

CUSTOMS CODE OF THE REPUBLIC OF ARMENIA

SECTION 1. GENERAL PROVISIONS

Article 1. Customs Legislation of the Republic of Armenia

1. The Customs legislation of the Republic of Armenia shall regulate relations associated with the Customs affairs of the Republic of Armenia.
2. The Customs legislation of the Republic of Armenia consists of the Customs Code and other legal acts of the Republic of Armenia.

Article 2. Basic Terms

Within the meaning of the present Code:

- a. The term "goods" means all kind of articles and items, other properties, including currency and currency values, electric-, thermo-, and other kinds of power, means of transportation except for the means of transportation specified in paragraph (b) of the present Article, transported through the Customs border of the Republic of Armenia;
- b. The term "means of transportation" means all kinds of means of transportation including containers and other supplementary equipment that are used for international transportation of passengers and goods transported through the Customs border of the Republic of Armenia;
- c. The term "transportation across the Customs border of the Republic of Armenia" means the import of goods and means of transportation into the Customs territory of the Republic of Armenia and the export out of the above territory, including international mail delivery and shipment through the pipe-line and electrical transmission;
- d. The term "import" means the import of goods and means of transportation into the Customs territory of the Republic of Armenia;
- e. The term "export" means the export of goods and means of transportation out of the Customs territory of the Republic of Armenia;
- f. The term " at the time of import or export" means the time when goods and means of transportation cross the Customs border of the republic of Armenia;
- g. The term "persons" means the persons of the Republic of Armenia and foreign persons;
- h. The natural persons of the Republic of Armenia, the organizations registered in the Republic of Armenia in due course of law, the subdivisions of international organizations and foreign legal persons, private entrepreneurs, bodies of state administration and institutions of local government shall be considered as persons of the Republic of Armenia;
- i. The term "transporter of goods" means the person that is the owner, buyer or possessor of goods, or the person who possesses other sufficient rights, in compliance with the procedure established by legislature of the Republic of Armenia, to dispose the goods on his behalf, according to the procedure stipulated in the present Code;

- j. The term "declarant" means the person transporting goods or the broker (mediator) that presents and declares goods and means of transportation in the Customs bodies on his behalf;
- ja. The term "carrier" means the person actually transporting goods or the person liable for the use of means of transportation;
- jb. The term "customs regime" means the set of provisions determining the transportation status of goods and means of transportation shipped across the Customs border for customs purposes;
- jd. The term "release" means complete delivery to the persons mentioned in paragraphs (h) and (i) of the present Article, of the goods or means of transportation by the Customs Authorities after the fulfillment of customs formalities;
- je. The term "customs formalities" means the implementation of relevant measures established for release of goods and means of transportation in accordance with a specific customs regime under the provisions of the present Code and other legal acts;
- jf. The term "customs control" means a system of measures to be implemented by the Customs Authorities with a view to retain provisions consolidated by laws of the Republic of Armenia, other legal acts and international treaties;
- jg. The term "non-tariff means of regulation" implies those means established by law and other legal acts that limit the import of goods and means of transportation into and export thereof out of the Republic of Armenia.
- jh. The term "customs payments" means the customs duty, taxes, as well as fees and other compulsory payments levied by the Customs Authorities in due course of law for transportation of goods through the Customs border of the Republic of Armenia;
- ji. The term "force-majeure" means the force or phenomenon in force preventing the person, against the will of the latter, from fulfilling liabilities taken in accordance with the present Code.

Article 3. Customs Affairs of the Republic of Armenia

2. There may be unbonded customs warehouses in the territory of the Republic of Armenia that are not included in the customs territory of the republic of Armenia unless otherwise stipulated by the present Code and other legal acts of the Customs legislation of the Republic of Armenia.
3. The border of the customs territory, as well as the RA border of unbonded customs warehouses shall coincide with the Customs border of the Republic of Armenia.

CHAPTER 2. ORGANIZATION OF CUSTOMS AFFAIRS

Article 6. Implementation of Customs Affairs

The customs affairs of the Republic of Armenia, as well as its organization and control shall be implemented by the RA Government Authorized Body.

Article 7. Customs Authorities

1. The RA customs affairs shall be implemented by the Customs Authorities that are law enforcement bodies.
2. The RA Customs Authorities shall form a single state system that includes:
 - a. The Ministry of State Revenue of the Republic of Armenia;
 - b. The RA Ministry of State Revenue territorial customs houses;
 - c. The customs points of the RA Ministry of State Revenue.
3. The establishment, reorganization, and liquidation of the RA Ministry of State Revenue territorial customs houses and customs points shall be carried out by the Government of the Republic of Armenia.
4. The RA Ministry of State Revenue territorial customs houses and customs points shall carry out their activities in the territories accorded by the RA Government and compliance with the procedure established by the Ministry of State Revenue of the Republic of Armenia.

Article 8. Customs Laboratories and Educational Institutions of the RA Ministry of State Revenue

1. Customs laboratories for check testing and investigation of goods for customs purposes may be established by the RA Ministry of State Revenue.
2. Specialized educational institutions for scientific research, training and retraining purposes of specialists may be established by the RA Ministry of State Revenue.

Article 9. Main Objectives of the Customs Authorities

1. The main objectives of the Customs Authorities shall be:

- a. To ensure economic sovereignty and security of the Republic of Armenia, to provide the protection of domestic market, as well as economic interests within its jurisdiction;
- b. To ensure implementation of provisions of the customs legislation, as well as control over the implementation of the customs legislation demands, prevent, disclose the breach of the customs legislation, fulfillment of works aimed at the levy of the debts to the State Budget of the Republic of Armenia that have come forth in the result of misdoing the liabilities stipulated in the customs legislation.
- c. To implement customs regulation measures in respect of trade economic relations, to ensure the application of customs tariff mechanism when transporting goods and means of transportation across the Customs border of the Republic of Armenia, collection of customs payments and relevant transfer to the State Budget;
- d. To ensure implementation and improvement of the customs control and customs formalities, to provide favorable terms promoting the circulation of goods and passengers across the Customs border of the Republic of Armenia;
- e. To fight off smuggling and violation of the customs regulations with respect to the transportation of goods across the customs border of the Republic of Armenia;
- f. To promote the foreign economic relations of the Republic of Armenia;
- g. To promote the measures aimed at providing the quality assurance of the imported goods with a view to protect consumer's interests;
- h. To meet the liabilities and exercise the rights of the Republic of Armenia stipulated by the International treaties with respect to customs related issues, promote cooperation with the Customs Authorities and other authorized bodies of foreign states, as well as the international organizations dealing with customs related issues;
- i. To keep Customs Statistics of the Republic of Armenia;
- j. To implement analytical, research and advisory activities related to customs affairs.

Article 10. Administrative Normative Acts of the RA Ministry of State Revenue

The RA Ministry of State Revenue may adopt administrative normative acts in cases stipulated in the present Code and other legal acts.

Article 11. Identification Sign of the Customs Authorities

The Customs Authorities, their means of transportation shall have an identification sign, that is defined by the Government of the Republic of Armenia.

Article 12. Customs Authorities Officials

1. Only the citizens of the Republic of Arme

1. The Customs Authorities shall cooperate with other State administration bodies, institutions of local government, organizations and natural persons in order to implement customs activities.
2. The State administrative bodies, institutions of local government and their officials shall support the Customs Authorities in fulfillment of objectives set before the latter.
3. The Customs Authorities may, within the framework of the RA legislation permit other State administrative bodies and organizations to implement under their control certain activities within the jurisdiction of the latter.

Article 15. Provision of the Customs Authorities with Territories, Offices, Warehouses, Equipment and Communication Means

Those enterprises, institutions and natural persons that are interested in having the customs formalities fulfilled in their premises shall provide free of charge the Customs Authorities with the premises, offices, warehouses, equipment and communication means required for the fulfillment of the customs formalities.

Article 16. Information Provided for the Customs Authorities for Customs Purposes

1. In accordance with the present Code and other legal acts the information provided for the Customs Authorities shall be exclusively used by the latter for the implementation of the customs affairs.
2. State, bank, trade or official secrets shall not be published, used for personal purposes, given to a third person including the State Authorities, except for the cases stipulated by the legislation.

Article 17. Appeal Against the Decisions, Actions or Inaction of the Customs Authorities and Their Officials

Any decision, actions or inaction of the Customs Authorities and their officials may be appealed against in accordance with the procedure established in due course of law.

SECTION 2.

TRANSPORTATION OF GOODS AND MEANS OF TRANSPORTATION ACROSS THE CUSTOMS BORDER

CUSTOMS REGIMES

CHAPTER 3.

TRANSPORTATION OF GOODS AND MEANS OF TRANSPORTATION ACROSS THE CUSTOMS BORDER

Article 18. The Right to Import and Export Goods and Means of Transportation

1. Any person shall be equally authorised to import goods and means of transportation into the territory of the Republic of Armenia and export them out of the Republic of Armenia according to the order defined in the present code.
2. The rights of persons who import and export goods and means of transportation into the territory of the Republic of Armenia and export them out of the Republic of Armenia shall not be restricted, except cases stipulated by the present Code and other legal acts.

Article 19. Prohibition of Import and Export of Goods and Means of Transportation

1. Import of goods and means of transportation into the customs territory of the Republic of Armenia and export thereof out of the customs territory of the Republic of Armenia may be prohibited if these goods and means of transportation endanger or may endanger the state and national security, public order, the moral values of the population, human life and health, the protection of animals and plants and the environment, objects of art and historical monuments, personal property (including intellectual property), rights and interests.
2. The goods and means of transportation mentioned in paragraph 1 of the present article shall be subject to immediate transportation into or out of the RA territory if they are not subject of confiscation in due course of law. The transportation of goods and means of transportation mentioned in paragraph 1 of the present article shall be implemented by the transporter and at his expense.

If it is impossible to transport goods and mean

The customs regime issues not regulated by the present Code shall be regulated by the order defined by the RA Government.

Article 24. Customs Regime Option and Change

1. Any person shall be authorized to select or change the customs regime regardless the nature and quantity of goods unless otherwise stipulated by the present Code or other legal acts.
2. The order of change of the customs regime shall be carried out in accordance with the procedure established by the RA ministry of state revenue.

Article 25. The Customs Regime of “Import of Goods for Free Circulation”

1. The regime of import for free circulation shall deem permanent disposal of goods in the customs territory of the Republic of Armenia without the liability for further export out of the given territory.
2. The regime of import for free circulation implies:
 - a. Collection of customs payments;
 - b. Implementation of non-tariff regulatory measures.

Article 26. The Customs Regime of “Re-import”

1. The customs regime of goods for re-import shall concern the re-import of goods into the customs territory of the Republic of Armenia, which have been produced in the territory of the Republic of Armenia and exported out of the territory of the Republic of Armenia under the regimes of “temporary export”, “temporary export for processing”, “temporary export for free circulation”.
2. This customs regime implies:
 - a. No customs payments except the cases stipulated in this code, in the case of import within 1 year of the goods that have been exported from the RA customs territory under the regime of “export for free circulation“ and return of the customs duties previously levied for the export;
 - b. No implementation of the non tariff regulatory measures except the measures aimed to defend the interests of consumers.
 - c. Absence of changes other than natural deterioration or changes caused by the transportation or storage under abnormal conditions, compared to their conditions at the time of export, except the changes as a result of reprocessing of goods exported under the “temporary export for reprocessing” regime.

