

MINISTERIAL DECREE N° 003/07 OF 09/05/2007 IMPLEMENTING THE LAW N°21/2006 OF 28/04/2006 ESTABLISHING THE CUSTOMS LAW

The Minister of Finance and Economic Planning,

Given the Constitution of the Republic of Rwanda of June 4th 2003, as amended to date, especially in its Articles 120, 121 and 201;

Given Law n° 21/2006 of 01/07/ 2006 establishing the Customs Law, especially in its Articles; 4, 6, 13, 36, 41, 52, 66, 71, 78, 83, 85, 93, 96, 101, 107, 109, 128, 141, 142, 145, 148, 151, 153, 163, 172, 179, 181, 182, 194, 216, 222, 226;

After consideration and approval by Cabinet in its session of 28/03/2007;

ORDERS:

Article One: The Aim of the Ministerial Decree

For the purpose of this Ministerial Decree, the following definitions apply:

1° Date of acceptance of a goods declaration: the date on which all accompanying documents of a goods declaration are lodged and accepted by Customs.

2° Public Customs Clearing Agent: any legal entity whose principle activities include carrying out customs formalities in its own name but on others' behalf.

3° Private Customs Clearing Agent: a
any legal entity that carries out customs formalities on its' own behalf.

4° Travellers luggage: goods that a traveler or tourist can personally and reasonably have need of, taking into account all the circumstances of his voyage, to the exclusion of all goods imported for commercial purposes.

Article 3: Competence and attributions of Customs Offices

Customs offices with some exceptions determined by the Customs shall have competences and attributions of carrying out all customs formalities.

Article 4: List of Customs Offices

The following are Customs Offices:

- 1° Gikondo;
- 2° Kigali Post ;
- 3° Kigali International Airport ;
- 4° Kanombe Passanger Air Terminal;
- 5° Kagitumba;
- 6° Rwempasha;
- 7° Buziba;
- 8° Gatuna;

9° Rusumo;
10° Rutete;
11° Akanyaru Haut ;
12° Akanyaru Bas;
13° Nshili ;
14° Butare;
15° Ruhwa;
16° Bugarama;
17° Rusizi I;
18° Rusizi II;
19° Buhita;
20° Kibuye;
21° Murago;
22° Bweyeye;
23° Gisenyi Corniche;
24° Gisenyi Poids Lourds;
25° Cyanika;
26° Kabuhanga;
27° Kabuye;
28° Kaniga;
29° Kamembe Airport;
30° Gatsata;
31° Free Zones.

Article 5. Authorized routes

1° KAGITUMBA

Mirama Hill – Kagitumba route

2° CYANIKA

Gisero – Cyanika route

3° GATUNA

Kabale – Gatuna route

4° BUHITA

Bigaga - Buhita route

5° KANIGA

Kabale-Kaniga Route

6° GISENYI

Goma – Gisenyi route

7° KABUHANGA

Rumangabo – Busasamana route

8° KIBUYE

Lake Kivu

9° CYANGUGU

Bukavu-Rusizi route

10° MURURU

Bukavu-Mururu route

11° BUGARAMA

Kamanyora – Bugarama route

12° **RUHWA**

Rugombo – Bugarama route

13° **BUTARE**

Kayanza – Butare route via Akanyaru

Ngozi – Butare via Akanyaru route

14° **AKANYARU – HAUT**

Kayanza - Akanyaru - Huye route

15° **AKANYARU - BAS**

Ngozi – Akanyaru- Huye route

16° **RUTETE**

Kirundo – Rutete via Nyamata route

17° **RUSUMO**

Tanzania-Rusumo–Kigali via Rwamangana route

18° **RWEMPASHA**

Kizinga - Rwempasha – Kigali via Nyagatare-Rwamangana

Article 6: Working days and hours

Customs formalities are performed in the normal hours and working days prescribed by the Rwandan Labor Code.

However, Customs may vary the days or hours of general attendance of officers at Customs Offices in order to meet the convenience of the public or the exigencies of Customs.

Article 7: Applications for services outside hours of general attendance

Applications for services of an officer outside the hours of general attendance shall be made in writing to Customs on a prescribed form, which shall be submitted at least twenty-four hours before the services are required, unless Customs, in any special circumstances, otherwise allows.

Every application shall set out the nature and probable duration of the services required, and shall contain an undertaking to pay all overtime fees which may be incurred, unless the Commissioner requires the applicant to deposit in advance a sum sufficient to cover the fees.

Article 8: Overtime fees

When the Customs formalities are performed outside working hours mentioned in Article 6 above, the concerned person shall pay a fixed fee of five thousand (5.000 Rwf) per hour.

There shall be a fee equivalent to ten thousand (10.000FRW) per hour of attendance for services performed on week-ends and public holidays.

Customs officers who have given services to the public outside the working days or hours of general attendance will be remunerated at such rates and for such hours as Customs may direct.

All fees shall be paid on the Customs account.

