AND FIREARMS**

#### **Article 242. The Cases and Procedure of the Application of Physical Force, Special Means and Firearms**

1. As regards the application of physical force, special means and firearms the customs officials shall pass special training and periodical checks for fitness according to a procedure established by the Superior Customs Body. The above persons shall handle skills to render first medical aid to the suffered.

2. The customs officials shall be eligible to apply physical force, special means and firearms in cases and according to a procedure envisaged by Articles 243, 244 and 246 of this Code.

3. Before the application of physical force, special means and firearms the customs official shall warn about such intention and give sufficient time period to obey his order, except for the unexpected, armed attacks and circumstances, or attacks and situations with the use of military equipment and other means of transport, where such warning is inappropriate, impossible or may cause danger to his/her life and health, lead to other serious results in the created situation.

4. Taking into consideration the extent of danger of the breach and the personality of the offender, as well as the force of his/her resistance, the customs official shall reduce to the minimum the possible damages caused in consequence of actions aimed at the elimination of the danger.

5. The head of the customs body or the person substituting him/her shall immediately inform the prosecutor's office and the respective public health bodies on all cases of death or heavy bodily wounds resulting from the application of physical force, special means and firearms.

6. The stretch of authority in applying physical force, special means and firearms shall lead to bearing responsibility according to a procedure established by the Legislation.

7. The State Prosecutor's Office of the Republic of Armenia shall execute control over the application of physical force, special means and firearms by the customs officials.

#### **Article 243. Application of the Physical Force**

The customs officials shall be entitled to apply physical force according to a procedure established by law, if the fulfilment of their duties is impossible in other way.

#### **Article 244. Application of the Special Means**

1. The customs officials shall be entitled to apply handcuffs, rubber clubs, lachrymatory substances, instruments for opening the locks, means envisaged for stopping compulsorily the means of transport.

2. While performing their official duties the customs officials may apply the special means in the following cases:

- a) to prevent the attack on them and other persons;
- b) to prevent the attack on the premises, buildings and means of transport belonging to the customs body or placed under the control thereof;
- c) to arrest (to take to the office building) the offender showing resistance, if that resistance may cause damage to the people around or to themselves;
- d) to prevent the use of physical force towards them;
- e) to stop the means of transport, if its driver does not observe the requirements of the customs official;
- f) in other cases of hindering the execution of their duties.

3. The special means shall not be applied towards women with apparent signs of pregnancy, the persons with apparent signs of disability and the minors, except for the cases of showing armed resistance by the above persons, group or other attacks, actions dangerous for life and health of the people.

4. In case of the necessary defence or the extreme situation the customs official shall be entitled to apply other means being at hand, if the special means are not available.

#### **Article 245. Carrying, Use and Keeping of Firearms**

According to a procedure established by the Legislation, individual customs officials shall be eligible to carry, keep and use firearms while performing their official duties.

#### **Article 246. Application of Firearms**

1. The customs officials, having the right to carry, keep and use firearms, shall be entitled to apply firearms in the following cases:
  - a) to prevent the attack towards them, if a real danger for their life or health is existent;
  - b) to prevent the attempt of robbery of the firearms or special means.
2. The firearms shall be used for the precautionary shot before its application.
3. The firearms shall not be applied towards the women with apparent signs of pregnancy, invalids and minors, except for the cases when they show armed resistance, actions really dangerous for life and health of the customs official.
4. The Government of the Republic of Armenia shall establish the procedure of furnishing the customs officials with firearms, as well as it will establish the list of the special means.

## **SECTION 17**

### **FINAL PROVISIONS**

#### **CHAPTER 44. TRANSITIONAL PROVISIONS**

##### **Article 247. Entry into Force**

1. This Code shall enter into force since 1 January 2001.
2. The Government of the Republic of Armenia shall ensure the adoption of the legislative acts ensuring the implementation of this Code before its entry into force.
3. To recognize invalid the following laws after the entry into force of this Code:
  - a) the Law of the Republic of Armenia “On Establishing Special Ranks of the Customs Officials of the Republic of Armenia” adopted by the Supreme Council of the Republic of Armenia on 17 July 1993;
  - b) the Customs Code of the Republic of Armenia with further amendments and additions adopted by the Supreme Council of the Republic of Armenia on 19 July 1993;
  - c) the Law of the Republic of Armenia “On Customs Duties” with further amendments and additions adopted by the National Assembly of the Republic of Armenia on 30 December 1998;
  - d) the Law of the Republic of Armenia “On Customs Fees” with further amendments and additions adopted by the National Assembly of the Republic of Armenia on 30 December 1998.

**THE PRESIDENT OF THE  
REPUBLIC OF ARMENIA**

**R. KOCHARYAN**