Article 27. The Customs Regime of “Transit shipment”

1. The customs regime of transit shipment shall be the transportation of goods under customs control between two customs points without modification of the bill of lading,
2. Transit shipment regime implies:
 - a. No customs payments except the user fees and the cases stipulated in this code;
 - b. No implementation of the non tariff regulatory measures except the cases stipulated by this code, other laws and the RA international agreements;
 - c. That these goods shall be transported from one customs point of destination to another within a ten day period maximum and submission to customs bodies for temporary custody within the specified period in case of force major;
 - d. Exception of changes other than natural deterioration or changes caused by the transportation or storage under abnormal conditions;
 - e. Obligatory customs accompanying in cases stipulated by the RA government if otherwise is not stipulated in this code.
3. The RA government establishes:
 - a. The list of goods that are prohibited to be transported through the RA territory;
 - b. The list of goods transportation of which through the RA territory shall be subject of licensing and the order of implementation;
 - c. The order of transit transportation of goods and means of transportation through the RA territory.

Article 28. Liabilities of Carrier

1. The carrier shall incur liability for transit shipment of goods and means of transportation under the “transit shipment” regime according to this code and other legal acts.
2. In case of alienation, lost or not reaching to the customs point, or leaving the RA customs territory of goods and means of transportation without permission of the Customs Authorities, the carrier shall be obliged to pay the customs payments stipulated by

- a. The exemption from customs payments during the storage, except the customs user fees;
- b. No implementation of non-tariff regulatory measures except the cases stipulated in this code.

Article 30. The Terms of Distribution of Goods under the Customs Regime of "Import of Goods into Customs Warehouse"

1. The "Import to customs warehouse regime" can be applied for goods that are not prohibited for import into the RA territory.
2. The goods that may cause damage to other goods stored in the customs warehouse shall be kept in specially adapted warehouses.

Article 31. Duration of Keeping Goods under the Customs Regime of "Import of Goods into the Customs Warehouse "

1. The goods under the customs regime of 'import of goods into the customs warehouse' may be stored within a period not exceeding one year.
- 2.

- b. No implementation of the non tariff regulatory measures except the measures aimed to defend the interests of consumers.
3. This customs regime can not be implemented for goods prohibited for importation in or exportation from the RA territory.

Article 34. The Customs Regime of “Temporary Import for Processing”

1. The “temporary importation for processing” regime shall imply importation of goods into the RA customs territory for processing with the intention to be exported in future.
2. This customs regime implies:
 - a. No customs payments, except for customs user fees;
 - b. Importation of goods for processing based on permission given by the body authorized by the RA government;
 - c. Processing of goods within one year period after the date of importation by order defined by the body mentioned in the paragraph b of this article;
 - d. Registering the goods under the “re-export” regime within ten days following the date mentioned in the paragraph (c).
3. The transporter shall be obligated to pay the customs payments stipulated by the “export for free circulation” regime and accounted based on difference of customs values accounted during the registration of goods under the “temporary import for reprocessing” and “re-export” regimes.

Article 35. Activities Associated with Processing of Goods, Duration of Processing

1. The processing of goods imported under the “temporary import for reprocessing” shall be carried out on the basis of a relevant license given by the body authorized by the RA government.
2. The RA government shall define the procedure of licensing mentioned in the 1st paragraph of this article.
3. The activities associated with goods processing shall include:
 - a. Manufacturing of final products including mounting, assembling and usage in other products;
 - b. Repair of goods including renovation and putting into order;
 - c. Use of the goods that facilitate production and are partially consumed in the process.
4. The terms of processing and the minimum quantity of product expected to be gained after the processing of goods, the restriction of the processing activities, as well as the use of the internal goods in processing shall be stipulated by the body authorized by the RA government.

Article 36. The Liabilities of Importers of Goods into Customs Territory under the Customs Regime of “Temporary Import of Goods for Reprocessing”

- a. the cases when goods can be imported into the customs territory of the Republic of Armenia only under the corresponding condition of further export, provided that customs payments have been made;
- b. the list of goods forbidden for temporary import into the customs territory of the Republic of Armenia

Article 40. Terms of Temporary Import regime implementation

1. Permission for importation under the “temporary import” regime shall be given according to the order defined by the RA ministry of state revenue.
2. The terms of importation under the “temporary import” regime shall be controlled by the customs bodies.

Article 41. Liability of persons transporting goods under the “Temporary import” regime

In case of not exportation or partially exportation of goods imported under the “temporary import” regime, and if the transporter has not submitted the not exported goods to the customs bodies for temporary maintenance in the defined period, the transporter shall be obligated:

- a) to pay the customs payments stipulated by the “import for free circulation” regime for the not exported goods within 10 days after the date defined for exportation of the goods.
- b) To pay the penalty accounted by the order defined by law, in case of not payment or delay of payments in the period mentioned in the paragraph a).

Article 42. The cases of not returning as a result of activities and inaction of the RA officials or destruction and loss of goods released under the “Temporary import” regime

Notwithstanding the provisions of the Article 41, the carrier shall not be liable in case the goods are not exported or partially exported in the defined period if violation of the date by carrier is result of storage or transportation under abnormal conditions or force majeure circumstances, or in case the goods are destroyed or lost irrevocably as a result of actions or idleness of the RA State authorities and officials and that fact is stated with the relevant documents.

Article 43. The “Temporary Export” regime

1. The “temporary export” regime shall imply exportation of goods from the RA customs territory with the intention to be imported.
2. This customs regime implies:
 - a) no customs payments, except for customs user fees or cases stipulated in this code and other laws;
 - b) return of goods within the required by applicant period, which shall not exceed 1 year period if the former required period was less then 1 year. The RA ministry of state revenue can extend the mentioned period up to 1 year after the date of exportation.

- c) no implementation of the non tariff measures;
- d) Change of “temporary export” regime into “re-import” regime for released goods within ten days following the last date of period mentioned in the subparagraph b) of this paragraph;
- e) Exception of changes other than natural deterioration or changes caused by the transportation or storage under abnormal conditions.

Article 44. Terms of Temporary Export

The Government of the Republic of Armenia shall specify:

- a. the cases when goods can be exported out of the customs territory of the Republic of Armenia only under the corresponding condition of further import, provided that customs payments have been made;
- b. the list of goods forbidden for temporary export from the customs territory of the Republic of Armenia

Article 45. Terms of Temporary Export regime implementation

1. Permission for exportation under the “temporary export” regime shall be given according to the order defined by the RA ministry of state revenue.
2. The customs bodies shall control the terms of exportation under the “temporary export” regime.

Article 46. Liability of persons transporting goods under the “Temporary Export” regime

In case of not importation or partially importation of goods exported under the “temporary export” regime, and if the transporter has not submitted the not imported goods to the customs bodies for temporary maintenance in the defined period, the transporter shall be obligated:

- c) to pay the customs payments stipulated by the “export for free circulation” regime for the not imported goods within 10 days after the date defined for importation of the goods.
- d) To pay the penalty accounted by the order defined by law, in case of not payment or delay of payments in the period mentioned in the paragraph a).

Article 47. The cases of not returning as a result of activities and inaction of the RA officials or destruction and loss of goods released under the “Temporary export” regime

Notwithstanding the provisions of the Article 46, the carrier shall not be liable in case the goods are not imported or partially imported in the defined period if violation of the date by carrier is result of storage or transportation under abnormal conditions or force majeure circumstances, or in case the goods are destroyed or lost irrevocably as a result of actions or idleness of the RA State authorities and officials and that fact is stated with the relevant documents.

Article 48. The “Import into Free Customs Warehouse” Regime

1. The “Import into free customs warehouse” regime shall imply maintenance of goods imported into the RA in free customs warehouses stipulated in this code without customs control except the cases stipulated in this code.
2. This customs regime implies;
 - a) no customs payments, except for customs user fees or cases stipulated in this code and other laws;
 - b) no implementation of the non tariff regulatory measures
3. The goods released under the “Import into free customs warehouse” regime can be imported into the RA customs territory according to the order stipulated for the “import for free circulation” regime.
4. The goods released under the “Import into free customs warehouse” regime can be exported from the RA customs territory under the “export for free circulation” or “re-export” regimes without the customs payments and implementation of the non-tariff regulatory measures.
5. This customs regime can not be implemented for the goods which are prohibited to import into or export out from the RA customs territory.
6. The RA government can define barriers or restrictions for the storage of certain goods.

Article 49. Activities related to the Goods released under the ”Import into Free Customs Warehouse” regime

1. Following actions can be implemented related to the goods released under the ”Import into Free Customs Warehouse” regime:
 - a) actions necessary for the maintenance of goods;
 - b) preparation of goods for shipment and sale, separation of assemblages, assorting, packaging, repackaging, labeling, loading, unloading, marking and other activities which do not cause changes in characteristics and design;
 - c) whole sale
2. The customs bodies shall be authorized to forbid the activities of those persons, who do not act according to the requirements of this code and other legal act. The customs bodies shall be authorized to forbid their entrance into the free customs warehouse as well.

Article 50. Duration of maintenance of goods under the “import into the free customs warehouse” regime

1. The goods can be maintained under the “import into the free customs warehouse” regime up to 3 year period.
2. The customs bodies taking into account the expiration date and peculiarities of preservation can limit the period mentioned in the 1st paragraph of this article.

- a) to pay the customs payments stipulated by the “export for free circulation” regime for the not imported goods within 10 days after the date defined for importation of the goods.
- b) To pay the penalty accounted by the order defined by law, in case of not payment or delay of payments mentioned in the paragraph a) for the importation of goods.

Article 54. The cases of not importation as a result of activities and inaction of foreign state officials or destruction and loss of goods released under the “Temporary export for reprocessing” regime

Notwithstanding the provisions of the Article 48, the carrier shall not be liable in case the goods are not imported or partially imported in the defined period into the RA if violation of the date by carrier is result of storage or transportation under abnormal conditions or force majeure circumstances, or in case the goods are destroyed or lost irrevocably as a result of actions or idleness of the foreign state authorities and officials and that fact is stated with the relevant documents.

Article 55. The “Export for Free Circulation” regime

1. The regime of export for free circulation shall deem exportation of goods from the customs territory of the Republic of Armenia without the liability for further import into the given territory.
2. The regime of import for free circulation implies:
 - a. Levy of customs payments
 - b. Implementation of non-tariff regulatory measures
 - c. Exportation of goods released under the “export for free circulation” regime from the RA customs territory within ten days maximum following the date of customs formalities and submission to customs bodies for temporary custody within the specified period in case of force majeure;
 - d. Exception of changes other than natural deterioration or changes caused by the transportation or storage under abnormal conditions since the release under the “export for free circulation” of goods up to the export out of the RA.