Article 9: Travelling Expenses

If an officer is required to attend at any premises or place at which Customs business is not normally carried out, the applicant for this services may, in the discretion of Customs, be required to provide the necessary transportation, or to pay in addition to the fees for attendance such amount for travelling expenses as customs may consider reasonable.

Article 10: Search

A customs officer with powers of a Judicial Police Officer may search premises, enclosure, shop, store or any building where goods or documents are kept or suspected to be kept.

Article 11: Request for a search warrant

In applying for a search warrant, the Customs Department provides to the prosecution the following:

- 1° the name, address and activity of the importer;
- 2° the location of the premises or buildings that Customs wants to visit;
- 3° serious indications of fraud that Customs Department holds against the importer.

A copy of the search warrant shall be issued to the importer during the search.

Article 12: Request for Binding Tariff or Origin information

Customs shall issue on written request binding Tariff or Origin information.

Binding Tariff or Origin Information may only be requested where an import or export operation is actually envisaged and should be made on an application form prescribed by Customs.

An Application must be in respect of only one type of good, product or item relating to a single nomenclature code.

Article 13: Use of tariff or origin information

Binding Tariff or Origin information may be invoked only by the holder or an agent acting in the name and on behalf of the holder making a goods declaration in respect of the goods covered.

Where the holder or agent wishes to invoke binding Tariff or Origin information, a copy of the binding Tariff or Origin information document should be attached to the hard copy of the goods declaration.

Article 14: Customs Value -Transaction Value Method

The customs value of imported goods is the transaction value, that is the price actually paid or payable for the goods when sold for export to the customs territory.

However, the transaction value method shall not apply on:

- 1° Second hand goods;
- 2° Irregular importers;
- 3° Importers without a permanent address.

Article 15: Other Customs Valuation methods

Where the Customs Value cannot be determined under transaction value method, it shall be determined subsequently through the following methods:

- 1° The transaction value of identical goods sold for export to the Customs territory and exported at and about the same time as the goods being valued;
- 2° The transaction value of similar goods sold for export to the Customs territory and exported at and about the same time as the goods being valued;
- 3° the value based on the unit price at which the imported goods or identical or similar imported goods are sold within the Customs Territory in the greatest aggregate quantity to persons not related to the sellers;
- 4° the computed value, consisting of:
 - a. The cost or value of materials and fabrication or other processing employed in producing the imported goods;
 - b. an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to the Customs Territory;
 - c. The cost or value of transport and insurance of the imported goods and the loading and handling charges associated with their transport to the place of introduction of the goods into the Customs Territory.

Article 16: Fallback method- reasonable means

Where the customs value of imported goods cannot be determined under the Transaction Value Method or under provisions of Article 14, it is determined, on the basis of data available in the customs territory, using reasonable means consistent with the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (WTO Valuation Agreement) and the provision of this Section.

Customs value cannot be determined under the first paragraph on the basis of:

- a. the selling price in the customs territory of goods produced in the customs territory;
- b. system which provides for the acceptance for customs purposes of the higher of two alternative values;
- c. the price of goods on the domestic market of the country of exportation;

- d. the cost of production, other than computed values which have been determined for identical or similar goods in accordance with Article 15 (4°);
- e. prices for export to a third country;
- f. minimum customs values; or
- g. arbitrary or fictitious values.

Article 17: Permission to lodge a summary declaration

Customs may permit the lodging of a summary declaration for goods categorized and approved by Customs for emergency purposes.

The summary declaration should be submitted to Customs prior to the arrival of the goods or within 24 hours of the presentation of the goods to Customs and should be made on an application form prescribed by Customs.

Customs may allow that no summary declaration is filed if, instead of a summary declaration, a declaration is filed immediately for assigning a customs procedure to the goods.

Article 18: Contents of a summary declaration

The summary declaration should contain the following information:

- 1° name, tax identification number and address of importer;
- 2° the goods description: The goods description may be brief, but should at least be a normal commercial description by which the goods can be identified;
- 3° the gross weight;
- 4° value of goods;
- 5° origin of goods;
- 6° destination of goods;
- 7° where applicable the container number;
- 8° date of arrival;
- 9° name and signature of the clearing agent.

Article 19: Automatic storage in the Customs warehouse

Except as otherwise provided in Customs law, the cargo in any means of transport which is unloaded or is to be unloaded shall be declared by the authorized clearing agency within a period of fifteen (15) days after the commencement of discharge either for:

- 1° Home consumption;
- 2° Warehousing;
- 3° Inward processing;
- 4° Outward processing;
- 5° Drawback;
- 6° Manufacture under bond for home use;
- 7° Exports Processing Zones;
- 8° Free Trade Zone;
- 9° Temporary Importation;
- 10° Transit;
- 11° Export or Re-exportation.

Where goods are declared for home consumption, payment of duties and taxes should be effected within a period of forty eight (48) hours. Failure to comply shall lead to denial to access the system for the concerned Clearing Agent.

