ORDER OF THE CHAIRMAN OF CUSTOMS AND TAXATION GENERAL ADMINISTRATION

February 24, 2016 No. A/41 Ulaanbaatar

APPROVAL OF PROCEDURE

Pursuant to Article 79.7 of the Law on Customs and the decision of the meeting of the Professional Council dated December 11, 2015, ORDER:

1. Approve “Procedure of implementing customs clearance procedure for the permanent export of goods” in accordance with Annex 1;
“Procedure of implementing customs clearance procedure for temporary export of goods” in accordance with Annex 2;
“Procedure for implementing customs clearance procedures for processing goods in abroad” in accordance with Annex 3;
“Procedure of implementing customs clearance procedures for return of goods from abroad” in accordance with Annex 4.

2. Instruct the Customs Control and Clearance Department /B.Batgerel/ to organize the implementation of this order and provide guidance to the relevant customs offices and committees.

3. Enter the newly approved customs clearance procedure code into the CAIS system classification database by the Information Technology Center / Sh. Assign to Batzayaat.

4. In connection with the issuance of this order, Orders No. 677 of 2008, 363 of 2009, 254 of 2011, A / 106, A / 189 and A / 285 of 2015 of the Director General of Customs and Taxation shall be considered invalid.

CHAIRMAN S.PUREV

Annex 1 to Order No. A41 of the
Chairman of Customs and Taxation
General Administration of 2016

PROCEDURE OF IMPLEMENTING CUSTOMS CLEARANCE PROCEDURE FOR PERMANENT EXPORT OF GOODS

One. General provision

1.1. The customs legislation, international treaties to which Mongolia is a party and this procedure shall be followed in implementing the customs clearance procedure for permanently exporting goods to abroad (Articles 115-118 of the Customs Law, hereinafter referred to as “procedure”).

1.2. This procedure shall regulate relations of selection of the procedure for permanent export of goods, compilation of documents, imposition, payment and confiscation of taxes and fees, placement of goods under the procedure, and termination of the procedure.

1.3. The procedure shall be selected by the declarant and, if the conditions and requirements of the procedure are met, the goods shall be placed under the procedure with the permission of the customs.

1.4. Mongolian goods will be permanently exported upon full payment of export and other taxes imposed on the basis of the required documents and customs value in accordance with the procedure.

Two. Mode product placement and mode code

2.1. Goods specified in Article 116 of the Customs Law shall be placed in the procedure.

2.2. Goods specified in 2.1 of this regulation shall be subject to non-tariff restrictions.

2.3. The procedure is followed by customs clearance with the following code:

Meaning of the mode		Mode code	Previous clearance mode code
1	Complete export of Mongolian goods in free circulation in the customs territory	100	not required
2	Exemption from customs and other taxes in accordance with international agreements and Mongolian legislation	101	not required
3	Gold issued by the Bank of Mongolia for refining abroad (with the permission of the state central administrative body in charge of budget matters) and excise tax stamps	110	not required
4	Permanent export of goods temporarily exported abroad	120	200,210

5	Complete export of Mongolian goods placed under processing abroad:		
	- to process or enrich the goods	131	201,211
	-to produce a new product with the product	132	202,212
	- to repair the goods	133	203,213
	- to use the product for the production of other products	134	204,214
6	Complete export of Mongolian goods placed under the customs guarantee zone:		
	- from a bonded warehouse	141	701,702
	- from a customs certified enterprise	142	711
	- from the customs certified exhibition center	143	721
	- from the special customs zone	144	754-757
	- duty free shops	145	741
7	Complete export of Mongolian goods placed in the free zone regime	150	772,773
8	Permanent export of Mongolian goods temporarily exported upon registration and passenger's customs declaration:		
	-vehicles registered in the vehicle registry	160	Registration №
	-Registered with ATA speaker	161	Evidence №
	-Registered with SPD carney	162	Evidence №
	-Customs declaration of passenger goods	163	GM of passenger goods

Three. Documents

3.1. The following documents are required for customs clearance under this procedure.

3.1.1. foreign trade agreement or price invoice or foreign settlement document;

3.1.2. transport documents (transport documents, packing lists, technical documents, etc.);

3.1.3. proof of origin;

3.1.4. permission, license and certificate of the competent authority;

3.1.5. documents of the authority authorized to certify complete or partial exemption from customs and other taxes;

3.1.6. laboratory test report (if necessary);

3.1.7. other required documents.