Article 56. The “Re-export” regime

1. The customs regime of “re-export” is the backward exportation of goods out of the customs territory of the Republic of Armenia, which have been imported into the RA customs territory under the customs regime of “temporary import for processing”, “temporary import”, as well as goods having foreign country of origin and being imported under the customs regime of “import for free circulation”, “import into the customs warehouse for ground storage”, “import into the customs warehouse”, and have not been released under any customs regime.
2. This customs regime implies:

a. No levy of customs payments except the customs user fees and cases stipulated in the

5. If the customs regime of “destruction” cannot be applied with respect of goods, the latter shall be taken out by the carrier and at the expense of the latter.

CHAPTER 5.

TRANSPORTATION OF CERTAIN GOODS AND MEANS OF TRANSPORTATION ACROSS THE CUSTOMS BORDER OF THE REPUBLIC OF ARMENIA

Article 59. Transport of Means of Transportation

1. Means of transportation shall be transported across the customs border of the Republic of Armenia in accordance with the customs regime to be applied with respect to the given means of transportation.
2. The means of transportation transported across the customs border of the Republic of Armenia shall stop at places stipulated by the Customs Authorities.
3. The duration of stoppage of means of transportation shall be determined by the Customs Authorities proceeding from the time duration necessary for customs formalities and customs control of goods transported with the referred means of transportation.
4. The transport of means of transportation from the place of stoppage shall proceed only after the permission of the Customs Authorities.

Article 60. Transport of the Currency, Securities, Foreign Currency, National and Historical Values of the Republic of Armenia across the Customs Border of the Republic of Armenia

The procedure for transport of the currency, securities, foreign currency, archeological and cultural values of the Republic of Armenia across the customs border of the Republic of Armenia shall be established by the present Code and other legal acts.

Article 61. Establishment of a Simplified Procedure for Transportation of Certain 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 transportation of certain goods and the goods transported through the international mail delivery by natural persons across the customs border of the Republic of Armenia.

SECTION 3.

**LICENSING AND CONTROL OF CERTAIN TYPES OF ACTIVITIES
ASSOCIATED WITH CUSTOMS AFFAIRS**

CHAPTER 6.

TYPES OF ACTIVITIES SUBJECT TO LICENSING

LICENSING AND CONTROL

- a. warehouses for ground storage designed for the goods belonging to any person;
 - b. warehouse for indoor storage designed for the goods belonging to certain persons;
 - c. specialized warehouses designed for storage of certain types of goods belonging to any person.
3. Customs warehouses can be set up by the Customs Authorities and persons granted with a license according to the procedure established under the provisions of paragraph 2, Article 62 of the present Code.
 4. Customs warehouses set up by the Customs Authorities shall be only for ground storage and are intended for temporary storage of goods handed over to the Customs Authorities in cases stipulated in the present Code.

Article 65. Storage of Goods in Customs Warehouses Under Customs Control

1. Storage of goods in customs warehouses shall be carried out in accordance with the procedure established by the present Code and other legal acts
2. The persons assuring the storage shall be obliged:
 - a. not to allow the removal of goods from the customs warehouse, except for the cases related to the performance of customs control or changes in customs regimes;
 - b. not to hinder the performance of customs control;
 - c. to secure terms and conditions for the Customs Authorities to assure customs control in compliance with the procedure established under provisions of the present Code;
 - d. to register goods and present them to the Customs Authorities in compliance with the procedure established by the Ministry of State Revenue of the Republic of Armenia.

Article 66. Liabilities for Effecting Customs Payments

The founder of a customs warehouse shall not in

In duty free shops trade activities shall be carried out under customs control in accordance with the procedure established by law or other legal acts.

CHAPTER 9. STORAGE OF GOODS IN UNBONDED CUSTOMS WAREHOUSES

Article 69. Unbonded Customs Warehouses

1. Unbonded customs warehouse is a complex of one or more than one constructions and open areas, where persons granted with a license in accordance to the procedure established by the present Code shall under customs control store goods released under the customs regime of "import of goods into unbonded customs warehouse".
2. Unbonded customs warehouses can be established by persons of the Republic of Armenia based on the license granted in compliance with the procedure stipulated in paragraph 2, Article 62 of the present Code.

Article 70. Compliance with the Legislation in the Territory of Unbonded Customs Warehouse

1. In case sufficient information concerning the violation of the legislation in force is available, the Customs Authorities shall be entitled to establish control over goods in unbonded customs warehouses.
2. The customs formalities with respect to the goods imported into and exported out of unbonded customs warehouses, as well as those being stored in the latter shall be fulfilled in accordance with a simplified procedure established by the Ministry of State Revenue of the Republic of Armenia.

CHAPTER 10. ACTIVITIES OF THE CUSTOMS AGENT

Article 71. Customs Agent

1. A customs agent is a person of the republic of Armenia who performs his activities related to customs formalities and customs control on the basis of a license granted in accordance with the procedure established under the provisions of paragraph 2, Article 62 of the present Code, as well as acts on the instructions of carriers of goods and on his behalf.
2. The legal relationship between the customs agent and the person he represents shall be regulated by laws of the Republic of Armenia.

Article 72. Rights of Customs Agent

The customs agent shall be entitled to perform any activities associated with the fulfillment of the customs formalities, as well as other activities with respect to the customs affairs upon authorization and at the expenses of the person he represents.

Article 73. Expert on Customs Formalities

Only a citizen of the Republic of Armenia having qualification of an expert on customs affairs in accordance with the procedure established by the Ministry of State Revenue shall fulfill customs formalities on behalf of the customs agent.

Article 74. Customs Agent and the Treatment by Customs Officers of Information Provided by a Customer

1. Information provided by a customer for customs purposes shall be used by customs agents and customs officers exclusively for customs purposes.
2. State, bank, trade and official secrets shall not be subject to disclosure or used by customs agents or officers in their interests or in the interests of a third party. The said information shall not be supplied to a third party including the State bodies, except for the cases stipulated by the legislation in force.

CHAPTER 11. ACTIVITIES OF CUSTOMS CARRIER

Article 75. Customs Carrier

1. Any person of the Republic of Armenia being granted with a license in accordance with the procedure established under the provisions of paragraph 2, Article 62 of the present Code may perform customs carriages.
2. The customs carrier shall perform his activities in accordance with the present Code and other legal acts.
3. Carriage of goods released under the customs regime of "transit shipment" shall be carried out by persons performing customs carriage without compulsory customs accompanying. The latter shall be performed on the basis of the carrier's application.

Article 76. Customs Carrier and the Treatment by Customs Officers of Information Provided by a Customer

1. Information provided by a customer for customs purposes shall be used by customs carriers and customs officers exclusively for customs purposes.
2. State, bank, trade and official secrets shall not be subject to disclosure or used by customs carriers or officers in their interests or in the interests of a third party. The said information shall not be supplied to a third party including the State bodies, except for the cases stipulated by the legislation in force.

SECTION 4.

DETERMINATION OF CUSTOMS VALUE OF THE GOODS TRANSPORTED THROUGH THE CUSTOMS BORDER OF THE REPUBLIC OF ARMENIA

CHAPTER 12. GENERAL PROVISIONS ON CUSTOMS VALUE

Article 77. The Aims of Determining the Customs Value

Customs value of the transported goods through the Customs border of the Republic of Armenia is determined with the aim of calculation of the ad-valorem customs payments, implementation of non-tariff regulatory measures determined in an ad-valorem way and conducting the customs statistics.

Article 78. Identical Goods

The goods shall be considered identical if they are the same in all respects, including physical characteristics, quality, production and expiration dates, reputation (trademark), and the country of origin. Minor differences in appearance of the goods, which shall not give the consumer serious grounds for giving preference to this or that product of two comparable products, shall not constitute sufficient grounds for not considering the goods as similar.

Article 79. Similar Goods

The goods shall be considered similar if they have the same country of origin, which, though not identical, have like characteristics and component materials, which enable them to perform the same functions and be commercially interchangeable. The quality, production and expiration dates, reputation (trademark) are among the factors to be considered in determining whether goods are similar.

Article 80. Additional Provisions to the Concepts of Identical and Similar

1. Regardless the Articles 77 and 78 of the present Code, as compared with goods transported through the Customs border of the Republic of Armenia the goods where engineering, development work, design work, art work, plans or sketches undertaken in the country of origin were used shall not be considered identical or similar.
2. In relation to the declared goods, identical or similar shall be considered the goods of other producers only when there are no identical or similar goods produced by a particular industry or industry sector for comparison.

Article 81. Related Persons

Persons are related to each other, if:

- (a) one is the director of the other;
- (b) one is the employer of the other;
- (c) any other person who at the same time owns, holds or controls five per cent or more of the outstanding voting stock or shares of each such person;
- (d) one in some way controls or limits the actions of the other;
- (e) any other person in some way controls or limits their actions;
- (f) they together in some way control or limit the actions of any other person;
- (g) they are a property joint owners or founders of an organization (legally recognized partners in business);
- (h) they are members of the same family.

Article 82. The Same or Nearly the Same Period of Time

The same or nearly the same period of time shall be considered the ninety-days period preceding the time observed.

Article 83. The Same or Nearly the Same Quantity

The same or nearly the same quantity shall be considered the quantity differing to twenty per cent of the quantity observed.

Article 84. Goods of the Same Kind

Goods of the same kind shall be considered those goods that fall within a group of goods produced by a particular industry sector under the same secret Code of foreign economic activity.

CHAPTER 13.

CUSTOMS VALUE OF GOODS TRANSPORTED THROUGH THE CUSTOMS BORDER AND ITS CONSTITUENTS

Article 85. Customs Value

Customs value of goods transported through the Customs border is the amount actually paid and subject to payment or that should be paid for the purchase of the goods and their transportation to the Customs border of the Republic of Armenia.

Article 86. Constituents of Customs Value

Customs value shall include:

1. the purchasing price of goods in the exporting country;
2. transportation, loading, unloading, transshipment, insurance and other similar costs made before reaching the Customs border of the Republic of Armenia;
3. the commission and mediation /broker/ expenditures made for the transportation of goods to the Customs border of the Republic of Armenia;
4. the value of the following items directly or indirectly provided by the purchaser to the supplier, without compensation or with partial compensation to the latter for the production and supply of goods transported through the Customs border:
 - (a) the value of materials, components and other similar items included in the imported goods;
 - (b) the value of tools and other similar items used in the production of imported goods;
 - (c) materials consumed in the production of imported goods;
 - (d) architectural, designing, sketching and other similar activities required for the production of imported goods, that have been implemented outside the importing country;
5. the payments made or subject to direct or indirect payment to the supplier by the purchaser against royalties and license fees required for the sale of imported goods;
6. the cost of jars, packages and packaging;
7. the proceeds of any subsequent resale, use or disposal of the goods imported by the purchaser that accrue to the supplier.

Article 87. Customs Value With Inclusion of Its Constituents

The costs, mentioned in subparagraphs 2 to 7 of Article 86 of the present Code, shall be included into the Customs Value in case they are not considered in purchasing price of goods.