Where any goods remain undeclared at the expiration of the fifteen (15) days, the goods shall be removed at the expense of the owner or the authorized agent of the owner.

Article 20: Clearance of goods in Customs by Clearing Agency.

Except as otherwise provided in the Customs law, clearance of goods in Customs shall be performed only by a Public or Private Clearing Agency.

Article 21: Clearance of goods in Customs by private individuals

No person may engage in customs activities without the authorization of customs. However, private individuals may undertake customs formalities with respect to goods of humanitarian nature and consignment not of a commercial nature or valued below a limit fixed by Customs.

Article 22: Maximum value below which private individuals can clear goods

In any office where there is no public customs agent, private individuals may undertake customs formalities themselves for consignments valued below a limit fixed by Customs.

Article 23: Requirements to be licensed as a customs clearing agency

The following formalities must be completed by an applicant wishing to operate as a customs agent:

A) Requirements for the Agency

- 1° Submission of an application letter addressed to Customs, stating precisely the required status (public or private customs agency);
- 2° Completion of an application form provided by the Customs Department after payment of amount equivalent to ten thousand rwandan francs (10,000 Rwf);
- 3° Submission of a certified copy of the instrument of incorporation of the company or of the extract of the official journal containing it's charter;
- 4° Submission of a registration certificate and the Tax Identification Number (TIN) in the Company names issued by the Rwanda Revenue Authority;
- 5° A valid Bank or Insurance guarantee of a minimum fee of Hundred Million Rwandan Francs (100,000,000) Rwf for Transit operations and Fifty Million (50,000,000) Rwf for other customs operations or more taking effect at the commencement of operations and ending three (3) years after cessation of the activity;
- 6° Possession of a bank account, an official post office box, email address, a physical address, and material infrastructure that among others will facilitate computerization and easy communication in the locality of it's main office, to the satisfaction of customs;
- 7° Signing of a declaration authorizing access to the account of the Customs agent's enterprise, by a duly authorized Customs officer;
- 8° Recording of Customs activities in an annual register of the model prepared by customs and an undertaking to submit it, upon request, to any duly authorized customs officer;
- 9° The possession of a tax clearance certificate, issued by Rwanda Revenue Authority, for the agency and its shareholders;
- 10° A copy of the identity card or passport for the director and the declarants;
- 11° List of Proposed Management and other staff proposed to directly handle customs related work. Detailed Curriculum Vitae should be attached to the application;
- 12° Valid tenancy agreement for suitable office accommodation or proof of ownership;
- 13° Payment a license fee of 300,000 RWF upon communication from the Commissioner that the application is successful. Bank Payment advice forms will be obtained from the Customs Help desk office;
- 14° Possession of a computer connectable to the Customs system with the latest Antivirus;
- 15° Possession of a clean performance record for the company, directors, shareholders and the staff. Particularly, agencies with the following shall not be licensed:
 - a. three or more statements (3) of offence (Procès Verbal) in the previous calendar year totalling to three million (3,000,000) Rwf and above of evaded duties and taxes;
 - b. an offence amounting to duties and taxes evaded equal to thirty million (30,000,000 Rwf) or More in previous calendar year;
 - c. serious misconduct against Customs officers;
 - d. illegal stamping.
- 16° Certification of affiliation and recommendation from the Association of Customs Clearing Agents that the applicant satisfies conditions to be licensed;
- 17° The Customs department shall screen and issue badges to authorized clearing agents. Clearing Agents shall submit their previous badges at the time of issuance of the new badges;

B) Requirements for persons with power of attorney and shareholders

1° Submission of a document certifying that those with powers of attorney are either of Rwandese nationality or hold permits to reside in the Republic of Rwanda;

2° The possession of a tax clearance certificate, issued by Rwanda Revenue Authority, for agency shareholders.

C) Requirements for Directors and Declarants

1° A copy of the identity card or passport for the director and the declarants.

2° A curriculum Vitae (CV), two (2) Copies of passport size photographs with specimen signatures of Management and other staff proposed to directly handle or sign customs documents.

3° A certificate of qualification at the level of an associate degree in accounting, Finance, Economics, Management/A certificate issued by the customs department/A Diploma in Clearing and Forwarding/An East African Practicing Certificate in Clearing and Forwarding;

4° Management or staff proposed to directly handle customs related work must be computer literate with the ability to lodge declarations electronically.

5° Valid employment contract for directors and declarants and the salary structure;

6° A Copy of a Judicial Police Statement for the staff and the directors.

Article 24: Reporting of changes by Public Customs Agent

Public customs agent shall be required to inform customs of any change in the documents described in article 23 A (3), (4), (9), C (1) and (2) above.

Article 25: Duration of the license

The authorization of customs agent shall be valid for one year, renewable on an annual basis on application and upon fulfilment of the requirements mentioned in article 23 above.

Article 26: Persons not allowed to work as customs agents

Customs shall not licence former Rwanda Revenue Authority staff that were dismissed until a period of two (2) years elapse from the date of dismissal.

