

**ORDER OF THE STATE CUSTOMS COMMITTEE OF THE RUSSIAN  
FEDERATION NO. 920 OF AUGUST 22, 2003 ON THE APPROVAL OF  
THE REGULATIONS ON THE PROCEDURE FOR TAKING  
PRELIMINARY DECISIONS ON THE CLASSIFICATION OF A  
COMMODITY IN ACCORDANCE WITH THE COMMODITY  
CLASSIFICATION OF FOREIGN ECONOMIC ACTIVITY AND ON THE  
COUNTRY OF ORIGIN OF A COMMODITY**

For the purpose of improving the procedure for the customs clearance of goods transferred across the customs border of the Russian Federation and on the basis of Articles 41-44 of the Customs Code of the Russian Federation (Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 2003, No. 22, item 2066), I hereby order:

1. The approval of the annexed Regulations on the Procedure for the Taking of Preliminary Decisions on the Classification of a Commodity in Accordance with the Commodity Classification of Foreign Economic Activity (CC FEA) and on the Country of Origin of a Commodity.

2. The invalidation of Orders of the State Customs Committee (SCC) of Russia No. 254 of March 30, 2000 on the Approval of the Regulations on the Procedure for the SCC of Russia when Taking Preliminary Decisions on the Classification of Goods in Accordance with the Commodity Classification of Foreign Economic Activity (registered by the Ministry of Justice of Russia on April 26, 2000, reg. No. 2208), No. 940 of September 25, 2001 on Amending and Supplementing Order of the SCC of Russia No. 254 of March 30, 2000 (registered by the Ministry of Justice of Russia on October 18, 2001, reg. No. 2976), No. 1220 of December 21, 2001 on the Preliminary Classification of Goods in Accordance with the CC FEA (registered by the Ministry of Justice of Russia on February 21, 2002, reg. No. 3262) and No. 125 of February 7, 2003 on the Approval of the Regulations on the Procedure for the Taking of Preliminary Decisions on the Country of Origin of Goods (registered by the Ministry of Justice of Russia on March 18, 2003, reg. No. 4273).

3. The Service for Interaction with the Mass Media (the Press Service of the SCC of Russia) shall ensure the publication of the provisions of this Order in the mass media.

4. The Deputy Chairman of the SCC of Russia A.A. Kaulbars, shall exercise control over the execution of this Order.

This Order shall enter into force as of January 1, 2004.

Chairman of the Committee, State Councillor of the Customs Service of the Russian Federation

M.V. Vanin

Registered at the Ministry of Justice of the Russian Federation on  
September 17, 2003  
Registration No. 5080

**Annex to Order  
of the SCC of the Russian Federation  
No. 920 of August 22, 2003**

**Regulations on the Procedure for Taking Preliminary Decisions on the  
Classification of a Commodity in Accordance with the Commodity  
Classification of Foreign Economic Activity and on the Country of  
Origin of a Commodity**

**I. General Provisions**

1. The State Customs Committee of the Russian Federation (hereinafter, the SCC of Russia) and the other customs bodies determined by the SCC of Russia (hereinafter, the customs bodies) shall, on the basis of Articles 41-44 of the Customs Code of the Russian Federation, take a preliminary decision on the classification of a commodity in accordance with the Commodity Classification of Foreign Economic Activity (CC FEA) and on the country of origin of a commodity (hereinafter, the preliminary decision).

2. These Regulations on the Procedure for the Taking of Preliminary Decisions on the Classification of a Commodity in Accordance with the Commodity Classification of Foreign Economic Activity (CC FEA) and on the Country of Origin of a Commodity (hereinafter the Regulations) shall determine the procedure for taking preliminary decisions on the classification of goods for the purpose of referring a particular commodity to a certain subheading of the CC FEA, and also of preliminary decisions on the country of origin with respect to particular goods manufactured during a certain time by one and the same producer in one and the same organisation with the use of one and the same production technology.

3. The preliminary decision on classification shall be taken on the basis of the information on a commodity in accordance with the Basic Rules for the Interpretation of the CC FEA (Decision of the Government of the Russian Federation No. 830 of November 30, 2001 as subsequently amended and supplemented (Rossiyskaya Gazeta, No. 236/1, December 1, 2001) (special issue).

The preliminary decision on the country of origin shall be taken on the basis of the information on whether a commodity has been completely manufactured or subjected to sufficient processing in a particular country in accordance with the criteria established by the international agreements of the Russian Federation and the Customs Code of the Russian Federation concerning the rules for determining the country of origin of goods.

4. The preliminary decision shall be taken by the customs body upon a written application of an interested person prior to the moment of the submission to the customs body of a commodity for customs clearance.