3.2. The declarant may submit the documents specified in 3.1 to the customs office by e-mail, fax or through the customs information network.

3.3. If the information and documents specified in 3.1 of the Regulation do not meet the requirements of the procedure, the Customs may request additional information and documents.

3.4. The state customs inspector shall affix the “Mongolian Customs Approved” check mark on the customs declaration of goods to be placed under this procedure.

Four. Procedure requirements

4.1. Goods exported permanently abroad shall be subject to customs and other duties, and the same shall apply to goods exempt from customs and other taxes.

4.2. The customs authority shall verify the customs value of the exported goods on the basis of the documents required in accordance with the procedure, and if the goods have an export tax, it shall impose customs duties and other taxes and collect them in the budget.

4.3. Customs clearance shall be performed in case of full payment of customs duties and other taxes on goods subject to export tax, or a guarantee of payment of taxes in accordance with Article 41.2 of the Law on Customs Tariffs and Duties.

4.4. The declarant shall be obliged to provide additional information and documents within the period specified by law, and if this obligation is not fulfilled, the customs shall refuse to place the goods under the procedure chosen by the declarant.

4.5. Import customs duties and other taxes previously paid for the permanent export of foreign goods in free circulation shall not be refunded.

Five. Others

5.1. The procedure ends when the goods are exported across the state border.

5.2. If the goods placed under the procedure are detained or confiscated due to a customs violation, the procedure shall terminate.

Annex 2 to Order No. A41 of the
Chairman of Customs and Taxation
General Administration of 2016

PROCEDURE OF IMPLEMENTING CUSTOMS CLEARANCE PROCEDURE FOR TEMPORARY EXPORT OF GOODS TO ABROAD

One. General provision

1.1. The customs legislation of Mongolia, international treaties of Mongolia and this regulation shall be followed in implementing the customs clearance procedure for temporary export of goods (Articles 119-124 of the Customs Law, hereinafter referred to as “procedure”).

1.2. This regulation shall regulate relations related to the selection of documents for temporary export from the customs territory, compilation of documents, imposition of taxes and fees, payment, confiscation, placement of goods under the procedure, and termination of the procedure for return of Mongolian goods without change.

1.3. The procedure shall be selected by the declarant and, if the conditions and requirements of the procedure are met, the goods shall be placed in the procedure with the permission of the customs.

1.4. Goods to be placed under this regime shall be temporarily exported under the condition of customs control.

1.5. Article 52.4 of the Law on Protection of Cultural Heritage shall apply to the temporary export of historical and cultural monuments, archeological and paleontological finds abroad.

1.6. The following goods are prohibited to be placed in the temporary release regime: food products (water, beverages, alcohol), tobacco and tobacco products, samples, raw materials, semi-finished products, industrial waste, goods to be dissolved and destroyed during the temporary release.

Two. Goods to be placed in the mode and code

2.1. Goods specified in Article 120 of the Customs Law shall be placed in the procedure.

2.2. Goods specified in 2.1 of this regulation shall be subject to non-tariff restrictions.

2.3. The procedure is followed by customs clearance with the following code:

	Meaning of the mode	Mode code	Previous clearance mode code
1	Temporary export of Mongolian goods freely circulating in the customs territory	200	not required

2	Extend the period of goods temporarily exported abroad in accordance with Article 123.2 of the Customs Law	210	200

Three. Documents required in accordance with the procedure

3.1. The following documents are required for customs clearance under this procedure.

3.1.1. foreign trade agreement or price invoice or settlement document;

3.1.2. transport documents (transport documents, packing lists, technical documents, etc.);

3.1.3. proof of origin;

3.1.4. permission, license and certificate of the competent authority;

3.1.5. documents of the authority authorized to certify complete or partial exemption from customs and other taxes;

3.1.6. laboratory test report (if necessary);

3.1.7. other required documents.