Spouses of Rwanda Revenue Authority officers shall not be authorized to operate as clearing agents.

Article 27: Entities allowed to operate as private customs agent

Only the following may be authorized to act as private customs agent:

1° Industrial enterprises, for the imports and exports relating to the nature of business;

2° Enterprises operating refrigerated or pharmaceutical warehouses;

3° Oil companies;

4° Companies engaged in the importation or exportation of perishable goods and companies dealing in courier services;

5° Companies engaged in importation and exportation of vehicles.

Article 28: Accountability of customs agents for all customs activities undertaken by declarants

Customs agents shall be severely accountable to customs in all customs activities undertaken by their agents.

Article 29: Withdraw of licence

Customs may refuse to issue a licence, may suspend, revoke, or refuse to renew, any such licence on the ground that the applicant or holder has been guilty of an offence under the Customs Law, or has been convicted of an offence involving dishonesty or fraud, or for any other reason that he or she may think fit.

The agent may appeal to the Commissioner General against such decision, but if no appeal is lodged within fifteen (15) days of the delivery of the decision, or if on such appeal, the decision is confirmed by the Commissioner General, the licence shall be void.

Article 30: Keeping of an annual register

All customs agents must keep the annual registers referred to in article 23 (8) above and all documents relating to each customs clearance operation for at least five (5) years, even after its removal.

Article 31: Agent and agents details on declarations

Public customs agents shall establish declaration in their own names. They must spell out in full their company name, the full address, name of declarant, and the agency Tax Identification Number (TIN).

Article 32: Right to inspect goods prior to declaring

Public customs agents shall be authorised, to inspect in advance the goods to be declared.

Article 33: Responsibility of Public Clearing Agents

Public customs agents shall be solely responsible for the payment of customs duties and taxes.

Article 34: Accountability of Public Clearing Agents

Public customs agents shall be accountable to customs for any fines and disputes, it being incumbent upon them to press charges against any of their customers responsible for fraud.

Article 35: The invalidation of Customs declaration prior to release of Goods

Upon written application of the declarant or the decision of customs, a registered declaration prior to release of goods may be invalidated.

The customs declaration registered after release of goods shall be invalidated on the basis of customs decision, if during the verification of the declaration it is established that it is impossible to apply the requested customs procedure of goods in question or any other customs formality provided in the Law.

Article 36: Invalidation of Customs declaration and customs offences

Invalidation of the registered customs declaration shall not cause the release from responsibility related to customs legislation offences except for cases where data declared does not lead to the reduction of the amount of customs duties.

Article 37: Invalidation of Customs declaration after release of Goods

The customs authorities shall, at the written request of the declarant, invalidate a customs declaration registered after release of goods, where the declarant furnishes proof that goods were declared in error for the customs procedure covered by that declaration or that, as a result of special circumstances, the placing of the goods under the customs procedure for which they were declared is no longer justified.

Article 38: Examination of goods

Customs shall employ any necessary means at the cost of the goods, where for reasons attributable to the declarant, examination of goods was initially not possible.

Article 39: Provisional declaration

Where, for reasons deemed valid by the Customs, the declarant does not have all the information required to make the goods declaration, or the supporting documents cannot be lodged with the Goods declaration for reasons deemed valid by the Customs, customs shall allow production of those documents within fifteen (15) days.

A summary declaration shall be allowed to be lodged, provided that it contains the particulars deemed necessary by the Customs and that the declarant undertakes to complete a goods declaration within fifteen (15) days.

The release of the goods shall be allowed provided that security determined by Customs has been furnished to ensure collection of any applicable duties and taxes due.

Article 40: Goods not removed after release

Goods that have not been removed from Customs bonded warehouse within ten (10) days after release, at the termination of that period of time, such goods are considered as abandoned.

The importer and the owner of goods that are abandoned under paragraph (1) are jointly and severally, or solidarily, liable for automatic storage fees charged by the warehouse operator and all expenses incurred by Customs in the disposal of the goods if they are disposed of otherwise, than by public sale.

Article 41: Treatment of prohibited goods or goods unsuitable for sale

Where the imported goods are prohibited or unsuitable for sale as certified by the competent authority, then such goods shall, unless the Commissioner of Customs in any special case otherwise directs, be re-exported or destroyed or otherwise disposed of in such manner as the Customs may direct.

Article 42: Public Auction of Goods

Goods that have been stored in the Customs warehouse for more than six (6) months may be sold in a public auction at least fifteen (15) days after advertising in one or more official media. The same applies to unclaimed personal effects.

Article 43: Publication of goods to be auctioned

The sale is published in the official newspapers and any other media coverage with particulars of the goods to be sold, the date and place where the auction will take place. Copies of the notice shall be posted well in advance on the notice board of Rwanda Revenue Authority Offices.

The auction covers all the items mentioned in the publication, with the exception of those already cleared or withdrawn from the auction. Particulars of the clearance or withdrawal of goods shall be given to interested persons by Customs.

