

Customs Control Agency Chairman Ordinance No. 210 "On Approval of Rules on Preliminary Assessment Procedure and Form" of 15 May 2003 (with amendments made in accordance with Customs Control Agency Chairman Ordinance No. 579 of 24.12.03)

Subject to articles 47 and 48 of the Customs Code of the Republic of Kazakhstan hereby I order:

1. Approve the enclosed Rules on Preliminary Assessment Procedure and Form.
2. Legal Support Office of the Customs Control Agency of the Republic of Kazakhstan (Ansarova I.Y.) to officially register this ordinance.
3. Press-service of the Customs Control Agency of the Republic of Kazakhstan to publish this ordinance in mass media.
4. Vice Chairman to the Customs Control Agency of the Republic of Kazakhstan Mulkin S.D. to control the execution of this ordinance.
5. This ordinance becomes effective in the day of its official state registration in the Ministry of Justice of the Republic of Kazakhstan.

Chairman

Saparbayev B.M.

**Approved by
Customs Control Agency Chairman
Ordinance
No. 210 of 15 May 2003**

Rules on Preliminary Assessment Procedure and Form

1. General Provisions

1. These Rules have been developed in accordance with articles 47 and 48 of the Customs Code of the Republic of Kazakhstan to define the procedure for the preliminary assessment of goods crossing the customs frontier of the Republic of Kazakhstan in regard of the following:

1) classification code in accordance with the Foreign Economic Trade Product Nomenclature (hereinafter referred to as FEA PN) existing in the territory of the Republic of Kazakhstan;

2) application of the customs value determination methods;

3) application of the methods to determine the country of origin of the good.

2. The authorized customs authorities and territorial customs bodies (the customs bodies) except for customs stations shall make a preliminary assessment of a particular good as to the goods classification in accordance with the Foreign Economic Activity Product Nomenclature (FEA PN).

2. Preliminary Assessment Procedure

3. The customs bodies shall make a preliminary assessment in accordance with the established form upon request of an applicant (See Appendix 1).

4. For a preliminary assessment under FEA PN classification, the application shall contain information on the good necessary for the preliminary assessment. The application shall have enclosed description of the goods, pictures, drawings, commercial, technical and other documents necessary to make a preliminary assessment. If possible, the applicant shall also enclose samples or specimen of the goods to be assessed.

5. The Rules define the procedure on preliminary assessment of the country of origin of the goods manufactured by one and the same manufacturer in one and the same organization with one and the same technology and during a certain period of time.

The customs body shall make a preliminary assessment on the basis of information whether the good was completely manufactured or just processed in a specific country in accordance with the criteria stipulated in the international acts or laws of Kazakhstan pertaining to the rules of determining the country of origin of goods.

Customs Control Agency Chairman Ordinance No. 579 of 24.12.03 added paragraph 5-1 to the Rules.

5-1. Preliminary assessment by the authorized customs authorities, territorial divisions of the authorized oblast customs authority, Astana and Almaty city customs authorities shall be limited within the amount of the declared customs value.

- the authorized customs authority may make a preliminary assessment of goods with the customs value equal up to 9,400 minimal calculation indices;
- territorial divisions of the authorized oblast customs authority, Astana and Almaty cities customs authorities may make a preliminary assessment of goods with the customs value equal up to 8,500 minimal calculation indices;
- customs houses may make a preliminary assessment of goods with the customs value equal up to 1,400 minimal calculation indices.

For the purpose of making a preliminary assessment the customs body may additionally request the following documents, if necessary:

- copies of commercial and banking documents;
- a copy of the contract and appendices to it;
- if subject to contract terms the customs value is supposed to include additional expenses, then the applicant shall additionally submit the following documents, whichever were necessary under the contract: waybills, insurance documents, licensing or author contract, warehouse's receipts, contracts with third parties concerned, invoices/bills for payment to third parties in favor of the seller, invoices/bills for commission fee, brokerage services fee pertaining to the deal with the goods being assessed, or copies of other documents supporting expenses incurred in relation to the sale and delivery of the goods to the destination place;
- copies of payment documents supporting the cost of the goods, if the contract provides for complete or partial payment for the goods by the date of assessment application submission.

The customs body shall make the preliminary assessment taking into account the following:

- if the cost declared by the applicant meets the cost of identical or similar goods as specified in market prices reference books or data directories defined by the Government of the Republic of Kazakhstan;
- whether the good was purchased directly from its manufacturer or from its official distribution (dealer) network as supported by official documents of the good manufacturer presented in the customs body.

If there were any discounts made for the good concerned, the customs body shall also take it into account for making the preliminary assessment of the good, upon submission of the official documents from the good manufacturer or official distribution (dealer) network by the applicant.

6. The customs body considers the application and issues a preliminary assessment within ten working days since the date when the application was registered, provided that no additional data or examination was required.

7. If the data submitted by the applicant is insufficient for the preliminary assessment, the customs body shall notify the applicant on the need in additional information and sets the deadline for its submission. If the applicant fails to submit the data in time, the application for preliminary assessment shall be dismissed. The general term for submission of additional data shall not exceed one month since the day when the applicant was notified in writing.

8. If the application was dismissed, the customs body shall send reasoned refuse to the applicant within seven working days.

Dismissal of an application does not prohibit the applicant from submission of another application for preliminary assessment, provided that the applicant eliminates the mistakes, which had caused dismissal of the previous application.

Paragraph 9 is the revised version in accordance with Customs Control Agency Chairman Ordinance No. 579 of 24.12.03.

9. A preliminary assessment of classification, customs value determination method and country of origin determination method shall only be valid for a specific good.

