

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

CHAPTER 23. TEMPORARY IMPORT OF GOODS AND MEANS OF TRANSPORT

Article 188
Purpose of the Customs Regime for Temporary Import of Goods
and Means of Transport

‘Temporary import of goods and means of transport’ shall mean the customs regime under which foreign goods and means of transport are used on the customs territory of the Republic of Kazakhstan with full or partial exemption from import customs duties and taxes, and without non-tariff regulatory measures being applied to them, except for the requirements concerning safety of goods, and with subsequent export of goods and means of transport outside the customs territory of the Republic of Kazakhstan.

Article 189
Terms of Placement of Goods under the Customs Regime for Temporary Import of Goods
and Means of Transport

1. Goods shall be placed under the customs regime for temporary import of goods and means of transport, provided the following requirements are complied with:
 - 1) identification of goods and means of transport is ensured;
 - 2) submission of a commitment to export goods and means of transport outside the Republic of Kazakhstan within the established time limit in compliance with the format determined by the authorized body on customs issues;
 - 3) payment of customs duties and taxes in compliance with Article 191 of this Code.
2. The following shall not be admitted for placement under the customs regime for temporary import of goods and means of transport:
 - 1) spare parts and components (in case where they are not intended for temporary imported means of transport), expended materials and samples, raw materials, semi-finished products, except for the temporary import of a single copy for advertising and (or) demonstrational purposes;
 - 2) food stuffs, beverages including alcohol, tobacco goods except for temporary import of a single specimen for advertising and/or demonstrational purposes;
 - 3) industrial wastes;
 - 4) goods prohibited from being imported to the customs territory of the Republic of Kazakhstan.

Article 190
Restrictions on the Use and Disposal of Temporarily Imported Goods

1. The right of use and (or) disposal of temporarily imported goods may be transferred or assigned to any other person on the customs territory of the Republic of Kazakhstan prior to

termination of the customs regime for temporary import of goods and means of transport, provided that this person assumes the obligations of the person that declared the customs regime.

2. Temporarily imported goods shall remain in their original state, except for changes due to natural wear or loss under normal conditions of haulage (transportation), storage and use (operation). Operations required to ensure their safety shall be allowed, including minor repairs, technical maintenance and other operations required to preserve goods in the proper state, provided conditions are created to ensure identification of goods by the customs authority upon re-export.

Article 191

Application of Customs Duties and Taxes when Goods are Temporarily Imported

1. A list of goods temporarily imported with full exemption from customs duties and taxes shall be formulated by the Government of the Republic of Kazakhstan.

2. Objects being leased, which are included in the list approved by the Government of the Republic of Kazakhstan, shall be fully exempted from customs duties and taxes, provided that the requirements of the legislation of the Republic of Kazakhstan on financial leasing are complied with.

3. Goods not included in the lists specified by Paragraphs 1 and 2 of this Article, shall be subject to partial exemption from customs duties and taxes. Goods, which are partially exempted from customs duties and taxes, shall be subject to fees for each full or partial calendar month of their stay on the customs territory of the Republic of Kazakhstan, equivalent to 3% of the amount payable if goods were released into free circulation.

4. Customs duties and taxes payable on partially exempted goods shall be calculated in the currency specified in the contract on the date the customs declaration is registered. The declarant shall determine payment of customs duties and taxes on a periodic basis. In doing so, the specific time periods for payment of customs duties and taxes shall be determined based upon the fact that these amounts should be paid prior to the beginning of the respective time period.

5. When temporarily imported goods are placed under the customs regime for release into free circulation, the amount of customs duties and taxes paid during partial exemption from customs duties and taxes shall be applied towards the amounts of customs duties and taxes payable in compliance with the customs regime for release into free circulation.

6. In the case specified in Paragraph 1 of Article 190 of this Code, the amounts of customs duties and taxes paid in compliance with Paragraph 3 of this Article shall be considered as having been paid by the person who is the assignee with respect to the temporarily imported goods.

7. The total amount of customs duties and taxes charged when goods are temporarily imported with partial exemption from customs duties and taxes shall not exceed the amount of customs duties and taxes payable at the moment the goods are placed under the temporary import regime, if these goods had been released into free circulation.

8. When goods are placed under other customs regimes, customs duties and taxes paid during partial exemption of goods from customs duties and taxes shall not be refunded.

Article 192

Time Limit for Temporary Import

1. The time limit for temporary import of goods shall be established by the declarant in accordance with the purpose and circumstances of such import, and shall not exceed three years

from the date that goods were imported onto the customs territory of the Republic of Kazakhstan, except in cases stipulated by this Article.

Upon a well-grounded application of the declarant, the time limit for temporary import may be extended by the customs authority. To make the decision on extension of the time limit for temporary import of goods, the declarant shall submit an application on the necessity of such extension and confirming documents with the customs authority not later than one month prior to expiration of the specified time limit.

Customs fees for customs clearance shall not be charged and a customs declaration shall not be filed when the time limit for temporary import of goods has been extended.

2. In cases specified in Paragraph 1 of Article 190 of this Code, the period for temporary import shall commence from the moment of actual import of goods onto the customs territory of the Republic of Kazakhstan. The change in the period of temporary import over three years shall be introduced in compliance with the second part of Paragraph 1 of this Article.