3.2. The declarant may submit the documents specified in 3.1 to the customs office by e-mail, fax and customs information network.

3.3. If the information and documents specified in 3.1 of the Regulation do not meet the requirements of the procedure, the Customs may request additional information and documents.

3.4. In case of extension of the procedure in accordance with Article 123.2 of the Customs Law, the Customs shall issue a new customs declaration and complete the clearance with the procedure code 210.

3.5. The state customs inspector shall affix the check mark “under customs control” to the customs declaration of goods to be placed in accordance with this procedure.

Four. Procedure requirements

4.1. Goods shall be released on the condition of timely return without any changes to Mongolian goods based on the documents required in accordance with the procedure for temporary export.

4.2. The customs office shall create a file for customs clearance of goods to be placed in this mode by using customs marking, marking, sampling, sampling, detailed description of the goods and means of transport, taking photos, recording and making schematic drawings. The customs declaration issued for the return of goods across the customs border and the above markings made for customs purposes shall be examined in detail and placed in the mode chosen by the declarant.

4.3. In case of non-return of goods within the specified time in accordance with this regulation, a guarantee with a model approved by the Annex on transfer of customs duties and other taxes deposited in the special account to the budget revenue account shall be issued and attached to the customs declaration.

4.4. A person who has issued a guarantee to the customs for temporary release of goods shall be liable to the customs in accordance with the law.

4.5. The declarant shall be obliged to provide additional information and documents within the period specified by law, and if this obligation is not fulfilled, the customs shall refuse to place the goods under the procedure chosen by the declarant.

4.6. It is prohibited to make changes to goods temporarily exported abroad, except for depreciation and amortization that occur under normal conditions of storage, transportation and use.

4.7. Services may be provided for the purpose of maintaining the consumer quality of goods temporarily exported abroad.

4.8. Customs duties and other taxes previously paid for temporary export of foreign goods released for free circulation shall not be refunded.

4.9. Goods under the customs clearance procedure for temporary export shall be inspected by the customs office that first cleared the customs, a special register shall be maintained, and upon expiration of the period, the customs clearance shall be carried out and the closing information shall be submitted to the relevant department. If the state administrative body in charge of customs matters is required to submit information for the purpose of urgent clarification, it shall be complied with in a timely manner.

Five. Guarantee of compliance with customs clearance procedures

5.1. When goods are temporarily exported abroad, if the goods are subject to export tax, the tax may be levied and deposited in a temporary account, or a guarantee of payment of tax may be obtained in accordance with Article 41.2 of the Customs Tariff and Customs Duties Law.

5.2. If the temporarily released goods are not returned within the specified period or the period is not extended, the customs clearance and other taxes collected in the temporary account shall be paid to the state budget.

5.3. Customs and other taxes shall be reimbursed in case of non-return of goods temporarily exported abroad with the guarantee specified in Article 41.2 of the Law on Customs Tariffs and Duties.

Appendix to Annex 2 of Order No. A41
of the Chairman of Customs and
Taxation General Administration of 2016

GUARANTEE

Date: ……

_____
_____
_____
/ name of the enterprise, organization, citizen who paid the tax, registration № /

If goods temporarily exported across the customs border are not returned or transferred to another regime within the period specified in Article _____ of the Customs Law, _____ togrogs paid for customs and other taxes by the customs declaration No. _____

_____
_____
/ tax amount in letters /

It is allowed to transfer MNT from the special treasury account to the state budget on an undisputed basis.

GUARANTEED:

....
/ Name of position, / signature / / Name of official /
Stamp and mark /

Annex 3 of Order No. A41 of the
Chairman of Customs and Taxation
General Administration of 2016