Goods to be sold by public auction may be withdrawn from the auction up to at least one (1) working day before the auction, provided that the owner or his/her agent will apply in writing to Customs to that effect. If his/her application is accepted, the applicant shall pay duties and taxes due as well as other expenses according to the customs procedure.

Article 44: Determination of value of goods to be auctioned

A preliminary assessment of the value of the goods for sale is made by Customs prior to their sale and this amount is taken to be the minimum sale price.

Article 45: Exhibition of goods to be auctioned

The goods for sale are exhibited for inspection at least five (5) working days prior to the date of the auction. Every bidder is considered to have inspected the goods and bidding is done at his own responsibility.

Article 46: Conditions of Auction sale

The goods are sold and delivered in the state they are at the time of the sale. No warranty shall be given by the Customs as to the quality, quantity, packaging conditions and any other particulars of the goods offered for sale.

Article 47: Refusal of the price lower than the minimum price

A bid lower than the preliminary sale price shall not be accepted.

Article 48: Acceptance of the purchase and payment of the price

The successful bidder shall sign the acceptance of the purchase on a specified receipt and immediately pay in cash an amount equivalent to 30% of the bid non refundable and deposit a cheque covering the 70% balance to be cashed within a period not exceeding two (2) working days. If he refuses to sign the acceptance document or to pay 30% of the price, the officer in charge, may re-auction the goods.

Where the successful bidder fails to pay the balance within the prescribed period mentioned in paragraph (1) the auction shall be cancelled.

Article 49: Removal of bought goods from the warehouse

Auctioned goods must be removed from the warehouse within three (3) days from the date of payment. If on the expiration of this date the goods have not been removed, they shall be sold in the next auction.

The Customs shall not be responsible for any damage that occurs to goods during their removal by the purchaser or his/her Agent.

Any goods remaining in the customs warehouse after sale shall remain at the purchaser's risk.

Article 50: Refund of net proceeds

Net balance, if any, shall be paid to the owner of goods only if he/she does not have any tax liability to the government. He/She should lodge an application for payment of the balance in a prescribed form within six (6) months from the date of sale. The unclaimed balance shall be paid into treasury.

Article 51: Goods not bought in the public auction

Where some goods are unable to be sold in two(2) consecutive auctions, Customs shall revise the minimum sale price or destroy them if they are unsuitable for consumption.

Article 52: Auction without publication

Based on reasons deemed valid by customs, the following goods in a Customs warehouse may be auctioned without publication required in Article 43:

1° perishable goods;

2° livestock or goods which pose a hazard to other goods;

3° goods and livestock which, during their storage at the Customs warehouse, show signs of deterioration, sickness and endanger other stored goods;

4° confiscated goods whose value is substantially reduced while in custody of the Customs authorities.

Article 53: Application for inward processing

An application for authorization of inward processing shall be made to Customs in writing on a prescribed form.

The application detailing the intended inward processing shall be made in advance, prior to importation of the goods, which are subject to the process.

Article 54: Authorization for inward processing

Authorization for inward processing shall be granted where:

- 1° the applicant is established in the Republic of Rwanda;
- 2° the applicant offers a guarantee for the proper conduct of the operation;
- 3° where it is possible to establish that the compensating products have resulted from the process of the imported goods;
- 4° where the authorization to use the inward processing procedure is not likely to adversely affect the essential interests of national producers.

The authorization shall be granted within thirty (30) days from the date of acceptance of the application :

- 1° on a prescribed form;
- 2° by acceptance of the customs declaration;
- 3° by letter, electronic mail or a modification of any existing authorization where the application concerns a renewal or modification.

Article 55: Entry and examination of goods

Goods imported for inward processing shall be declared on production of :

- 1° original inward processing authorization;
- 2° original invoices where applicable; and
- 3° other supporting documents.

Customs shall require an authorized person to produce the goods for examination at the point of entry or at the place of processing before release for inward processing.

Article 56: Maintenance of records

A person authorized for inward processing shall provide mechanisms needed to monitor the operation and keep the records of the inward processing activities which shall indicate:

- 1° the description and quantity of goods entered;
- 2° the date of importation;
- 3° details of the processing;
- 4° the correct calculations of any import duties and taxes which may be payable;
- 5° the quantity of waste, scrap or by- products;
- 6° the compensating products obtained; and
- 7° the rate of yield.

Article 57: Duty relief

The Customs may grant duty relief by:

- 1° the suspension system, under which the import duty payable is suspended at importation; or
- 2° the drawback system, where the import duty is paid on importation and reclaimed on subsequent exportation of the processed goods.

Article 58: Termination of inward processing

Inward processing procedure shall be terminated upon:

- 1° re-exportation of the compensating products in one or more consignments;
- 2° re- exportation of the products in the state of importation;
- 3° release of compensating products for home consumption;
- 4° declaring the compensating products under a suspensive procedure such as; Customs warehousing, temporary importation, or transit; or
- 5° the compensating products being placed in a free zone.