5. For the purpose of the realisation of these Regulations, an **interested person (applicant)** shall be a Russian person (a legal entity with its location in the Russian Federation created in accordance with the legislation of the Russian Federation, and also a natural person permanently residing in the Russian Federation, including registered on the territory of the Russian Federation as an individual businessman) acting as the owner of a commodity, the proprietor of a commodity, a buyer of a commodity, a declarant, or a foreign person acting as a declarant in the cases stipulated by Article 126 of the Customs Code of the Russian Federation.

6. The preliminary decision shall be issued only to the applicant.

7. The preliminary decision shall be obligatory for all the customs bodies of the Russian Federation.

8. The preliminary decision shall be effective for five years from the day of its taking unless it has been changed, withdrawn or terminated.

9. Upon the termination of the period indicated in Item 8 the preliminary decision shall automatically lose its force, which shall not prevent the applicant from applying with a request to issue a new preliminary decision according to the procedure established by these Regulations.

10. The applicant that has obtained the preliminary decision shall submit its original and copy to the customs body simultaneously with the cargo customs declaration (hereinafter, the CCD) for customs clearance.

The registration number and date of the preliminary decision shall be indicated by the declarant in paragraph 44 of the CCD.

After checking the copy of the preliminary decision with the original, the official of the customs body shall return the original to the applicant, while the copy of the preliminary decision shall remain at the customs body.

## **II. Submission of a Request for Taking a Preliminary Decision**

11. To obtain a preliminary decision the applicant shall send to the customs body a written request for a preliminary decision on the classification of a commodity in accordance with the CC FEA or on the country of origin of a commodity (hereinafter the request) drawn up on the established form (Annexes 1 and 3).

12. The request must contain all the information necessary for taking the preliminary decision. The request must be accompanied by samples and specimens of a commodity, its description, photographs, pictures, drawings, commercial, technical and other documents containing the necessary information about the commodity (for example, flowcharts, the originals or copies, attested in the established procedure, of the

conclusions of specialists of expert organisations giving the results of the investigation of the samples and specimens of the commodity necessary for its classification in accordance with the CC FEA or for the determination of its country of origin).

**13.** A request from a legal entity must be signed by the head (deputy head) of the organisation with the indication of his surname, first name, patronymic and post and contain the data on the location of the organisation, its postal address, the ACEO code, the identification number of taxpayer (INN), the contact telephone number, and the e-mail address, if any.

A request from a natural person must be signed by the said person and contain the data on his place of residence, the contact telephone, and also the number and series of the passport, where and when it was issued. In the request there may also be indicated the taxpayer identification number (INN) and the e-mail address.

**14.** If the data submitted by an applicant in the request is insufficient for taking the preliminary decision, then the customs body shall, within 30 days from the day of the registration of the request, notify the applicant about the necessity of submitting additional information and shall establish the time for its submission (not more than 30 days from the day of the registration at the customs body of the request for additional information sent to the applicant).

**15.** If no additional information has been submitted at the established time, the request shall be rejected, about which the applicant shall be informed in written form on the day of the expiry of the time established in the request for additional information.

**16.** The rejection of a request shall not prevent the applicant from a repeated application on condition of the elimination of the reasons that caused the rejection of the request.

### **III. Taking the Preliminary Decision**

**17.** The preliminary decision on behalf of the SCC of Russia shall be taken by the Chief Department of the Tariff and Non-tariff Regulation (hereinafter, the CDTNR).

On behalf of the SCC of Russia the CDTNR shall determine the set of goods in whose respect other customs bodies shall take the preliminary decision.

**18.** The preliminary decision shall be taken within 90 days from the day of the receipt of a request to the customs body.

If any additional information must be submitted, then the time for taking the preliminary decision shall be calculated from the day of the receipt by the customs body of the last document containing the requested data.

**19.** The preliminary decision shall be issued for each name of a commodity including the particular brand, model, set article, and modification.

**20.** The preliminary decision shall be drawn up on a special form (Annexes 2 and 4) by the CDTNR in duplicate signed by the director of the CDTNR or by his deputies, and by the other customs bodies, in triplicate signed by the head of the customs body or his deputies.

The first copy of the preliminary decision shall be issued (sent) to the applicant, the second copy shall remain at the CDTNR or shall be sent by the customs body that issued it to the CDTNR, and the third copy shall remain at the customs body that issued it.

**21.** The procedure for filling in the blank of the preliminary decision:

Paragraph 1.

In this paragraph shall be indicated; the full name of the customs body that issued the preliminary decision.

Paragraph 2.

In this paragraph shall be indicated for a legal entity - the post, surname and initials of the head (deputy head), and the postal address of the organisation; for a natural person - the surname and initials of the applicant and his postal address.

