

ANNEX VIII
CUSTOMS CODE
OF THE REPUBLIC OF KAZAKHSTAN
of 5 April, 2003

CHAPTER 36. CONVEYANCE OF GOODS BY INDIVIDUAL CATEGORIES OF
FOREIGN PERSONS

Article 277
Sphere of Application of This Chapter

The provisions of this Chapter shall regulate the procedures for customs control with regard to goods conveyed across the customs border of the Republic of Kazakhstan by diplomatic, consular and other official representatives of foreign states, by international organizations, employees of those representatives and organizations, and with regard to the property and personal baggage of certain categories of foreign persons who are granted customs payments privileges on the territory of the Republic of Kazakhstan. .

Article 278
Terms Used in This Chapter

Basic terms used in this Chapter:

- 1) 'Diplomatic representative office' shall mean the representative office of a foreign state, the staff of which is accredited in the Republic of Kazakhstan;
- 2) 'Consular office' shall mean any consulate general, consulate, vice consulate or consular agency, the staff of which is accredited in the Republic of Kazakhstan;
- 3) 'Diplomatic staff members' shall mean the head of the representative office and members of the representative office staff;
- 4) 'Members of the diplomatic representative office' shall mean members of diplomatic, administrative, technical and attendants staff of the representative office;
- 5) 'Consular official' shall mean a person, including the head of the consular office, who is authorized to perform consular duties;
- 6) 'Consular office personnel' shall mean consular officials, consular employees (persons performing administrative and technical duties) and attendants staff members;
- 7) 'Representative offices equated with diplomatic representative offices' shall mean representative offices of international organizations, the staff of which is accredited in the Republic of Kazakhstan;
- 8) 'Diplomatic mail' shall mean a type of communication between the state and its diplomatic or consular representative offices abroad;
- 9) 'Consular valise' shall mean a type of communication between consular offices;
- 10) 'Diplomatic courier' shall mean a person authorized to transport diplomatic mail across the customs border of the Republic of Kazakhstan;
- 11) 'Consular courier' shall mean a person authorized to transport a consular valise across the customs border of the Republic of Kazakhstan.

Article 279

Conveyance of Goods by Diplomatic Representative Offices of Foreign States

Diplomatic representative offices of foreign states on the territory of the Republic of Kazakhstan may import to the Republic of Kazakhstan and export from the Republic of Kazakhstan goods intended for official use by the representative offices, with exemption from customs payments and taxes, except for customs fees for customs clearance of goods, payable for customs formalities performed outside of locations designated for those purposes, and outside of the official business hours of the customs authorities and, also, except

Article 282
Conveyance of Goods by Attending Staff Members of a
Diplomatic Representative Office of a Foreign State

Based on a ratified international agreement signed with a foreign state and proceeding from the reciprocity principle regarding each separate foreign state, the customs payments privileges stipulated by this Code with regard to the members of a diplomatic representative office of a foreign state may also be applied with regard to the attending staff members of the diplomatic representative office, including family members, unless they are citizens of the Republic of Kazakhstan.

Article 283
Conveyance of Goods by Consular Offices of Foreign States and Their Staff

1. Consular offices of foreign states, consular officials, including the head of the consular office, and consular employees, as well as their family members, unless they are citizens of the Republic of Kazakhstan, shall be granted the customs payments privileges stipulated by this Code with regard to members of the diplomatic administrative and technical staff of a diplomatic representative office of a foreign state.
2. Based on a ratified international agreement signed with a foreign state and proceeding from the reciprocity principle regarding each separate foreign state, the customs payments privileges stipulated by this Code with regard to the attending staff of a diplomatic representative office of a foreign state, may be applied with regard to the attending staff members of a consular office, including family members, unless they are citizens of the Republic of Kazakhstan.

Article 284
Conveyance of Diplomatic Mail and Consular Valises of Foreign States Across the
Customs Border of the Republic of Kazakhstan

1. Diplomatic mail of foreign states, conveyed across the customs border of the Republic of Kazakhstan, shall be neither opened nor seized by the customs authorities, and shall be subject only to external examination. Items regarded as diplomatic mail must have visible external signs indicating their nature, and must contain only diplomatic documents and items intended exclusively for official use.
2. A consular valise of foreign states, conveyed across the customs border of the Republic of Kazakhstan, shall be neither opened nor seized by the customs authorities, and shall be subject only to external examination. All packages constituting a consular valise must have visible external signs indicating their nature, and must contain only official correspondence and documents or items intended exclusively for official use.
When there are [serious] grounds to believe that a consular valise contains items not intended exclusively for official use, the customs authorities shall be entitled to demand that authorized persons representing the foreign state, in the presence of customs officials, open the valise. If the authorities representing the state refuse to open the consular valise shall be returned to the point of departure.
3. Diplomatic mail and consular valises may be entrusted to the captain of a vessel or to the commander of a [civil] airplane, going to a port or airport, arrival at which is permitted. The captain of a vessel or the commander of a [civil] airplane must be issued official documents which state the number of items contained in the mail and valise, and he/she shall not be considered as a diplomatic consular courier.