Article 59: Import duties upon termination of inward processing

Where goods placed under inward processing are declared for home consumption as compensatory products or goods in an unaltered state or where for any other reasons import duty is payable, the import duty shall be computed on the basis of the nature, quantity, customs value and duty rates applicable to goods placed under inward processing at the time they were declared for inward processing.

Article 60: Application for outward processing

An application for authorization for outward processing shall be made to Customs using a prescribed form.

The application shall give details of the intended outward processing and shall be made in advance, prior to exportation of the goods which are subject to the process.

Article 61: Authorization of outward processing

The authorization for outward processing shall be granted where:

- 1° the applicant is established in the Republic of Rwanda;
- 2° the exported goods can be identified in the processed products to be re-imported;
- 3° the compensating product will be a direct result of the goods exported for outward processing.

The authorization shall be granted within thirty (30) days from the date of acceptance of the application:

- 1° using a prescribed form;
- 2° by acceptance of the customs declaration; or
- 3° by letter or electronic mail or a modification of any existing authorization where the application is for a renewal or modification.

Article 62: Entry and examination of goods

Goods for outward processing shall be declared on production of:

- 1° an original outward processing authorization; and
- 2° any other supporting documents.

Customs shall require the authorized person to produce the goods declared under the outward processing procedure, for examination.

Article 63: Maintenance of records

[A person authorized for outward processing shall keep all records of the outward processing and the records shall indicate:](#)

- 1° the description and quantities of goods entered;
- 2° the date of exportation;
- 3° details of the processing;
- 4° the compensating products obtainable; and
- 5° the rate of yield.

Article 64: Control of goods entering Export Processing Zones

Goods imported into an Export Processing Zone shall be declared and the importer of such goods shall execute a security bond.

Goods referred to in paragraph (1) shall be:

- 1° controlled by the Customs officer in charge of the Export Processing Zone;
- 2° accompanied by a copy of goods declaration and supporting documents;
- 3° recorded in the receipt and deliveries register by the Customs officer.

Notwithstanding paragraph (3), Customs may on reasonable grounds carry out examination of goods at the point of importation within the customs territory or before entry into the Export Processing Zone.

Article 65: Maintenance of stock records

An operator of an enterprise within an Export Processing Zone shall maintain stock records of the raw materials and the finished products in a monthly return register of finished, semi-finished goods and a raw materials register or in any other approved manner.

An operator of an enterprise within an Export Processing Zone shall maintain stock control records and produce the records for inspection by Customs.

An operator of an enterprise within an Export Processing Zone shall submit monthly returns on the stock held in the enterprise, to Customs in a prescribed manner, before the fifteenth (15th) day of the following month.

Article 66: Exportation of goods from Export Processing Zones

Goods intended for export shall be declared and security for the removal of goods from an Export Processing Zone to the point of exportation shall be executed.

Goods referred to in paragraph (1) shall be produced to Customs for the purpose of examining and sealing of the container, box or vehicle in which the goods are contained.

A copy of the declaration made under paragraph (1) shall accompany the goods to the point of exportation within the Customs territory.

Customs may, where the seals referred to in paragraph (2) are tampered with, or on any reasonable grounds, examine the goods at the point of exportation.

The Customs shall provide a copy of the goods declaration duly certified by him or her, as to the exportation of the goods, to the owner for presentation to the Customs officer at the Export Processing Zone, for the purpose of cancellation of the security bond.

Goods exported to the Customs territory from the Export Processing Zone shall be treated as if the goods were imported and shall be declared as imported goods.

Article 67: Movement of goods from one Export Processing Zone to another

Goods moved from one Export Processing Zone to another Export Processing Zone shall be declared and a security bond for the movement of goods from one Export Processing Zone to another shall be executed.

The Customs shall return a copy of declaration duly certified at the receiving Export Processing Zone to the owner, for presentation to Customs at the dispatching Export Processing Zone for the purpose of cancellation of the security bond.

Where goods are intended to be removed from one enterprise to another, within the same Export Processing zone, the person in charge of the enterprise removing the goods shall inform Customs accordingly.

Article 68: Movement of plant and machinery

Plant, machinery and equipment may be removed for repair, servicing or maintenance, from an Export Processing Zone to a Customs territory.

The plant, machinery and equipment to which paragraph (1) applies shall be accorded temporary importation facilities in the Customs territory and shall be declared using a goods declaration and a security bond may be executed in respect of the plant, machinery and equipment.

Article 69: Acceptance of general security bond

A general security bond may be furnished to cover movement of goods from one Export Processing Zone to another or between the enterprises within a particular Export Processing Zone, or between the Export Processing Zones and the points of importation or exportation

Article 70: Disposal and destruction of waste

Disposal or destruction of wastes and residues resulting from a manufacturing process shall be carried out within an Export Processing Zone under the supervision of the Customs officer.

Where proper facilities of disposal do not exist within the Export Processing Zone, the wastes may be destroyed in the Customs territory on application to the Customs officer.