Article 88. Costs Not Included in the Customs Value

The Customs Value shall not include:

1. indirect taxes paid, subject to payment in the exporting country or separately recorded in payment documents;
2. transportation, loading, unloading, transshipment, insurance, commission and mediation /broker/ costs made in the importing country;
3. the per cents, resulted from the financial obligations of the purchaser to the supplier, with exception of the costs mentioned in subparagraph 7 of Article 86 of the present Code, and if the declarant substantiates that the given interest rate does not exceed the average interest rate used in similar transactions in the exporting country at the same or nearly the same period of time.
4. The cost of information in disks /programme files/.

Article 89. Determination and Declaration of Customs Value

1. Customs Value of goods transported through the Customs border shall be determined and declared, together with other information subject to declaration, by the person transporting goods or the person authorised by the latter.

2. In cases stipulated by the present Code, Customs Value of goods transported through the Customs border shall be determined by the Customs Authorities.

CHAPTER 14.

RULES FOR DETERMINING CUSTOMS VALUE

Article 90. Transaction Price Method

concerning the present subparagraph shall be determined by the Government of the Republic of Armenia.

Article 92. Determination of Customs Value According to the Transaction Price of Identical Goods

Customs value of goods transported through the Customs border of the Republic of Armenia shall be determined in a sale of identical goods in the exporting country in substantially the same quantity at the same or nearly the same period of time for export to the importing country.

Article 93. Determination of Customs Value According to the Transaction Price of Similar Goods

Customs value of goods transported through the Customs border of the Republic of Armenia shall be determined in a sale of similar goods in the exporting country in substantially the same quantity at the same or nearly the same period of time for export to the importing country.

Article 95. Determination of Customs Value on the Basis of Computed Value

Customs value of goods transported through the Customs border shall be determined on the basis of computed value, which includes:

- (a) the value of materials employed in producing of goods transported through the Customs border and their processing;
- (b) an amount for profit and general expenses equal to that usually reflected in sales of identical goods, which are made by producers in the country of export for import into the Republic of Armenia or in the Republic of Armenia for export to the country of import.

Article 96. Residual Method for Determining Customs Value

If the customs value of goods transported through the Customs border cannot be determined under the preceding provisions on customs value determination stipulated in the present section, it shall be determined on the basis of data available in the Republic of Armenia. It

1. Rules, mentioned in this section, for determining customs value shall be applied in succession, except for the cases stipulated in subparagraph 2 of the present Article.
2. Based on the request of the declarant, the succession of implementation of rules, stipulated in Articles 95 and 96 of the present Code, shall be changed. In case such request is not observed the determined succession shall be implemented. If it is impossible to determine customs value by implementing the rules of Article 96 of the present Code, it shall be determined according to the rules stipulated in Article 95 of the present Code.

CHAPTER 15.

INFORMATION USED FOR DETERMINING CUSTOMS VALUE AND APPEAL AGAINST ACTIONS AND DECISIONS OF CUSTOMS OFFICIALS

Article 98. Information Used For Determining Customs Value

1. Based on the written request of the person transporting goods, the Customs Authorities shall within five working days period inform the latter about the amount of customs duty and the methods of its determination.
2. The information provided by the declarant to the Customs Authorities for determining customs value of goods shall be used by the latter exceptionally for the aims stipulated in Article 76 of the present Code. The information shall not be submitted to any other person without the assent of the declarant, except for the cases stipulated by legislative acts.
3. The information used for determining customs value, as well as its sources shall be open and shall be subject to publication by the Ministry of State Revenue of the Republic of Armenia within at least ten-days period before they enter into force.
Recalculation of foreign currency for determining Customs Value of goods shall be carried out exceptionally by the Central Bank of the Republic of Armenia, according to the exchange rate of the day the goods have been declared.
4. Recalculation of foreign currency for determining Customs Value of goods shall be carried out exceptionally by the Central Bank of the Republic of Armenia, according to the exchange rate of the day the goods have been declared.

Article 99. Appeal Against the Decisions Made by the Customs Authorities or Customs Officials Concerning Determination of Customs Value

1. If the Customs Authorities find it necessary to determine or verify the customs value of the goods declared by the declarant, the customs formalities shall be produced according to the customs value (transaction price) declared by the declarant, provided one month bank guarantee is available for the disputed amount on condition of further final settlement in compliance with the final decision made.
2. In the event of disagreement

- of Armenia, substantiating the reason for rejection of the size of customs value declared by the declarant or method of determination of customs value and the address of the superior Customs Authority or official to whom the declarant can lodge the appeal.
3. In the event of disagreement of the Customs Authorities with the customs value declared by the declarant or methods of customs value determination the declarant, after receiving rejection notice, may within ten working days period appeal to the superior Customs Authority or lodge a complaint in due course of law. The superior Customs Authority shall be obliged to make a relevant decision within a month period and inform the declarant about it. The appeal shall not exempt the declarant from the liability of paying customs duties within a specified period of time.

SECTION 5.

CUSTOMS PAYMENTS

CHAPTER 16.

GENERAL PROVISIONS ON CUSTOMS PAYMENTS

Article 100. Customs Payments

Article 102. Procedure for Establishing Customs Duties

Customs duties and rates thereof shall be defined by the present Code.

Article 103. Customs Duties by the Nature of Function

The following customs duties shall be applied in the Republic of Armenia by the nature of function:

- (a) export duties are paid for goods exported out of the Customs territory of the Republic of Armenia;
- (b) import duties are paid for goods imported into the Customs territory of the Republic of Armenia;
- (c) seasonal duties are paid within certain periods of the year for exporting certain goods out of the Customs territory of the Republic of Armenia or importing thereof into the territory of the Republic of Armenia.

Article 104. Customs Duties by the Method of Calculation

The following customs duties shall be applied in the Republic of Armenia by the method of calculation:

- (a) ad valorem duties are calculated in percentage of the customs value of goods subject to taxation;
- (b) specific (fixed) duties are calculated at a fixed tariff rate per unit of goods subject to taxation;
- (c) mixed duties are ad valorem and specific (fixed) duties combined.

In order to protect the intere

1. Calculation of customs duties shall be implemented by Customs Authorities according to the current rate of the day of submitting declaration.
2. Payment of Customs duties shall be implemented according to procedure established by the Government of the Republic of Armenia within 10 days period from the day of transportation of goods through the Customs border of the Republic of Armenia.
3. Payment of customs duties shall be made with the official currency (dram) of the Republic of Armenia

Article 107. Waiver of the Customs Duties

The following shall be exempt from customs duties:

1. Goods released under the customs regime of transit shipment.
- 2.

2. Within the limits stipulated in subparagraph 1 of the present Article the Government of the Republic of Armenia shall establish the in kind quantity for separate kind of goods.
3. Within the meaning of the present Code the term "accompanying cargo" means the luggage crossing the Customs border of the Republic of Armenia at the same time with a natural person, or being delayed for reasons beyond the natural person's control, lost or sent to other place by mistake at the time of crossing the Customs border of the Republic of Armenia.
4. One and the same natural person may take advantage of the privilege stipulated in subparagraph 1 of the present Article not more than once within 180 days.
5. Natural persons may transport duty free effects they wear or have in their luggage through the Customs border of the Republic of Armenia. These shall be deemed to constitute goods that:

2. The application for transfer or return of extra amount of customs duties can be submitted within 2 years after the payment.
3. The Customs Authorities shall levy the amount of customs duties not paid by the owner of the goods within a period of two-year following the emergence of the liability to pay.
4. In the event of late payments of the customs duties exceeding the stipulated periods a penalty shall be levied from the payer in the amount of 0.2 percent of the overdue payment of the customs duties for every day of the delay.

CHAPTER 18.

CUSTOMS USER FEES

Article 112. The "Customs user fees"

1. Customs user fees are compulsory payments to be paid to the State budget in accordance with the amount and procedure established by the present Code that is used for promotion of customs affairs and increasing the level of material and household security and social protection of customs officials.
2. The RA ministry of state revenue shall present accounts about the disposal of user fees amounts in the previous year to the RA government within the first 3-month period of

6. For carrying out Customs accompanying on the territory of the Republic of Armenia, the amount of customs user fees shall be equal to 10,000 drams for each 100 km. Customs accompanying by transit shipment shall be compulsory except the cases stipulated in the present Code and in case it is impossible to implement the means of the customs security, and in all other cases it is left up to the carrier and shall be carried out on the basis of written request presented by the latter.
7. For providing Customs warehousing by the Customs Authorities, the amount of customs user fees shall be:
 - a) 1,000 drams daily for cargo under 1 ton of weight
 - b) 300 drams daily per additional or full ton for cargo weighing 1 ton or more
8. For the purposes of Customs inspection of means of transportation, the amount of customs user fees is:
 - a. 2,000 drams for a car with not more than 10 seats;
 - b. 5,000 drams for all other means of transportation.

Article 114. Privileges in payment of Customs user fees:

The following goods are exempt from Customs user fees:

- a. those that during transportation enter the customs territory of Republic of Armenia within the framework of humanitarian aid programs. Where the Law (and international agreements) does not clearly provide the terms of identification of such humanitarian or

Article 115. Indexation of Customs User Fees Amount

From February 2000, for every 12 – month period the absolute rate (in Drams) of Customs user fees stipulated in Article 113 of the present Code shall be augmented by the whole number in percentage of the reported change of average value of Dram during the previous year.

Article 116. Collection and Return of Customs User Fees, Responsibility for Non-Payment

1. Based on the request of the payer the customs user fees paid in excess of the amount that is calculated pursuant to the procedure stipulated by the present Code and other legal acts, shall be credited by the Customs Authorities towards other liabilities due to the Customs Authorities or shall be returned no later than within 30 days following the receipt of an application by the payer seeking such return.
2. The application seeking the return or credit towards other liabilities of customs user fees collected in excess, shall be accepted within one year following the receipt thereof.
3. The amount of customs user fee not paid or not fully paid by the persons transporting goods shall be collected by the Customs Authorities within a period of one year following the emergence of the liability to pay.
4. According to the present Code, the payment of customs user fees shall be charged within a three-day period after relevant services have been provided.
5. Customs user fees shall be paid in the official currency of the Republic of Armenia.
6. Should the payer fail to comply with the payment deadline, a penalty is charged for each day of delay in the amount of 0.2% of unpaid customs user fees.

SECTION 6.

CUSTOMS FORMALITIES

CHAPTER 19. GENERAL PROVISIONS

Article 117. Fulfilment of Customs Formalities

Customs formalities shall be fulfilled in accordance with the procedure established by the present Code and other legal acts of the Republic of Armenia.

1. Whenever required by the Customs Authorities of the Republic of Armenia, the person transporting goods across the Customs borders of the Republic of Armenia, or the person directly involved in transportation, the founder of the Customs warehouse or other persons with appropriate authorizations with respect to transportation of goods and means of transportation, across the Customs borders of the Republic of Armenia, should carry out the transportation, weighing, or other activities concerning measurement of the amount of the goods, loading, unloading, recovery of packaging damages, opening of packages, packaging and repackaging, opening of similar Customs warehousing facilities, or facilities within Customs control, whenever goods and means of transportation may be found.
2. Before the completion of customs formalities, activities specified in paragraph 1 of the present Article may be carried out only by permission of the Customs Authorities.