4. A diplomatic representative office or a consular office may send one of their officials to receive mail or a valise, directly and unimpeded, from the captain of a vessel or from the commander of an airplane.

5. When diplomatic mail or a consular valise is delivered by a vehicle belonging to a foreign state, directly to a representative office or office that is located in the area of activity of a different customs authority, the mail and valise shall be cleared by the Border Customs Authority.

Article 285

Conveyance of Goods by Foreign Diplomatic and Consular Couriers

1. Foreign diplomatic and consular couriers may import goods to the Republic of Kazakhstan and export goods from the Republic of Kazakhstan, intended for personal use, with exemption from customs payments and taxes, except customs fees for customs clearance of goods, payable for customs formalities performed inside of locations designated for these purposes, and outside of the official business hours of the customs authorities and, also, excepting fees paid for storage of goods at temporary storage warehouses or bonded warehouses owned by the customs authorities, and with application of non-tariff regulatory measures.

2. Diplomatic and consular couriers must issue an official courier document, stating his/her status and the number of items regarded as diplomatic mail and a consular valise. The courier document shall be signed and sealed with the official stamp of the office that is sending the diplomatic mail and the consular valise.

3. Diplomatic mail and a consular valise may also be entrusted to a temporary diplomatic or consular courier, who is authorized to convey only its specific diplomatic mail or consular valise, and who is issued an official courier document.

4. A temporary diplomatic or consular courier shall be granted the customs payments privileges stipulated in Paragraph 1 of this Article. Such privileges shall terminate as of the moment that this specific diplomatic mail and consular valise are delivered to the destination point.

Article 286

Conveyance of Goods by Representatives and Members of Foreign State Delegations

Representatives of foreign states, members of parliamentary and governmental delegations, as well as, based on the principle of reciprocity, officials of foreign state delegations who arrive in the Republic of Kazakhstan to participate in intergovernmental negotiations, international conferences and meetings, or for other official occasions, shall be granted the customs payments privileges stipulated by this Code for the diplomatic staff of a representative office of a foreign state. Such privileges shall also be granted to family members accompanying them.

Article 287

Conveyance of Goods by Diplomatic Staff Members, Consular Officials, Representatives, and Members of Foreign State Delegations Transiting Through the Customs Territory of the Republic of Kazakhstan

1. Diplomatic staff members and consular officials of a foreign state, family members, and persons specified in Article 286 of this Code, who are transiting through the customs territory of

the Republic of Kazakhstan, shall be granted the same customs payments privileges stipulated by this Code for diplomatic staff members of representative offices of a foreign state.

2. The baggage of these persons and the baggage of family members shall be exempt from customs examination if there are not serious grounds to believe that it contains goods which are prohibited by legislation from being imported or exported, or are subject to regulations of the Republic of Kazakhstan on plants quarantine. Examination of goods must be conducted only in the presence of this person or his/her authorized representatives.

Article 288

Procedures for Customs Clearance of Goods Conveyed by Diplomatic Representative Offices, and Representative Offices Equated with Them, by Consular Offices and Staff Members

1. Goods intended for official use by diplomatic representative offices and by representative offices equated with them, or by consular offices, shall be subject to customs clearance by filing a cargo customs declaration with the customs authorities, in compliance with the customs regime chosen.

2. Personal unaccompanied baggage belonging to the diplomatic staff members of representative offices, to persons equated with them, and to officers of the consular office, as well as to family members residing with them, shall be subject to customs clearance by filing a customs declaration with the customs authorities, in compliance with the chosen customs regime.

Article 289

Particular Features of Customs Clearance of Specific Categories of Goods

1. The following categories of goods, intended for official and personal use by persons accredited in the Republic of Kazakhstan, shall be subject to mandatory customs clearance and record-keeping with the customs authorities, in compliance with the declared customs regime:

- 1) all types of means of transport;
- 2) personal computers and accessories thereto;
- 3) television, radio and video devices with satellite accessories;
- 4) movie-cameras and film projectors with developed slides and films;
- 5) all types of furniture;
- 6) electrical household appliances, sports accessories, and musical instruments, with a cost exceeding a hundred monthly calculation indices established by the law on the Republic's budget for the relevant financial year;
- 7) personal jewelry made of precious metals and precious stones.

2. Transfer of property rights to the goods listed above to different person who is not granted customs payments privileges on the territory of the Republic of Kazakhstan, shall be subject to mandatory repeat clearance, with payment of all payable customs duties and taxes, in compliance with the legislation of the Republic of Kazakhstan.

3. Diplomatic representative offices, representative offices equated with them, and consular offices may import, for their official use, without the application of non-tariff regulatory measures, five thousand pieces of various tobacco products (cigars, cigarettes, etc.), and hundred liters of wine and other alcoholic beverages per quarter, to the Republic of Kazakhstan.

4. Foreign goods with cultural and historical value, and documents thereto, shall be presented to the customs authority for customs clearance and control.

5. Goods with cultural and historic value, which were purchased in the Republic of Kazakhstan, may be exported outside the territory of the Republic of Kazakhstan only with permission issued by the appropriate authorized state body.