Paragraph 3.

In the paragraph shall be indicated the registration number of the preliminary decision. The registration number of the preliminary decision shall have the form RR-NN/PPPP, where RR is the index of the CDTNR or of the customs body, NN is the number of the file by the classification of the files of the CDTNR or the customs body, and PPPP is the ordinal outgoing number of the preliminary decision at the CDTNR or the customs body (the numeration shall be continuous).

The numbers of the files by the classification must be different for the preliminary decision on the classification of a commodity and of the preliminary decision on the origin of a commodity.

Paragraph 4.

In this paragraph shall be indicated the date of registration of the preliminary decision.

Paragraph 5.

In this paragraph shall be indicated the name of the commodity, its brand, model, set article, and modification.

Paragraph 6.

In this paragraph of the form of the preliminary decision on the classification of a commodity shall be indicated the code designation of the CC FEA subheading.

In the paragraph of the form of the preliminary decision on the country of origin of a commodity shall be indicated the country of origin of the commodity.

Paragraph 7.

In this paragraph of the form of the preliminary decision on the classification of a commodity shall be given a detailed description of the commodity with the indication of all data determining the referral of the commodity being described to the CC FEA subheading indicated in paragraph 6.

In this paragraph of the form of the preliminary decision on the country of origin of a commodity shall be indicated the manufacturer of the commodity, the place of its production, and the particular document on whose basis the decision on the country of origin of the commodity was taken.

Paragraph 8.

In this paragraph of the blank of the preliminary decision on the classification of a commodity shall be indicated the Basic Rules for the Interpretation of the CC FEA on whose basis the commodity has been referred to the CC FEA subheading indicated in paragraph 6.

In this paragraph of the form of the preliminary decision on the country of origin of a commodity shall be indicated the document regulating the rules for determining the country of origin of the commodity from a particular country or a group of countries.

Paragraph 9.

In this paragraph shall be indicated the information which the customs body carrying out the customs clearance of the commodity in whose respect the preliminary decision has been taken must take into consideration.

Paragraph 10.

All the copies of the preliminary decision shall be signed by the director of the CDTNR, the head of the customs body or their deputies.

**22.** If the preliminary decision has been lost by the applicant, it may be restored by issue of a duplicate of the earlier received preliminary decision. To obtain a duplicate, the applicant shall send to the customs body that issued the preliminary decision an application containing a reference to the lost preliminary decision (the applicant, the registration number of the preliminary decision, the date of the preliminary decision, and the name and a short description of the commodity should be indicated).

The customs body shall issue a duplicate of the decision within 30 days from the day of the registration of the written application about the loss of the preliminary decision.

The duplicate of the preliminary decision must be identical to the original (all the data contained in the original preliminary decision shall be retained, including the registration number, the date of its taking and the signature of the official of the customs body), but in paragraph 9 "For official notes" of the blank of the preliminary decision the customs body shall put down the note "Duplicate". The period of effect of the duplicate shall be calculated from the date of taking the original preliminary decision.

#### **IV. Termination, Change or Withdrawal of the Preliminary Decision**

**23.** Customs bodies may take a decision on the termination, change or withdrawal of a preliminary decision taken by them or by subordinate customs bodies.

**24.** The decision on the termination, change or withdrawal of the preliminary decision shall be sent to the person to whom the preliminary decision was issued in written form not later than the day following the day of the rendering of the decision on the termination, change or withdrawal of the preliminary decision.

The decision of a customs body on the termination, change or withdrawal of a preliminary decision taken by it or by a subordinate customs body shall be brought to the notice of all customs bodies in written form not later than the day following the day of the rendering of the decision on the termination, change or withdrawal of the preliminary decision.

**25.** The decision on the termination of a preliminary decision shall be taken if such a preliminary decision has been taken on the basis of false documents submitted by the applicant.

The decision on the termination of the preliminary decision shall enter into force from the day of the taking of the preliminary decision.

**26.** A preliminary decision may be withdrawn:

- in the event of amendment of the CC FEA, the adoption by the World Customs Organisation of classification decisions obligatory for application in the Russian Federation;

- if international agreements of the Russian Federation or acts of the legislation of the Russian Federation relating to the issues of determining the country of origin of goods establish different requirements and conditions for determining the country of origin of goods.

The decision on the withdrawal of the preliminary decision must be taken within three days of the publication of the above-mentioned acts and shall enter into force simultaneously with them.

**27.** The change of a preliminary decision on the classification of a commodity shall be carried out in cases of:

- the adoption by the SCC of Russia of a decision that is obligatory for execution by the customs bodies, on the classification of certain goods,

- the discovery of errors made in the taking of the preliminary decision.