PROCEDURE OF IMPLEMENTING CUSTOMS CLEARANCE PROCEDURE FOR PROCESSING GOODS IN ABROAD

One. General provision

1.1. The customs legislation, international agreements of Mongolia and this regulation shall be followed in implementing the customs clearance procedure for processing goods abroad (Articles 125-131 of the Customs Law, hereinafter referred to as “procedure”).
1.2. This procedure shall regulate the relations related to the selection of the procedure, placement of goods in the procedure, compilation of documents, imposition, payment, confiscation and termination of the procedure.
1.3. The procedure shall be selected by the declarant and, if the conditions and requirements of the procedure are met, the goods shall be placed in the procedure with the permission of the customs.
1.4. It is prohibited to use the goods placed under the procedure for purposes other than those permitted by the customs.
1.5. The time period specified in Article 52.4 of the Law on Protection of Cultural Heritage shall be followed in the release of historical and cultural monuments, archeological and paleontological finds for processing abroad.
1.6. "Repairs" include the following activities:

- repair of damaged parts of the goods;
- update,
- to fill in the gaps, or
- exchange of goods for other goods of the same type at the 8-digit level of the HS classification code.

Two. Mode product placement and mode code

2.1. Goods specified in Article 126 of the Customs Law shall be placed in the procedure:
2.2. Goods specified in 2.1 of this regulation shall be subject to non-tariff restrictions.
2.3. The procedure is followed by customs clearance with the following code:

	Meaning of the mode	Mode code	Previous clearance mode code
1	Processing of Mongolian goods abroad in free circulation in the customs territory:		

	- processing or enrichment of goods - production of new products with the goods - to fix - use of goods to produce other products	201 202 203 204	not required
2	Extending the period of goods processed abroad:		
	- processing or enrichment of goods - production of new products with the goods - to fix - use of goods to produce other products	211 212 213 214	201 202 203 204

Three. Documents

3.1. The following documents are required for customs clearance under this procedure.

3.1.1. Foreign trade agreement or price invoice or foreign settlement document;

3.1.2. transport documents (transport documents, packing lists, technical documents, etc.);

3.1.3. proof of origin;

3.1.4. permission, license and certificate of the competent authority;

3.1.5. documents of the authority authorized to certify complete or partial exemption from customs and other taxes;

3.1.6. laboratory test report (if necessary);

3.1.7. other required documents.

3.2. The declarant may submit the documents specified in 3.1 to the customs office by e-mail, fax or through the customs information network.

3.3. If the information and documents specified in 3.1 of the Regulation do not meet the requirements of the procedure, the Customs may request additional information and documents.

3.4. In case of extension of the period of the procedure in accordance with Article 130.2 of the Customs Law, the Customs shall issue a new customs declaration and complete the clearance under the procedure code 211-214.

3.5. The state customs inspector shall affix the check mark “under customs control” to the customs declaration of goods to be placed in accordance with this procedure.

Four. Procedure requirements

4.1. The declarant shall provide the customs office with all information related to the processing of goods when placing the goods abroad for processing. For example: name of the product to be processed, brand, serial number, material input calculation, waste, residue amount, product design, sample, photo, schematic drawing, trade and technical documents, if necessary, conclusion of

professional organization, other product If manufacturing, attach product information, diagrams, and photographs.

4.2. Processing in accordance with this procedure shall meet the following requirements:

4.2.1. to be able to control the processing of the goods by the customs;

4.2.2. the customs authority shall be able to mark the processed products, including the goods, for customs purposes;

4.2.3. The foreign trade agreement shall specify in detail the processing activities, such as the method, stage, time, what repairs and changes will be made, what new products will be used for production, and so on;

4.2.4. In case of supplying foreign goods with Mongolian goods for production and using Mongolian goods for production of other products, the norms of material content shall be set .

4.2.5. Replacement goods shall be identical to the 8-digit level of the BTCS classification code, and the quality and technical characteristics of the goods shall be the same as those of defective industrial and material goods to be repaired. The period of temporary release of defective goods for replacement shall be within 6 months from the date of initial importation of the goods for domestic use.

4.2.6. In case of importing goods with defective industrial and material defects and replacing them with other goods, the replacement goods shall be the same used goods.

4.2.7. In accordance with the conditions and requirements set by the customs , the relevant person may import the goods to be replaced before leaving the defective goods across the customs border.

4.2.8. If it is not possible to export substitute goods across the border, a guarantee shall be issued in the amount of the import tax payable and customs and other taxes shall be levied and paid.