Upon the destruction of the wastes, Customs shall issue a certificate of destruction.

Where wastes and rejects are sold in the Customs territory, the movement of the wastes or rejects shall be subject to the normal importation procedures in the Customs territory.

The licensee shall record the wastes and rejects in the wastes and rejects register.

Article 71: Search of vehicles and persons

Any person or vehicle entering or leaving an Export Processing Zone may be searched by Customs.

Article 72: Transportation of goods

Goods subject to customs control, entering or leaving an Export Processing Zone shall be transported in sealed vehicles except:

- 1° goods of exceptional loads of one or more heavy or bulky objects which because of weight, size or nature cannot normally be carried in a closed or sealed vehicle or transport unit and which can be so readily identified to the satisfaction of the Customs; or
- 2° goods authorized by Customs.

Article 73: Control of goods entering Free Zones

All goods destined to a Free Zone through the Customs territory, shall be declared and the person conveying such goods shall execute a security bond.

To control the circulation of goods, a Free Zone operator shall maintain proper records of the goods which may include registers, relevant declarations and computer records.

Customs may at any time enter the premises of a licensee within a Free Zone to examine any goods and may take measures necessary to prevent loss of revenue, including carrying out audits and physical verification of the goods.

Customs may require a licensee to provide any information relevant to a licensee's operations within the Free Zone.

A person or a vehicle entering or leaving a Free Zone shall use designated entry and exit points and shall comply with the laid down security requirements including specified hours of business.

Customs may carry out spot checks and search any person or vehicle entering or leaving a Free Zone.

Article 74: Cancellation of security bond

Customs shall provide a duly certified copy of the goods declaration to the licensee for presentation at the point of importation for the purpose of cancellation of the security bond.

Article 75: Maintenance of records

Customs shall record goods imported from the Customs territory to be used inside a Free Zone for consumption by the persons working in the Free Zone.

Article 76: Permitted activities

A licensee of a Free Zone may only carry out those activities that are required to preserve goods, or to improve their packaging, preparation for shipment or marketable quality, without changing the character of the goods.

The activities referred to in paragraph (1) shall include warehousing and storage, labelling, packing and repacking, sorting, grading, cleaning and mixing, breaking bulk, simple assembly, and grouping of packages under Customs supervision.

A licensee in a Free Zone shall not engage in the manufacturing or processing of goods.

Article 77: Removal of goods from a Free Zone

Unless approved by Customs, goods shall not be transferred from one premise to another, within a Free Zone.

A licensee who intends to remove goods from a Free Zone shall declare such goods.

Article 78: Hazardous or deteriorated goods

Goods which constitute a hazard or which require special installations shall be admitted to specially designed installations in a Free Zone.

Customs may on application and at the expense of a licensee re-assess the value of goods which deteriorate or are destroyed in a Free Zone and the licensee shall be liable to pay duty at the rate in force at the time of importation.

Where Customs is satisfied that a licensee is responsible for the deterioration or destruction of the goods, the application referred to in paragraph (2) shall not be allowed and the licensee shall be liable to pay duty at the rates in force at the time of importation.

Where a licensee intends to destroy any goods, he or she shall apply to the Customs and the goods may be destroyed or disposed of in such manner as the Customs may direct in consultation with competent authorities where necessary.

Article 79: Goods not to be removed

A licensee whose license expires or is revoked shall not remove goods from the Free Zone unless he or she satisfies Customs that all duties payable in respect of such goods have been paid.

Goods left in a Free Zone by a licensee whose license expires, or is revoked, shall within thirty (30) days of the expiry or revocation of the license be re-exported or be declared for home consumption.

Goods which remain in a Free Zone after the period provided for above shall be deemed to be abandoned and shall be disposed of in such manner as Customs may direct.

Article 80: Declaration of goods remaining in the Free Zone

A licensee shall submit to the Customs officer a monthly return of goods remaining in the Free Zone, in the prescribed manner, on or before the tenth (10th) day of the following month.

Where a Free Zone is closed, a licensee shall be given such time as the Commissioner may determine, to remove his or her goods to another Free Zone or to place them under another Customs procedure.

Article 81: Licence for manufacturing under bond for home use

An application to license premises as a bonded factory shall be made to Customs, using a prescribed form.

The application under paragraph (1) shall be accompanied by a plan of the premises.

Customs may issue a licence for a bonded factory where Customs is satisfied that the location and construction of the premises and the accommodation in the premises, is suitable for use as a bonded factory.

An approved bonded factory shall be issued a licence.

Article 82: Licence fees

The annual licence fee for a bonded factory shall be three hundred thousand rwandan francs (300,000 Rwf).

Where a licence is issued in the course of a Calendar year, the licence fee shall be computed on a *pro rata* basis.

Article 83: Security bond for bonded factories

A licensee of a bonded factory shall execute a security bond determined by Customs.

Article 84: Alterations to bonded factories

A person shall not make any alterations to a licensed bonded factory without the written permission of Customs.