3. With respect to objects of leasing included in the list set forth in Article 191 of this Code, the time limit for temporary import shall be established based on the terms of the leasing contract. The time limit for temporary import of the objects of leasing in question shall be changed by the customs authority at the request of the person who temporarily imported the object of leasing, based on changes introduced into the leasing contract, provided that the requirements of the legislation of the Republic of Kazakhstan on financial leasing are complied with.

4. Goods imported for official and personal use by foreign diplomatic representative offices and representative offices equated with them, as well as by staff members, and including family members living with them, may be temporarily imported into the Republic of Kazakhstan for the entire period of their accreditation in the Republic of Kazakhstan.

Article 193

Particular Features of Customs Control of Temporarily Imported Goods

1. Control over application of the customs regime for temporary import of goods shall be executed by the customs authority that performs customs clearance of temporarily imported goods.

2. When temporarily imported goods are going to be moved from the area of activity of the customs authority that performed customs clearance of the temporarily imported goods to the area of activity of another customs authority for a period of three months or more, the person who temporarily imported goods shall notify the customs authority that performed customs clearance of the temporarily imported goods of the intention to move them to the area of activity of another customs authority.

Notification shall be made in an arbitrary written format and shall indicate the destination and the period the goods will stay outside of the area of activity of the customs authority that performed customs clearance of the temporarily imported goods. Similar notification shall be submitted to the customs authority to the area of activity of which the temporarily imported goods are going to be moved.

3. In case of re-export of temporarily imported goods outside the Republic of Kazakhstan, customs clearance outside the area of activity of the customs authority which conducted customs clearance of the temporarily imported goods shall be performed provided that the customs authority which exercised customs control over the temporarily imported goods confirms the absence of debts involving customs duties and taxes with respect to such goods.

Upon completion of the customs clearance procedures and actual export of goods from the Republic of Kazakhstan, the customs authority that cleared the goods, shall notify the customs authority that had conducted customs clearance of the temporarily imported goods.

4. In cases specified in Paragraph 1 of Article 190 of this Code, a new customs declaration shall be completed by the person who is the assignee with respect to the temporarily imported goods, by the customs authority, in the area of activity of which the goods are located at the moment of clearance. A mandatory condition of such clearance shall be confirmation by the customs authority that conducted customs clearance of temporarily imported goods, that there are no debts involving customs duties and taxes with respect to the temporarily imported goods. The customs authority that completed the new customs declaration shall forward a copy of it to the customs authority that conducted customs clearance of temporarily imported goods, so that they could be released from customs control, and shall execute such control independently in the future.

Article 194

Termination and Suspension of the Customs Regime for Temporary Import of Goods and Vehicles

1. Goods and means of transport shall be exported outside the customs territory of the Republic of Kazakhstan or declared under a different customs regime, in compliance with this Code, prior to expiration of the time limit for temporary import of goods and means of transport established by the declarant. Temporarily imported goods and means of transport may be re-exported or declared under a different customs regime in one or several lots.

2. When the customs regime for temporary import of goods and means of transport terminates through the export of the temporarily imported goods, the delivery control document, confirming the actual export of the temporarily imported goods outside the customs territory of the Republic of Kazakhstan, shall serve as confirmation of the termination.

3. The customs regime for temporary import of goods and means of transport may be terminated through placement of goods under the customs regime for release into free circulation. In the process, customs duties and taxes shall be calculated in the currency specified in the contract. When goods are released into free circulation, the customs value and quantity shall apply as of the date of their declaration under the customs regime for temporary import, whereas the rates of customs duties and taxes shall apply as of the date that the customs declarations was registered, in compliance with the requirements of the customs regime for release into free circulation.

4. The customs regime for temporary import of goods and means of transport shall be suspended when:

1) temporarily imported goods and means of transport are arrested or seized in compliance with the legislative acts of the Republic of Kazakhstan;

2) upon application of the declarant, temporarily imported goods are placed into a bonded warehouse in compliance with the terms of the bonded warehouse customs regime.

5. Where goods that were previously placed under the customs regime for temporary import of goods are released from customs warehouses with the purpose of their further use on the customs territory of the Republic of Kazakhstan in compliance with this regime, the time limit for temporary import shall recommence.

Article 195

Particular Features of Placement of Means of Transport under the Customs Regime for Temporary Import of Goods and Vehicles

The particular features of placement of means of transport under the customs regime for temporary import of goods and means of transport, restrictions in use and disposal of temporarily

imported means of transport, the application of customs duties, the time limit for temporary import, the particular features of customs control and customs clearance of means of transport, as well as termination of the customs regime, shall be determined by Chapter 33 of this Code.

Article 196

Non-Export of Temporarily Imported Goods and Means of Transport

Non-export of temporarily imported goods and means of transport within the established time limit is possible only in the event of the destruction or irretrievable loss of the goods, due to accident or force majeure, or withdrawal from disposal as a result of the illegal actions of state bodies or officials of the Republic of Kazakhstan. The declarant shall submit corroborating documents issued by an appropriate authorized state body.