Article 125. Sampling of Goods or their Specimen for Customs Formalities

1. The Customs Authorities have a right to take samples or specimens of goods for customs formalities, as well as to carry out investigations.
2. With the permission from the Customs Authorities samples or specimens of goods taken from the goods in Customs safekeeping, can also be taken by persons authorized to deal with goods or other Government Authorities carrying out appropriate control.
3. Samples or specimens of goods shall be taken in minimum sufficient quantities for investigation.
4. Whenever samples or specimens of goods are taken, a legal statement shall be drawn up, in accordance with the procedure established by the Ministry of State Revenue.
5. Persons or their representatives authorized to deal with goods in accordance with the

9. The Customs Authorities of the Republic of Armenia shall not cover the expenses, incurred by the citizen , when presenting samples or specimens.
10. The person authorized to deal with goods in accordance with legislature in force of the Republic of Armenia shall not incur any expenses with respect to the investigation process, unless it was undertaken on his own account.
11. The procedure for sample or specimen taking shall be specified by the Ministry of State Revenue of the Republic of Armenia.

CHAPTER 20. TEMPORARY STORAGE

Article 126. Temporary Storage

In cases stipulated under the provisions of the present Code and other legal acts goods and means of transportation shall re

- a. Examined or accounted by the Customs Authorities or, with the consent of the latter, by the State Authorised Bodies and persons authorised to deal with the goods and means of transportation in question;
- b. Taken samples or specimens with the permission of the Customs Authorities of the Republic of Armenia;
- c. Subject to certain operations by persons authorised to deal with the goods and means of transportation required for storage of goods, including recovery of damaged packaging.

CHAPTER 21. DECLARATION

Article 131. Declaration of Goods and Means of Transportation

1. The goods and means of transportation shall be declared at the regional customs houses or customs points of the Republic of Armenia in compliance with the procedure established by the RA Ministry of State Revenue, except for the cases stipulated by law if:
 - a. the referred goods and means of transportation are carried across the Customs border of the Republic of Armenia;
 - b. with respect to which the customs regime has been changed.
2. The declaration shall be effected in forms specified by the RA Ministry of State Revenue;

1. The declarant may be a person transporting goods and means of transportation or a person authorized by him.
2. The declarant shall only be a person of the Republic of Armenia, except for the cases when goods are transported by natural persons across the customs border of the Republic of Armenia.
3. The declarant shall incur liability for authenticity of the information declared.
4. In case the person transporting goods across the customs border of the Republic of Armenia is mentally ill or suffers from other serious disease, or if he is under sixteen, the declaration shall be effected by a lawful representative of the latter incurring liability defined by the present Code for the declarant, including liability for authenticity of the information declared.

Article 135. Rights and Liabilities of Declarant

1. Before the customs declaration the declarant shall have the right to carry out examination and take measurements of goods and means of transportation under customs control, take samples or specimens of goods by consent of the Customs Authorities, provided that they shall be included in the declaration.
2. In case of declaration of goods and means of transportation the declarant shall:
 - a. Declare goods and means of transportation in accordance with the procedure established by the present Code;
 - b. At the request of the Customs Authorities present the goods and means of transportation to be declared;
 - c. Provide the Customs Authorities with all relevant information and documents required for customs purposes.

Article 136. Documents and Information to be Provided for the Customs Affairs

1. All documents required for the implementation of customs affairs shall be presented to the Customs Authorities at the time of declaration.
2. The Customs Authorities shall be entitled to request other information with a view to verify the information contained in the customs declaration and presented documents.
3. The list of documents and other information required for the implementation of customs affairs shall be specified by the Government of the Republic of Armenia.

Article 137. Acceptance of the Customs Declaration

1. The presented customs declaration shall be accepted by the Customs Authority.
2. Before accepting the customs declaration the customs official shall:
 - a. Verify the right implementation of the procedure established for filling in the customs declaration form;
 - b. Warn the declarant about the liability for producing false information;
 - c. Verify authenticity of the information declared by an oral questioning;
 - d. Ask the declarant to change his declaration making relevant alterations and amendments in case of detection of discrepancies in it according to the procedure stipulated in subparagraphs (a) and (c) of the present point.

3. The customs declaration shall be considered a document of legal nature following the date of fulfilling the formalities for its acceptance.

Article 138. Alterations, Amendments and Renunciation of the Customs Declaration

1. Alterations and amendments shall be implemen

1. Customs control is implemented in order to maintain regulations for transportation of goods and transportation means by persons. All goods and transportation means that are transported through the RA Customs border are subject to the Customs control if not otherwise defined by this code.

2. Customs control shall be performed by officials of the Customs Authorities. It implies the following:

- a) Verification of information and documents required for customs affairs;
- b) Customs examination (examination of goods and means of transportation; examination of a person as a particular type of customs control);
- c) Accounting for goods and means of transportation;
- d) Oral questioning of physical persons;
- e) Auditing of accounting and reporting systems;
- f) Inspection of customs warehouses, free customs warehouses, duty-free shops, customs control zones and other construction sites and territories where the goods and means of

- e. Starting from the time of import up to the time of export from the RA customs territory in case of “Transient transportation” regime.
- f. Starting from the time of import up to the time of release under other regime in case of “Import into the customs warehouse” and “Import into free customs warehouse” regimes.
- g. Starting from the time of import up to the time of realization in case of “Import into duty free shop” regime.
- h. Starting from the time of import up to the time of destruction in case of “Destruction” regime.

Article 146.

transportation of which across the customs border of the Republic of Armenia is prohibited or restricted.

2. Customs bodies shall be entitled to inspect personal effects of the physical person crossing transit zone in the territory of the Republic of Armenia if there are bases to assume that the person is transporting goods prohibited for transit shipment via the

4. The inspection of physical persons with mental or other severe sicknesses or under 16 years old shall be performed in the presence of their legal representatives.
5. The regulations for inspection of person shall be defined by the Ministry of State revenues of the Republic of Armenia in agreement with the Ministry of Health of the Republic of Armenia.

Article 151. Selective Customs Examination

Goods imported into and exported out of the territory of the Republic of Armenia may be released without examination by a customs house or customs point in accordance with procedures established by the Government of the Republic of Armenia.

Article 152. Exemption from Certain Types of Customs Control

1. In cases defined by this Code and other legal acts the customs house or customs point does not perform certain types of customs control.
2. Non-performance of customs control shall not remove the persons' liability for compliance with the regulations for transportation of goods and means of transportation across the customs border of the Republic of Armenia.
3. Military Aircraft crossing the customs border of the Republic of Armenia shall not be subject to customs examination. The aircraft and carriers transporting military equipment that are performing military tasks by special order of the Ministry of Defense, as well military equipment en route shall be exempted from examination when crossing the customs border of the Republic of Armenia. Foreign Military and military carrier Aircraft crossing the customs border of the Republic of Armenia shall not be subject to customs examination.
4. Personal effects of military servicemen crossing the customs border of the Republic of Armenia shall be subject to customs examination, unless otherwise stipulated by the legislation.
5. Commanders of those military units in structure of which the military equipment referred to in paragraph 3 of the present Article is being transported, shall be liable for observance of the provisions of RA laws and other legislative acts regulating such activities.

Article 153. Customs control over goods and means of transportation

The additional control measures and reexamination of goods and means of transportation shall be performed before the end of the time period of goods and means of transportation being under customs control.

Article 154. Provision of Specimens and Test Samples for Implementation of Customs Control; Cargo and Other Similar Operations Related to Goods and Means of Transportation

1. By the request of the Customs Authorities carriers of goods shall provide specimens and test samples required for the performance of customs control, and perform cargo or other

similar operations related to goods and means of transportation. Carriers shall not impede the performance of these activities.

2. The specimens and test samples of goods shall be provided in minimum quantity sufficient for investigation. In case of taking specimens or samples the Customs Authorities shall provide a written note to the importer or his representative.

Article 155. Presence of Carrying or transporting person or His Representative at Customs Control of Goods and Means of Transportation

1. Any carrier or transporter or his representative have the right to be present at customs control of their goods and means of transportation.
2. By the request of Customs authorities the carrier or transporter or his representative is liable to be present at the implementation of certain activities related to the customs control.
3. In case of well grounded suspicion of smuggling the Customs Authorities may implement customs control without participation of the carrier or transporter or his representative by permission of the Head of regional customs house or customs point. In that case the Customs Authorities shall be obliged to involve two assistants in the performance of customs control. As a result of customs control a statement shall be drawn up. One copy of this statement shall be given to the carrier of goods.

SECTION 8.

CURRENCY CONTROL

CHAPTER 23.

**CURRENCY CONTROL IMPLEMENTED
BY THE CUSTOMS AUTHORITIES**

Article 156. The Customs Authorities as the Currency Control Agents

1. The Customs Authorities of the Republic of Armenia shall implement currency control.
2. The Customs Authorities of the Republic of Armenia shall act as Currency Control Agents.
3. Functions and responsibilities of the Customs Authorities where realizing the currency control, prescribed in paragraph 2 of the present Article, shall be jointly established by the Central Bank of the Republic of Armenia and the RA Government Authorised Body.

Article 157. The Customs Authorities' Competence within the Currency Control Framework

The Customs Authorities of the Republic of Armenia shall carry out Currency Control with regard to the persons, crossing the Customs border of the Republic of Armenia, other than the customs regime of "import of goods into Unbonded Customs Warehouse", as well as currency control over foreign currency transactions, foreign currency values, securities of the Republic of Armenia expressed in foreign currency with respect to transportation of goods and means of transportation.

Article 158. Implementation of Currency Control by the Customs Authorities of the Republic of Armenia

1. Currency Control implemented by the Customs Authorities of the Republic of Armenia is an indispensable part of the Customs Control.
2. The Customs Authorities of the Republic of Armenia shall implement Currency Control reconciling it with the present Code and Currency Legislation of the Republic of Armenia.

Article 159. Responsibility for Offences Disclosed during the Currency Control Exercised by the Customs Authorities

Persons violating Currency Legislation of the Republic of Armenia discovered during the Currency Control by the Customs Authorities, shall bear responsibility in due course of law.

SECTION 9.

COUNTRY OF ORIGIN OF THE GOODS

CHAPTER 24.

GENERAL PROVISIONS ON COUNTRY OF ORIGIN OF THE GOODS

Article 160. Country of Origin and the Purposes of its Determination

1. Country of origin of the goods shall be deemed the country, where the good has been produced entirely or undergone sufficient reprocessing according to criteria defined in part 9 of this code.

2. Country of origin of the goods could be deemed the group of countries, Customs Union, any region of the world or country.
- 3.

- j. Goods obtained or produced in that country solely from products referred to in (a)-(i) above.