4.3. If the declarant does not meet the requirements set forth in Articles 4.1 and 4.2 of this Regulation and the processing activities are unclear, the customs shall refuse to place the goods under the procedure and notify the declarant in writing.

4.4. The Customs shall apply whichever of the customs markings specified in Article 261.1 of the Customs Law is appropriate for the goods placed under this procedure.

4.5. When goods are cleared through customs for processing abroad, if the goods are subject to export tax, they shall be taxed and placed in a temporary account, or a guarantee to be paid shall be issued in accordance with Article 41.2 of the Law on Customs Tariffs and Duties.

4.6. If the goods are not returned within the specified time in accordance with this regulation, a customs guarantee other than the customs and other taxes deposited in the special account shall be issued and attached to the customs declaration.

4.7. In case of failure to return the goods cleared in accordance with this procedure within the specified time, the customs clearance shall be carried out under the procedure of permanent export.

4.8. A person who has issued a guarantee to the customs for temporary release of goods shall be liable to the customs in accordance with the law.

4.9. The declarant shall be obliged to provide additional information and documents within the period specified by law, and if this obligation is not fulfilled, the customs shall refuse to place the goods under the procedure chosen by the declarant.
4.10. Goods placed under the processing procedure abroad shall be inspected by the customs office that first cleared the customs, maintained a special register, and at the end of the period, transferred to other procedures for customs clearance and even submitted the closing information to the relevant department of the State Administration. If the state administrative body in charge of customs matters is required to submit information for the purpose of urgent clarification, it shall be complied with in a timely manner.

Five. Guarantee of compliance with customs clearance procedures

5.1. If the declarant fails to return the goods on time or does not extend the period, the customs authority shall collect customs duties and other taxes paid to the special account on the basis of the guarantee specified in 4.6 of this Regulation.
5.2. Customs and other taxes shall be reimbursed in case of non-return of goods temporarily exported abroad with the guarantee specified in Article 41.2 of the Law on Customs Tariffs and Duties.
5.3. Import customs duties and other taxes previously paid for the processing of foreign goods in free circulation abroad shall not be refunded.

Six. Others

6.1. The procedure for processing goods abroad shall be terminated upon return of the goods to the customs territory or placement in another regime.
6.2. If the goods placed under the procedure are detained or confiscated due to a customs violation, the procedure shall terminate.

Appendix to Annex 3 of Order No. A41
of the Chairman of Customs and
Taxation General Administration of 2016

GUARANTEE

Date: ……..

_____
_____
_____
/ name of the enterprise, organization, citizen who paid the tax, registration № /

In case of non-return of goods exported for processing abroad at the customs border within the period specified in Article _____ of the Customs Law or transfer to another procedure, the Customs declaration No. _____
and other taxes paid _____ MNT _____
_____
_____
/ tax amount in letters /

It is allowed to transfer MNT from the special treasury account to the state budget on an undisputed basis.

GUARANTEED:

....
/ Name of position, / signature / / Name of official /
Stamp and mark /

Annex 4 to Order No. A41 of the
Chairman of Customs and Taxation
General Administration of 2016

PROCEDURE OF IMPLEMENTING CUSTOMS CLEARANCE PROCEDURE FOR RETURN OF GOODS TO ABROAD

One. General provision

1.1. The customs legislation, international treaties to which Mongolia is a party and this regulation shall be followed in implementing the customs clearance procedure for the return of goods abroad (Articles 132-136 of the Customs Law, hereinafter referred to as the “procedure”).

1.2. This procedure shall regulate the relations related to the selection of the procedure, placement of goods in the procedure, compilation of documents, imposition, payment, confiscation and termination of the procedure.

1.3. The procedure shall be selected by the declarant and, if the conditions and requirements of the procedure are met, the goods shall be placed in the procedure with the permission of the customs.

1.4. Repairs and maintenance without modification of the amount of goods in order to preserve the goods and ensure the integrity of the goods shall not be grounds for refusing to place the goods in this regime.