The change shall enter into force at the time indicated in the decision on the change of the preliminary decision but not earlier than three months from the day of the taking of the decision on the change of the preliminary decision.

**28.** The preliminary decision on the country of origin of a commodity shall be unchangeable.

**29.** The taking by the customs body of a decision on the termination, change or withdrawal of the preliminary decision shall not prevent the applicant from a repeated application with a request in accordance with the procedure established by these Regulations.

## **V. Final Provisions**

**30.** Any information received in a request from the applicant and constituting a commercial or any other secret protected by law, and also any confidential information shall not, without the consent of the applicant, be subject to disclosure or to transfer to third parties and state bodies, except in the cases established by the Customs Code of the Russian Federation and by other federal laws.

The submitted information shall be deemed confidential in the cases determined by the legislation of the Russian Federation.

The applicant shall notify the customs body in his request about such character of the submitted information.

### **Annex No. 1 to the Regulations on the Procedure for Taking Preliminary Decisions on the Classification of a Commodity in Accordance with the Commodity Classification of Foreign Economic Activity and on the Country of Origin of a Commodity**

Form

To the Director (Deputy Director) of the CDTNR, or the Head of the customs body

#### **Request for a Preliminary Decision on the Classification of a Commodity**

Surname, first name and patronymic of the applicant (for natural persons)

Full postal address (for natural persons)

Name of the organisation, surname, first name and patronymic of its head (for legal entities)

Location of the legal entity and its postal address

Number and series of the passport, where and when issued (for natural persons)

ACEO code (for legal entities)

INT (for legal entities and natural persons)

Please issue a preliminary decision on the classification in accordance with the CC FEA of the below-stated commodity.



## Detailed description of the commodity

The full commercial name, firm's name; the main technical and commercial characteristics, for example, the designation, standard, grade, brand, model, set article, the material from which the commodity has been manufactured, the functions performed by the commodity, the packing (description of the packing, its weight and dimensions), the protocols of the tests, the reports of an expert examination of chambers of commerce and industry and of other expert organisations, the certificates of conformity and quality, references or certificates of expert organisations, samples (specimens) of the commodity, and other characteristics that make it possible to classify the commodity unequivocally under a certain subheading of the CC FEA.

Date.....  
.....

(applicant's  
signature)

### **Annex No. 2 to the Regulations on the Procedure for Taking Preliminary Decisions on the Classification of a Commodity in Accordance with the Commodity Classification of Foreign Economic Activity and on the Country of Origin of a Commodity**

#### **State Customs Committee of the Russian Federation**

#### **Preliminary Decision on the Classification of a Commodity in Accordance with the CC FEA**

/-----  
-----\  
| 1. Name of the customs body that | 2. Applicant  
| issued the preliminary |  
| decision |  
| |  
| |  
| |  
| |

3. Registration number (day, month, year)	4. Date of taking
5. Name of commodity in accordance	6. Commodity code with the CC FEA
7. Data on the commodity necessary for the classification	



**on the Classification of a Commodity in Accordance  
with the Commodity Classification of Foreign Economic  
Activity and on the Country of Origin of a Commodity**

Form

To the Director (Deputy Director) of the CDTNR, or the Head of the customs body

**Request for a Preliminary Decision on the Country of Origin of a Commodity**

Surname, first name and patronymic of the applicant (for natural persons)

Full postal address (for natural persons)

Name of the organisation, surname, first name and patronymic of its head (for legal entities)

Location of the legal entity and its postal address

Number and series of the passport, where and when issued (for natural persons)

ACEO code (for legal entities)

INT (for legal entities and natural persons)

Please issue a preliminary decision on the country of origin of the below-stated commodity.

**Short Information**

The request must contain all the data and documents necessary for taking the preliminary decision and the certificate on the origin of a commodity, if any.

The request shall be accompanied by samples (a specimen) of the commodity, its description, photographs, pictures, drawings, commercial and other documents containing the necessary data on the commodity, for example, the technical passport, the flowcharts, test protocols, reports of the expert examination of Chambers of commerce and industry or other expert enterprises of the manufacturer country of the commodity, conclusions of specialists of expert organisations giving the results of the investigation of the samples (specimen) of the commodity, other documents showing that the commodity has been completely manufactured or subjected to sufficient processing on the territory of the country of its origin.

The authenticity of the certificates attached to the request, on the origin of goods on Form A for goods from developing and the least



-----
5. Name of commodity
origin of the |

|  
-----+-----  
|6. Country of  
|commodity  
|  
|  
|  
|  
|  
|

-----
7. Data on the commodity necessary for determining the
country
of origin

-----
8. Substantiation of the taking of the decision