Article 163. The Rules of Determining the Country of Origin in Case When More Than One Country Participate in the Production of the Goods

1. In case when more than one country participate in the production of the goods, the country of origin shall be deemed the country where the goods have been sufficiently reprocessed last.
2. The following shall be considered criteria of sufficient reprocessing
 - a) the reprocessing which resulted in

- a) the declarant priory shall inform the customs bodies in written form about the reasons of division, the list of components in each set while mentioning relevant index, value and country of origin.:
- b)

Article 168. The Information Mentioned in Certificate of Origin

The certificate of origin of goods transported through the RA Customs border presented to customs bodies shall contain the following information;

- a) the country of origin
- b) the possible precise characteristic of goods
- c) the goods' index according to nomenclature of foreign economic activity;
- d) the quantity of goods.

CHAPTER 28 THE USE, RECEIPT AND PROVISION OF INFORMATION CONCERNING THE COUNTRY OF ORIGIN BY THE RA STATE AUTHORISED BODIES

Article 169. The Use, Receipt and Provision of Information Concerning the Country of Origin By the RA State Authorised Bodies

1. The information provided by declarant for the determination and confirmation of the country of origin shall be preserved by the RA State Authorised Bodies according to the order defined in the RA constitution and shall not be used for other purposes, except the cases defined in 9th part of this code. The information shall not be published without the provider's agreement, except the cases stipulated by the RA law.
2. Based on the request of importer, exporter or any other person having substantial reason the country of origin shall be determined within 90 days after the receipt of request on condition that all information (in list approved by the RA Authorised Body) concerning the country of origin has been provided.

CHAPTER 29. NOT PRESENTING THE ORIGIN COUNTRY CERTIFICATE. APPEAL AGAINST DECISIONS, AC

Article 171. Appeal Against Decisions, Activity and Negligence of the RA Customs Bodies and Their Deputies Concerning the Determination and Confirmation of the Country of Origin.

1. The declarant can appeal to the court (in legal form) or the supervisory bodies against the decision made by the RA Authorised Bodies concerning the method of determination of country of origin and (or) in case of disagreement concerning the country of origin determined (confirmed) by that method. The supervisory body shall be obligated to review the application and inform the applicant within one month period.

Appeal shall not release declarant from the obligations concerning the subject of appeal during the defined period.

SECTION 10.

CUSTOMS PRIVILEGES OF CERTAIN FOREIGN PERSONS

CHAPTER 30.

**THE PROCEDURE OF TRANSPORTATION OF ARTICLES
BELONGING TO PERSONS HAVING CUSTOMS PRIVILEGES
ACROSS THE CUSTOMS BORDER OF THE REPUBLIC OF
ARMENIA**

Article 172. Customs Privileges of the Diplomatic Representatives of the Foreign States

The diplomatic representations of the foreign states can import into the Republic of Armenia and export from the Republic of Armenia articles stipulated for representatives official use, free from customs payments and maintaining the defined procedure of transportation through the RA customs border.

Article 173. Customs Privileges of the Head of the Diplomatic Representations and the Staff of the Diplomatic Representatives of the Foreign States

1. The head of the diplomatic representations and the staff members of the diplomatic representations of the foreign states, as well as their family members living together can import into the Republic of Armenia articles of personal effect, and export them from the Republic of Armenia free of customs payments and maintaining the defined procedure of transportation through the RA customs border.
2. The personal baggage of the head of the diplomatic representations of foreign states, the staff members of the diplomatic representations, their family members living together with them, shall be free from inspection if there is no ground to suspect, that it includes articles of not personal effect or articles that are prohibited to import and export according to the Constitution or the exportation and importation of those articles are regulated by quarantine or other special rules. Such inspection may be carried out only in

the presence of the persons specified in the present Article or their authorized representatives.

Article 174. Customs Privileges of the Administrative and Technical Staff Members of the Diplomatic Representations of the Foreign States

The administrative and technical staff members of the diplomatic representations of the foreign states and their family members living together with them can import into the Republic of Armenia goods of first necessity free from customs payments if these staff members and their family members do not live in the Republic of Armenia permanently.

Article 175. Customs Privileges of the Consular Representatives of the Foreign States and their Staff Members

1. The consular representatives of the foreign states, the officers of the consular representatives, as well as their family members shall have the customs privileges stipulated for the diplomatic representations of the foreign states or relevant staff of the diplomatic representations in the present Code.
2. According to the special agreement with each state and based on reciprocity principle, the customs privileges of relevant staff members of the diplomatic representations of the foreign states specified in the present Code can be applied to the serving staff members of the consular representatives, as well as to their family members, who are not permanent residents of the Republic of Armenia.

Article 176. Transportation of the Diplomatic Mail and the Consular Pouch (Valise) of the Foreign States across the State Border of the Republic of Armenia

1. The diplomatic mail and the consular pouch of the foreign states transported across the State border of the Republic of Armenia shall not be subject of detention or opening. If there is grounds to suspect, that the consular pouch contains articles not specified in the third paragraph of the present Article, the customs house or the customs point shall be authorized to demand to open the pouch in their presence. In case the request to open the consular pouch is denied, the pouch shall be returned to its place of delivery.
2. All the articles in the diplomatic mail and the consular pouch shall have obvious external signs characterizing their nature.
3. The diplomatic mail may include only diplomatic documents and articles stipulated for official use; and the consular pouch may include only official 0002 Tragraph o14.015 0 T

Article 178. Customs Privileges of the Members of the Foreign Representatives and Delegations

1. The representatives of the foreign states, the members of parliamentary and governmental delegations, as well as the foreign delegation members, coming to the Republic of Armenia to participate in intergovernmental negotiations, international conferences and meetings on reciprocity basis or to perform other official activities, shall have customs privileges stipulated for the diplomatic staff of the representatives in the present Code. The same privileges shall be granted to the family members accompanying those persons.
2. The custom privileges of the diplomatic staff members of the representatives specified in the present Code shall be granted to the diplomatic staff members of the representatives and the consular officials of the foreign states, to the family members of these persons, as well as to the persons passing in transit for the same purposes via the territory of the Republic of Armenia, specified in the first paragraph of the present Article.

Article 179. Customs Privileges of International Organizations, their Affiliated Foreign States, Representatives, as well as their Staff

1. The customs privileges of international intergovernmental organizations, the representatives of their affiliated foreign states, as well as the staff members of these organizations and representatives shall be stipulated by relevant international agreements of the Republic of Armenia.
2. The customs privileges shall be granted to the delegations of international non-governmental organizations and their staff according to the RA legislative acts

Article 180. Other Privileges of Foreign persons

Foreign persons can have other customs privileges.

SECTION 11.

THE MANAGEMENT OF CUSTOMS STATISTICS AND THE

information on the foreign trade of the Republic of Armenia; control of the State budget enhancement in respect of customs payments; currency control; analysis and development of the foreign trade of the Republic of Armenia, of trade and payment balances and of the state of economy as a whole.

2. The Customs Statistics of the foreign trade of the Republic of Armenia is handled according to the procedure established by the present Code and other customs related legislative acts.
3. With a view to implement the customs policy of the Republic of Armenia the RA Customs Authorities shall collect other Customs Statistics.
4. A methodology ensuring the compatibility of international data with the statistical data of the Republic of Armenia is used for collecting the Customs Statistics.

Article 182. Documents and Information Used in Statistical Purposes

1. The documents and information defined by the RA Ministry of State Revenue necessary to fulfill the customs formalities and customs control in accordance with the procedure established under the provisions of the present Code, shall be used for statistical purposes.
2. The information presented for statistical purposes shall be used exclusively for purposes defined by the present Code and other legal acts.

CHAPTER 32. FOREIGN ECONOMIC ACTIVITY GOODS NOMENCLATURE MANAGEMENT

Article 183. Foreign Economic Activity Goods Nomenclature Management

The Ministry of State Revenue shall apply the Foreign Economic Activity goods Nomenclature in the following way:

- a. They shall ensure sufficient knowledge of the amendments and additions in the foreign economic activity goods Nomenclature, international comments and other decisions concerning comments about them;
- b. They shall bring the foreign economic activity goods Nomenclature into conformity with the international basis of classification of goods;
- c. They shall publish the Nomenclature of goods of foreign economic activities;
- d. They shall confirm interpretations and comments on the Nomenclature and ensure their publication;
- e. They shall implement other functions related to the management of the Nomenclature of goods of foreign economic activities.

Article 184. Classification of Goods

The Customs Authorities perform the classification of goods assigning the specific goods to the relevant positions in the Nomenclature of goods of foreign economic activities.

SECTION 12

**SMUGGLING AND OTHER OFFENCES IN CUSTOMS
AFFAIRS. INVESTIGATION AND EFFICIENT
INVESTIGATIVE ACTIVITIES**

CHAPTER 33.

SMUGGLING AND OTHER OFFENSES IN CUSTOMS AFFAIRS

Article 185. Smuggling

1. Transportation of goods in huge quantities, cultural or other valuable goods, as well as weapons, narcotics, virulent, poisonous

Article 187. Avoidance from the Customs Payments

Premeditated avoidance from the execution of customs payments in large or grossly large amounts or disposal of the assets with other purposes during the compelled implementation of the customs payments by persons shall be deemed as crime and shall be punished according to the criminal legislation of the Republic of Armenia.

CONTROLLED SUPPLY OF NARCOTICS AND STRONG PSYCHOLOGICAL STIMULANTS

Article 191. Controlled Supply of Narcotics and Strong Psychological Stimulants

1. With a view to suspending international illegal circulation of narcotics and strong psychological stimulants, as well as revealing the persons involved in such circulation, the Customs Authorities shall, under the agreement with the Customs Authorities and other competent bodies of foreign countries or on the basis of International treaties of the Republic of Armenia, in every particular case, apply the method of “controlled supply”, i.e. permit the importation of narcotics and strong psychological stimulants, illegally brought into circulation, into the territory of the Republic of Armenia, as well as their exportation or transit shipment via the territory of the Republic of Armenia only under their control.
2. In case of decision on application of the method of “controlled supply” no criminal action shall be brought against the person carrying out illegal international circulation of narcotics and strong psychological stimulants. The Customs Authorities shall expeditiously notify the general prosecutor of the Republic of Armenia of the decision made.
3. The method of “controlled supply” may also be applied to the articles used as means or tools of crime, or acquired in criminal ways,

Article 193. Customs Regulation Violation

1. Illegal actions or inaction of a person against the order established by the RA Customs legislation and the RA international treaties on customs affairs with respect to the customs control and customs formalities of goods and means of transportation transported across the customs border of the Republic of Armenia shall be considered as violation of customs regulations and any person shall incur liability for the infringement of customs regulations in accordance with the provisions of the present Code.
2. Any natural or official person, having violated the customs regulations, shall incur liability for it if the illegal action or inaction has been committed on purpose or imprudently.