A preliminary good shall be drawn in accordance with the established form (Appendix 2, 4) in 2 copies and signed by the person(s) who made the document, and enclosed 2 copies of a cover letter signed by the Chief Executive Officer of the customs body or by his/her Deputy supervising this area of work. The first copy of the preliminary assessment and cover letter shall be given to the applicant (to enclose with the customs declaration later on), and the second copy (with cover letter) shall be filed in the customs body. A copy of the preliminary assessment shall be also sent to the authorized customs authority.

A preliminary assessment may only be cancelled if such an assessment had been made on the basis of incomplete or false information provided by the applicant. Cancellation becomes effective on the day of making a new preliminary assessment.

A preliminary assessment shall expire in three years since the date it was made by the customs authority. A change in the preliminary assessment does not prolong its validity period.

The authorized customs authority may develop methodical guidelines on the goods' customs value based on the customs value preliminary assessments made.

10. A preliminary assessment is binding for customs bodies of the Republic of Kazakhstan.

In cases where contract terms provide for transportation, routing, etc of one and the same good in consignments in different time and/or through different customs houses, it is allowed that the customs body treating the first consignment of goods shall make the preliminary assessment, and it is allowed to use a copy of such a preliminary assessment certified in the customs body, which had issued it, for the clearance of the next consignments of identical goods by the same contract.

3. Fee for Preliminary Assessment

11. Fee shall be charged for such preliminary assessment in the amount defined by the Government of the Republic of Kazakhstan.

12. The party interested in the preliminary assessment shall pay the fee.

The applicant shall enclose the document supporting payment of the fee with the application to be submitted to the customs body.

4. Keeping Account of Preliminary Assessment Issued

13. To keep account of the preliminary assessments made by the customs body, such a customs body must keep a Register of Preliminary Assessments in accordance with the established form (Appendix 3). The Register shall be paginated with pages stringed together, and signed by the executive. Every preliminary assessment shall be given a number as follows: XXXXX/XXXX dated _____, where the first block XXXXX means the customs body code and the second block XXXX designate the ordinal registered number of the preliminary assessment.

5. Final Provisions

14. For customs clearance and customs control purposes either the original or a certified copy (certified in the customs body, which had issued it) of the preliminary assessment shall be used.

15. The preliminary assessment shall be enclosed with the cargo customs declaration and other documents necessary for customs clearance to be submitted to the customs body.

16. If any disputes arise as to the classification of goods, methods to determine their customs value and the country of origin, the authorized customs authority shall make the final decision.

**Appendix 1 to
Rules on Preliminary Assessment
Procedure and Form
as approved by
Customs Control Agency Chairman
Ordinance
No. 210 of 15 May 2003**

To: Chief Executive Officer of Customs House _____

(full name, title/position)

Preliminary Assessment Application

Applicant's full name (for natural person)

Complete postal address (for natural persons)

Complete registered and postal address (for legal entities)

RNN (*taxpayer's registered number*) (for legal and natural persons)

ID No. and series code, issuer and date of issue (for natural persons)

Please, make a preliminary assessment of the goods specified below (for FEA PN classification code, customs value and country of origin).

Below are the detailed description of the good and the list of documents enclosed.

(full commercial name, brand name, main technical and qualitative parameters of the good (purpose, standard, sort, make, model, marking, packing (description of packing, its weight and size), testing certificates, examination certificates issued by expert organizations, conformity certificates, certificates of quality and of country of origin, certificates from customs laboratories, samples (specimen) of goods, foreign trade contract (if any), cover documents (invoices, waybills), etc).

Date _____
(signature, seal of applicant)

Appendix 2 was amended in accordance with Customs Control Agency Chairman Ordinance No. 579 of 24.12.03.

**Appendix 2 to
Rules on Preliminary Assessment
Procedure and Form
as approved by
Customs Control Agency Chairman
Ordinance
No. 210 of 15 May 2003**

**Preliminary assessment of goods classification code in accordance with
Foreign Economic Activity Product Nomenclature**

| | |
|---|---|
| 1. Name of customs body, which had made the preliminary assessment | 2. Code and name of the good in accordance with FEA PN |
| 3. Registered number | 4. Date of issue (day, month, year) |
| 5. Product name | 6. Code and name of the good in accordance with FEA PN (recommended code) |
| 7. Information on the goods, description | |
| 8. Documents, estimates, etc enclosed | |
| 9. For service notes (reference to the customs body resolution, to Comments on FEA PN, etc) | |
| Made by (officers): _____ full name, position, department, office, signature | |

**Appendix 3 to
Rules on Preliminary Assessment
Procedure and Form as approved by
Customs Control Agency
Chairman Ordinance
No. 210 of 15 May 2003**

| No . | Type of preliminary assessment | Name of FEA participant | RNN, registered address | Date of issue and registered number of the reply to the request | Product name | Product code (FEA PN) | Fee paid for the preliminary assessment , KZT | Number of payment document (cash receipt, payment order) |
|------|--------------------------------|-------------------------|-------------------------|---|--------------|-----------------------|---|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

*Appendix 4 was added to the Rules in accordance with Customs Control Agency
Chairman Ordinance No. 579 of 24.12.03.*

 (applicant's name)

 (full name of executive or natural person)

 (registered address, place of residence)

defines the customs value of the following goods exported/imported under contract No. ____ made with _____ on " ____ " _____ year _____ as follows.

| Item No. | Product name | FEA PN code | Unit of Measurement | Quantity | Cost per Unit | Total Cost |
|----------|--------------|-------------|---------------------|----------|---------------|------------|
| | | | | | | |
| | | | | | | |
| | Total | | | | | |

made by: _____
telephone number: _____