Two. Mode product placement and mode code

2.1. Goods specified in Article 133 of the Customs Law shall be placed in the procedure.

2.2. Mongolian goods are not included in the goods to be placed in the regime.

2.3. Goods specified in 2.1 of this regulation shall be subject to non-tariff restrictions.

2.4. The procedure is followed by customs clearance with the following code:

	Meaning of the mode	Mode code	Previous clearance mode code
1	Re-export of foreign goods temporarily imported into the customs territory	300	500,508,512
2	Reimbursement of goods temporarily or partially exempted from customs and other taxes in accordance with international agreements and the legislation of Mongolia	321	507
3	Placed in the processing mode in the customs territory repatriation of foreign goods:		

	-processed or enriched	301	501,521,531,541, 551
	- new products are produced	302	502,522,532,542, 552
	-Renovated	303	503,523,533,543, 553
	-used to produce products	304	504,524,534,544, 554
4	Repatriation of foreign goods placed in processing mode for domestic use:		
	-processing or concentrating the goods	305	561,571,581,591
	-produce new products with the goods	306	562,572,582,592
5	Repatriation of foreign goods placed under the customs bonded zone regime:		
	-from customs bonded warehouse	310	700,703-707,709
	- from a customs certified enterprise	311	710,712-715
	-Customs certified exhibition center	312	720,722-725
	-from customs bonded construction site	313	730-734
	- duty free shops	314	740,742,743,
	- from the special customs zone	315	750-753,758-765
6	Repatriation of foreign goods placed in the free zone regime	320	770,771,774-778
7	Repatriation of prohibited goods	340	not required
8	Re-export of goods under other customs control	350	not required

2.5. In case of return of foreign goods placed in the processing mode for domestic use without processing, customs clearance shall be performed by codes 305 and 306 of this procedure.

Three. Documents

3.1. The following documents are required for customs clearance under this procedure.

3.1.1. foreign trade agreement or price invoice or settlement document;

3.1.2. transport documents (transport documents, packing lists, technical documents, etc.);

3.1.3. proof of origin;

3.1.4. permission, license and certificate of the competent authority;

3.1.5. documents of the authority authorized to certify complete or partial exemption from customs and other taxes;

3.1.6. laboratory test report (if necessary);

3.1.7. other required documents.

3.2. The declarant may submit the documents specified in 3.1 to the customs office by e-mail, fax or through the customs information network.

3.3. If the information and documents specified in 3.1 of the Regulation do not meet the requirements of the procedure, the Customs may request additional information and documents.

3.4. The state customs inspector shall affix the “Mongolian Customs Approved” check mark on the customs declaration of goods to be placed under this procedure.

Four. Procedure requirements

4.1. Goods imported in accordance with the procedures set forth in Articles 85, 93 and 99 of the Customs Law may be returned through a port other than the one originally imported.

4.2. Goods to be placed under the deportation procedure may be exported to a country other than where they were originally imported.

4.3. In case of timely return of goods temporarily imported into the customs territory, customs duties and other taxes placed in the temporary account shall be refunded in accordance with Article 43 of the Customs Tariff and Tax Law.

4.4. Previously paid import customs and other taxes shall not be refunded if the goods placed under the temporary admission procedure are subject to changes other than depreciation under normal conditions of storage, transportation and use.

4.5. Upon return of goods processed in the customs territory, the cost estimates related to the production of unit products specified in Article 18.3.1 of the Law on Customs Tariffs and Duties, detailed design estimates and consumables shall be prepared by the customs in advance and, if necessary, an expert opinion issued.

4.6. The declarant shall be obliged to provide additional information and documents within the period specified by law, and if this obligation is not fulfilled, the customs shall refuse to place the goods under the procedure chosen by the declarant.

4.7. Goods placed under the customs clearance procedure for return of goods abroad shall be inspected by the customs office that first cleared the goods, a special register shall be maintained, and at the end of the period the goods shall be transferred to other procedures for clearance. If the state administrative body in charge of customs matters is required to submit information for the purpose of urgent clarification, it shall be complied with in a timely manner.

Five. Others

5.1. The procedure for the return of goods abroad shall be terminated upon the release of the goods across the customs border or transfer to another regime.
5.2. If the goods placed under the procedure are detained or confiscated due to a customs violation, the procedure shall be deemed terminated.