Article 194. Non-compliance with the Requirements and Instructions Given by an Official of the Customs Authorities; Assault, Battery and Threatening with Respect to the Latter

1. Deliberate non-compliance with the legitimate requirements given by an official of the Customs Authorities at the time of performance of his official duties, shall entail caution or penalty in the amount of ten thousand drams.
2. Assault, battery and threatening with respect to an official of the Customs Authorities at the time of performance of official duties shall entail the imposition of penalty in the amount of 20.000 drams, unless the offender incurs criminal liability.

Article 195. Failure to Stop Means of Transportation

In case of failure to stop the means of transportation crossing the customs border of the Republic of Armenia within the territory defined by the Customs Authority of the Republic of Armenia, a penalty in the amount of 100.000 drams shall be imposed.

Article 196. Dispatch of Means of Transportation without Permission

In case of dispatch of means of transportation under customs control (including goods considered as such in compliance with the present Code) without permission of the Customs Authority, a penalty in the amount of 100.000 drams shall be imposed.

Article 197. Prevention of the Customs Authorities Officer from Approaching the Goods and Articles under Customs Control

In case of prevention of the Customs Authorities Officer from approaching the goods and articles under customs control, a penalty in the amount of 50.000 drams shall be imposed.

Article 198. Failure to Provide the Customs Authorities with Documents Required for the Implementation of Customs Control

In case of failure to provide the Customs Authorities with the documents for means of transportation required for the performance of customs control, irrespective of submission of written declaration, a penalty in the amount of 50.000 drams shall be imposed.

Article 199. Failure to Deliver Goods, Means of Transportation and Accompanying Documents to the Customs Authority

In case of failure to deliver goods and means of transportation under customs control from one Customs Authority of the Republic of Armenia to another Customs Authority, a penalty in the amount of 100.000 drams shall be imposed.

Article 200. Damage or Loss of Customs Safety Means

In case of damage or loss of seals of the Customs Authority or other customs safety means, a penalty in the amount of 200.000 drams shall be imposed.

Article 201. Cargo and other Operations Implemented without Permission of the Customs Authority

1. In case of loading, unloading, reloading, renovating of damaged packaging, opening of packages, packaging, re-packaging of goods under customs control, or changing the safety means on those goods or accompanying documents without permission of the Customs Authority, a penalty in the amount of 50% of the customs value of the goods shall be imposed.
2. In case the same deed is performed by the person who committed the same violation during the year following the imposition of administrative penalty, a penalty in the amount of the customs value of the goods or articles shall be imposed.

Article 202. Delivery or Loss of Goods without Permission of the Customs Authority

In case of delivery or loss of goods under customs control without permission of the Customs Authority a penalty in the amount of 50% of customs value of the goods shall be imposed on.

Article 203. Violation of Liabilities for Re-exportation or Re-importation

1. In case of failure to re-export the goods and means of transportation imported to the Republic of Armenia on condition of re-exportation, or failure to re-import into the Republic of Armenia the goods and means of transportation exported to foreign countries on condition of re-importation within a specified period, a penalty in the amount of 10% of customs value of the goods and means of transportation.

2. For the same violation, which has been accompanied with alienation of goods or means of transportation a penalty in the amount of the customs value of the goods and means of transportation shall be imposed.

Article 204. Transportation of Goods and Means of Transportation through Customs Border Evading Customs Control

In case of transportation of goods and means of transportation through the customs border of the Republic of Armenia evading customs control, i.e. transportation of goods and means of transportation through the customs border of the Republic of Armenia outside the location of the Customs Authority, provided the absence of indication of smuggling, a penalty in the double amount of the customs value of goods and means of transportation shall be imposed.

Article 205. Transportation of Goods and Means of Transportation through Customs Border Concealing them from Customs Control

In case of transportation of goods and means of transportation through the customs border of the Republic of Armenia concealing them from customs control, i.e. the use of caches or other ways to hinder the detection of goods, or change in appearance of goods, a penalty in the double amount of the customs value of goods, articles and means of transportation shall be imposed.

Article 206. Transportation of Goods and Means of Transportation across the Customs Border with False Usage of Customs Security Means, Customs and Other Documents

In case of transporting goods and means of transportation across the customs border of the Republic of Armenia by providing the Customs Authorities with false, annulled documents obtained illegally, or by presenting documents related to other goods and means of transportation, as well as by using false means of customs security, provided the indications of smuggling is absent, a penalty shall be imposed in the amount of the customs value of the goods and means of transportation.

Article 207. Failure to Declare Goods or their Declaration under False Name

In case of failure to declare the goods and means of transportation crossing the customs border of the Republic of Armenia, i.e. the failure to submit adequate information in specified form, as well as declaration of goods and means of transportation under false names, provided the indications of smuggling is absent, a penalty in the amount of the customs value of the goods and means of transportation shall be imposed.

Article 208. The Use of Goods Having Customs Privileges with Respect to Customs Payments for Other Purposes without Permission of the Customs Authorities

In case of use of goods having customs privileges with respect to customs payments for other purposes without permission of the Customs Authorities, as well as the use of other goods and means of transportation for purposes other than those stipulated for the given privileges, a penalty in the amount of the customs value of the goods and means of transportation shall be imposed.

CHAPTER 40.
CONDUCTING A CASE OF
INFRINGEMENT OF CUSTOMS REGULATIONS

Article 209. Legislation Regulating Proceedings on the Infringement of Customs Regulations

The procedure for conducting the case of infringement of customs regulations shall be applied in accordance with the provisions of the present Chapter and those parts of the RA Legislation on administrative offence that do not contradict this Chapter.

Article 210. Subjection to Proceedings and Investigation of the Infringement of Customs Regulations

1. Customs officials appointed by the chief of Customs Authorities shall investigate the cases of infringement of customs regulations.
2. The cases of infringement of customs regulations shall be investigated and judged by the Customs Authorities. The chiefs of the Customs Authorities, their deputies, as well as the chiefs of structural subdivisions of the RA Ministry of State Revenue shall have a right to investigate and carry out the judgement of such cases on behalf of the Customs Authorities.

Article 211. Grounds to Institute Proceedings on Customs Regulation Infringement

1. The grounds to institute proceedings on the customs regulations infringement shall be as follows:
 - a. revelation of customs regulations infringement cases on the initiative of officials of the Customs Authorities within their competence;
 - b. communications of persons with respect to the customs regulations infringement;
 - c. mass media communications with respect to customs regulations infringement;
 - d. materials provided by law enforcement bodies, as well as authorized bodies of foreign States.
2. Proceedings on the customs regulations infringement shall be initiated only in case of availability of substantial evidence.

Article 212. Procedure for Consideration of Communications with respect to Customs Regulations Infringement

1. Within a three-day period after receiving communication with respect to customs regulations infringement the Customs Authorities shall:
 - a. Draw up a report with respect to customs regulations infringement;
 - b. Make a decision concerning refusal of proceedings of the case provided circumstances ruling out the proceedings of the case are available;

- c. Submit the received communication to relevant bodies within their competence.
2. The person providing communication shall be informed about the communication procedure stipulated in paragraph 1 of the present Code in a written form.

Article 213. Protocol of Customs Regulations Infringement

1. The proceedings of a case on customs regulations infringement shall be set in by drawing up a report on the matter.
2. The protocol shall include the place, date and year of infringement, position and surname of the person drawing up the report, names, surnames, patronymics, addresses of witnesses (if there are such), complete data certifying the identification of the person infringing customs regulation, particulars of infringement, the qualification of deed in accordance with the relevant Article of the customs Code of the Republic of Armenia, information concerning seized articles and documents, as well as other circumstances of great importance for the case.
- 3.

3. The terms of administrative arrest shall be considered the period from the time of bringing the person infringing the customs rules to the Customs House, where it is possible to implement the activities stipulated under the provisions of paragraph 1 of the present Article, and from the time of sobering for the person infringing the customs rules in a state of intoxication.
4. The protocol concerning to administrative arrest shall be arranged, where the grounds for arresting, surname and position of the person arranging the protocol, date of arresting and information about the arrested person shall be indicated.

Article 216. Confiscation of Goods, Articles and Documents

1. The goods being the direct object of the infringement of customs regulations, caches deliberately made for transportation of goods across the customs border of the Republic of Armenia, as well as documents required for proceedings concerning the infringement of customs regulations shall be subject to confiscation. The confiscation shall be executed with the participation of witnesses, and a translator/interpreter and expert in case of necessity.
2. At the time of confiscation the

2. Relevant protocol shall be arranged concerning the results of recognition where the place of identification, date, surname and position of the executor, his/her name, description of the goods or means of transportation, precise characteristics that help to recognition, surname and address of witnesses shall be also indicated. All participants of the action shall sign the protocol. In case photo have been taken, recordings made and other evidence gathered at the time of action a relevant record with respect to it shall be made in the protocol.
3. Participants of the identification (recognition) shall be authorized to demand their comments to be recorded in the protocol.

Article 218. Implementation of Customs Inspection

1. If there are sufficient reasons to suppose that the goods and articles, being the direct object of the infringement of customs regulations, are stored on the territories, buildings and means of transportation of institutions, organizations and physical persons as well, or there are specially designed caches used for illegal transportation of goods and articles across the customs border of the Republic of Armenia, the officials of the Customs Authorities shall be authorized to perform customs inspection of the territories, constructions, means of transportation and other objects with compulsory participation of representatives of the given object. Experts shall be involved as well if required.
2. Protocol shall be arranged concerning the results of recognition where the place of identification, date, surname and position of the executor, his/her name, description of the goods. All participants of the action shall sign the protocol. In case photo have been taken, recordings made and other evidence gathered at the time of action a relevant record with respect to it shall be made in the protocol.

Article 219. Sampling for Examination

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infringement of customs regulations, the official conducting the case shall schedule an expertise.

2. A decision on the expertise shall be made, wh

2. The case may be investigated in the absence of the mentioned person, if he has been duly informed the time and place of investigation according to the established procedure, but no assistance has been rendered by him to the investigation, or the person is absent and there is no information about his location, or he is outside the territory of the Republic of Armenia.
3. In the case stipulated under the provisions of paragraph 2 of the present Article the official of the Customs Authorities shall implement all the activities required and investigate the case in accordance with the procedure established by the Legislation

Article 224. Prohibition of publication of Data relating to Cases of the Customs Regulations Infringement

1. The data relating to the cases of infringement of customs regulations may be published in

- a) to give explanation;
 - b) organize mediations;
 - c) to turn to the services of advocate;
 - d) to make an presentation in his native language and turn to services of the interpreter, if does not know Armenian;
 - e) to get acquainted with the materials relating to the case;
 - f) to appeal against the decision on administrative penalty.
2. The person liable to administrative penalty shall be obligated to implement the lawful requirements of the official carrying out the proceedings and not hinder its implementation.

SECTION 14.

SUPPORT OF THE CUSTOMS AUTHORITIES IN PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

CHAPTER 39.

PROCEDURE OF PROTECTION OF THE INTELLECTUAL PROPERTY RIGHTS OF THE PERSONS

Article 231. Applying to the Customs Authorities on Protection of Intellectual Property Rights

The legal owner of the right on the intellectual property objects, in compliance with the laws of the Republic of Armenia, or any other person having the right, in accordance with the laws of the Republic of Armenia, to dispose that object as well as the successor or representative of the latter (hereinafter right holder), who has valid grounds to suspect that through the Customs border of the Republic of Armenia can be transported goods that may infringe intellectual property rights, may submit an application (hereinafter suspension request) to the Ministry of State Revenue of the Republic of Armenia on preventing the registration of the intellectual property object and its release under any customs regime.

The goods made or adjusted with the intention of usage of especially intellectual property rights infringement of goods shall be considered as goods violating intellectual property rights;

Paragraphs 1 and 2 of this Article shall not concern:

- (a) the goods transported through the Customs border of the Republic of Armenia under customs regime of transit shipment;
- (b) the transportation of goods through the Customs border of the Republic of Armenia by natural persons for private purposes;
- (c) those goods, being transported through the Customs border, which have been put into commodity market for circulation by the right holder or at the assent of the latter in due course of law.

The suspension request shall include:

- (a) a minute description of the intellectual property object, as well as a sample of it if possible, so that to make it recognizable for the Customs Authorities;
- (b) the list of those commodities, which may contain the intellectual property object under registration;
- (c) the means (marking the given goods by the trademark of the right holder, etc.) of implementing the goods of the intellectual property object under registration mentioned in point (b) of this paragraph by the right holder or by any other person by the assent of the latter;
- (d) the period of time, not exceeding two years, during which is expected support from the Customs Authorities;
- (e) the obligation of the declarant to indemnify the Customs Authorities for the costs (costs for minute inspection and storage of suspended goods in the temporary warehouse of storage) for suspension of release of the goods, including all the possible costs and damages of the transporter (transporters), if in future the intellectual property rights of the declarant prove not to have been infringed by transporting goods through the Customs border.
- (f) Obligation to assure within a three days period the execution of the transporter's duties referred to in subparagraph (e) of this Article by pawn or an equivalent assurance in the relevant value, after being informed by the Customs Authorities about suspension of goods based on his request;
- (g) the name and the address of the transporter.

On producing the request referred to in paragraph 4 of the present Article, the right holder shall:

5.1. along with the application submit documents assuring:

- (a) his rights to the present intellectual property object;
- (b) payment of the state duty.

5.2. Provide the Customs Authorities with all other relevant information available, which will enable the latter make a decision on the application, after getting fully acquainted with the presented facts. Though submitting the aforementioned information shall not serve grounds for accepting the application.

6. The application mentioned in paragraph 4 of the present article can be of specific or general character. The application of specific character shall be granted when the applicant is aware of some illegal goods to be transported through the Customs border of the Republic of Armenia or their location in some Customs Body, and awaits one time support from the Customs Authorities. Such applications should be submitted within a ten days period preceding the moment when awaiting support from the Customs Authorities. Cases not mentioned in this paragraph, shall be granted an application of general character.

7. In case of giving satisfaction by the Customs Authorities to the application of the right holder, the latter, in compliance with the present section, shall be granted with support with the time limit mentioned in the application, if within the period of effectiveness of the application the right holder has not applied with a request for canceling the decision or if the rights of the right holder have not been terminated, about which the right holder is obliged to inform the Customs Authorities no later than the next working day after learning about the fact. In the result of not informing the Customs Authorities about the rights termination of the right holder, the latter shall be responsible for the actions undertaken on the basis of the application.

8. For the application, referred to in paragraph 1 of the present Article, to be accepted by the Ministry of State Revenue, shall be levied duty in due course of law.
9. The form of the application referred to in paragraph 1 of the present Article and the procedure of submitting and discussing it shall be established by the Ministry of State Revenue.

Article 232. Registration of the Intellectual Property Object in the Ministry of State Revenue, Management of the Register and Discussion of Suspension Request

1. The Ministry of State Revenue of the Republic of Armenia shall manage the register of intellectual property object. After registering the intellectual property object the Ministry of State Revenue of the Republic of Armenia shall take measures to prevent release of goods infringing intellectual property rights under any customs regime.
2. The RA Ministry of State Revenue shall determine the procedures of management and publication of registry, and types of intellectual property objects that can be included into the registry.
3. The RA Ministry of State Revenue, having discussed within five day period the request on suspension, shall inform (Customs Bodies in the case of necessity) in written form within 2 working days about the decision made. The RA Ministry of State Revenue shall define the period when the Customs Bodies should make relevant arrangements if a decision has been made to satisfy the request. The ministry according to the applicant's substantial request may extend that period. Any rejection to satisfy the request shall be substantiated and can be appealed in legal form.

Article 233. Suspension of Release of Good

1. a t j e c t t Arnd d ringiny

After being informed about suspension of goods release proprietor within 3 days period must pay insurance (mortgage, guarantee, etc.) in order to provide Customs payment implementation and in the amount, which is sufficient to disburse expenses and losses carried out by the owner of warehouse, conveyor or other person for temporary preservation. That amount shall be determined by the RA Customs official who adopted the decision on suspension of goods release and that amount shall be equal to 5% of market price of suspended goods.

The procedure of compensation of losses and expenses defined in this Article shall be carried out by the order defined in law.

Article 235. Information, Given by the RA Customs body.

1. Without violation of secrecy requirements of state, labour, trade legislation and other laws, RA Customs Bodies shall have the right to provide proprietor or conveyor with information necessary for resolution of issue on protection of right to intellectual property.
2. Mentioned information cannot be passed to third person by the proprietor or conveyor, except the cases stipulated by law and must be used only with the purpose it was disclosed for.
3. The proprietor and conveyor shall have the right to take samples and specimens of release suspended goods with permission of Customs body and in the presence T

c) mentioned in paragraph a) of this article;

3. In case goods are sold in compliance with the procedure stipulated in the present Article, they shall be sold exceptionally at auctions, and the auction prices of goods cannot be substantially lower than retail prices of those goods in the Republic of Armenia, taking into account the degree of good preservation of those goods.
4. Expenses connected with the storage of goods, preparing them for sale and the auctions organized to sell the referred goods shall be effected by the carrier.

Article 244. Class and Special Ranks

1. The following class ranks shall be defined fo

Article 245. Guarantees for Fulfilling the Duties by the Officials of the Customs Authorities

1. While fulfilling their official duties the officials of the Customs Authorities of the Republic of Armenia shall be under the protection of the State.
2. While fulfilling their official duties the officials of the Customs Authorities of the Republic of Armenia shall follow the present Code and other legal acts.
3. Any illegal interference in the activities of the Customs Authorities and officials thereof shall be prohibited and shall incur responsibility in a manner prescribed by law.
4. It is prohibited to create political parties within the Customs Authorities.
5. The Customs Authorities officials shall not occupy any other state position or be engaged in any paid work, except for teaching at higher educational institutions, research and creative activity.

CHAPTER 43.

THE TERMS AND RULES FOR USING PHYSICAL FORCE, SPECIAL MEANS AND FIREARMS

Article 246. The Cases and Rules for Using Physical Force, Special Means and Firearms

1. In accordance with the procedure developed by the Ministry of State Revenue of the Republic of Armenia officials of the Customs Authorities shall be specially trained and periodically checked for their eligibility and ability to use physical force, special means and firearms. These persons shall also be skilled in rendering first aid.
2. In cases and manner prescribed by the present Code, officials of the Customs Authorities shall have the right to use physical force, special means and firearms.
3. During the use of physical force, special means and firearms, the officials of the Customs Authorities shall inform about their intent of such use, allowing adequate time for their demands to be fulfilled, except for cases of sudden and armed attacks or attacks with the help of military machinery, as well as cases when such warning is redundant or impossible in that situation or when a delay of using such measures may be dangerous for their life or health or cause other grave consequences.
4. Depending on the degree of danger caused by the violation of law, the personality who makes the violation, as well as the power of resistance shown to officials of the Customs Authorities shall reduce to the least any danger required by the actions caused by the necessity of eliminating the danger.
5. The Head of the Customs Authority or his deputy shall immediately report any case of death or casualty resulting from the use of physical force, special means or firearms to the prosecutor's office and the relevant authorities of the Ministry of Health.
6. Any abuse of the right to use of physical force, special means or firearms is liable to punishment as prescribed by the legislation.
7. The RA Office of Public Prosecutor shall have control over the implementation of physical force, special means and firearms by the officials of the Customs Authorities.

Article 247. Use of Physical Force

Officials of the Customs Authorities have the right to use physical force in accordance with the procedure established by law and other legal acts in cases when no other measures enable

- for invalids of second group in the amount of three annual salaries,
 - for invalids of third group in the amount of annual salary;
- c. during the execution of official duties in the Customs Authorities in case of physical injury:
- in case of heavy physical injury, in the amount of annual salary,
 - in case of less heavy physical injury, in the amount of 50% of annual salary,
 - in case of light injury, in the amount of 20% of annual salary.
3. In case of insurance established in accordance with the present Article the amounts of compensation shall be paid irrespective of other types of insurance amounts of the insurance compensation and injury aid payments.
4. Annual remuneration of the officials of the Customs Authority, which is used for calculation of the insurance compensation amount, includes all types of monetary payments, which the above mentioned persons received or will receive during the year after the insured accident took place.
5. Other conditions and implementation procedure of compulsory state personal insurance of the officials of the Customs Authorities are established by agreement between the Ministry of State Revenue of the Republic of Armenia and the insurance implementing authority of the Republic of Armenia.

Article 255. Vacation of the Customs Official

1. The Customs official has the right for paid vacation for 30 calendar days each year.
2. The Customs Authority official is given an additional paid vacation each year, which is equal to:
 - a) 5 calendar days after 10-year experience in the Authority;
 - b) 10 calendar days after 15-year experience in the Authority;
 - c) 15 calendar days after 20-year experience in the Authority.

Article 256. Pension Payments to the Officials of the Customs Authorities and their Families

Pension payments to the Customs officials and their families shall be assured by the Ministry of State Revenue of the Republic of Armenia in the amount and volume established by the legislation for military officers, military officers of defense and internal affairs authorities, as well as their families.

SECTION 17.

FINAL PROVISIONS

CHAPTER 59.

TRANSITIONAL PROVISIONS

Article 257. Application of the present Code

1. The present Code shall enter into force from 1 January 2000.
2. From the date of the present Code coming into force the following Laws shall be declared null and void:
 - a. The Law “On Stipulation of Special Titles to Employees of the RA Customs Authorities” of the Republic of Armenia adopted by the Supreme Court of the Republic of Armenia 17 July 1993;
 - b. The Customs Code of the Republic of Armenia, adopted by the Supreme Court of the Republic of Armenia on 19 July 1993;
 - c. The Law “On Introduction of Amendments to the Customs Code of the Republic of Armenia” of the Republic of Armenia, adopted by the National Assembly of the Republic of Armenia 3 December 1996;
 - d. The Law “On Customs Duty” of the Republic of Armenia, adopted by the National Assembly of the Republic of Armenia 30 December 1998;
 - e. The Law “On Customs User Fees” of the Republic of Armenia, adopted by the National Assembly of the Republic of Armenia 30 December 1998.