Article 85: Death of licensee or surety

The death of a licensee of a bonded factory, the commencement of bankruptcy proceedings against a licensee or any other change in the circumstances, which renders a licensee unable to honor the bond, shall be reported immediately to Customs, by the surety of the licensee.

The death of a surety of a bonded factory or the commencement of proceedings against a surety or any other change in the circumstances which renders the surety unable to honor the bond shall be reported immediately to Customs, by the licensee.

Article 86: Bonded factories to be noticeable

The words « Customs Bonded Factory » shall be clearly marked on the principal entrance to the customs bonded factory or in any other place as Customs shall approve and shall be removed when the customs bonded factory ceases to be licensed as such.

Article 87: Record of manufactured goods

All manufactured goods shall be recorded in a register.

The goods to which paragraph (1) applies shall be stored in the « Manufactured Goods Stock Room» until they are assigned a new Customs procedure, removed to another bonded factory or dealt with as Customs may allow.

A manufacturer of goods in a bonded factory shall keep registers referred to in paragraph (1) for inspection by the customs officer.

Article 88: Declaration of goods at the closure of a bonded factory

Where a bonded factory is closed, any goods remaining in the bonded factory shall be declared within thirty (30) days under another customs procedure, as Customs may direct.

Article 89: Consigning goods used in manufacture under bond

Goods declared for manufacture under bond, and goods declared for removal from a bonded factory to another, shall be consigned to the care of the Customs officer of the bonded factory at which they are to be used for manufacture and the cargo receipt and other relevant documents shall be conspicuously marked, "under bond".

On receipt of goods in a bonded factory, the Customs officer shall take an account of the particulars of the goods, whether or not any account was previously taken and shall enter the account of the particulars in a receipts and deliveries register.

On receipt of goods in a bonded factory, the licensee shall :

1° record the imported goods in the imported machinery and materials register; and

2° record locally obtained goods in the local machinery and materials register.

Article 90: Licensee to submit returns

A licensee of a bonded factory shall submit a return of goods remaining in the bonded factory to the Commissioner, for the period up to the 31st of December of each year.

The return of goods referred to in paragraph (1) shall be submitted to Customs by the 31st January of the following year.

Article 91: Manner of dealing with waste and rejects

A manufacturer of goods in a bonded factory shall enter particulars of the waste and rejects to which paragraph (1) applies, in a waste and reject register.

Article 92: Declaration of manufactured goods

Goods manufactured under bond for home consumption or export shall be declared.

Article 93: Removal of goods from the bonded factory

Removal of goods from the bonded factory shall only be made in the presence of the Customs officer after the goods are duly declared for exportation or home consumption.

The goods for exportation shall be transported directly to the point of final exportation upon execution of a bond.

Article 94: Goods not to be warehoused

The following goods shall not be warehoused in a public bonded warehouse:

- 1° all acids which may constitute danger for personnel or goods placed in the customs bonded warehouse;
- 2° arms, military explosives and fireworks;
- 3° chalk;
- 4° Cement;
- 5° dried fish;
- 6° chemical and sulphur- content matches;
- 7° fertilizers;
- 8° salt;
- 9° live animals;
- 10° goods which are prohibited;
- 11° perishable goods;
- 12° combustible or inflammable goods except petroleum products for storage in approved places;
- 13° any other goods which Customs may gazette.

Article 95: Refusal of goods to be warehoused

Goods to be warehoused shall be securely packed and where any goods to be warehoused are found by a Customs officer examining them to be insecurely packed, the Customs officer may refuse the goods from being placed in a warehouse.

Where a Customs officer refuses to permit any goods to be placed in a warehouse, the warehousing declaration shall be deemed to be void, and the goods shall be deemed not to be declared.

Article 96: Furnishment of security bond

In the case of warehoused goods declared for exportation, the owner shall furnish a security bond.

This provision shall not apply in respect of goods sold from a duty free shop to a departing passenger.

Article 97: Acceptance by warehouse Manager

Declarations of goods for warehousing, for removal or for re-warehousing, other than declarations in respect of goods to be warehoused or re-warehoused in a bonded warehouse licensed for use by the owner of the goods, shall not be accepted by a Customs officer unless the warehouse manager signifies in writing that he or she agrees to accept the goods into the warehouse for which they are declared.

Article 98: Responsibilities of a warehouse Manager

The warehouse manager shall fulfill the following responsibilities:

- 1° To provide suitable office facilities, accommodation where necessary, transport and equipment required by the Customs officer in charge so as to enable him to perform his duties effectively;

- 2° To stack and arrange the goods in the bonded warehouse in a proper way to fasten efficient access to them at any time by the Customs;
- 3° To provide all necessary labour and materials needed for treatment, sorting, packing, examining, weighing and storing;
- 4° To ensure that packages containing warehoused goods are in proper state;
- 5° To provide his own lock and key for securing the doors of his bonded warehouse;
- 6° To make an arrival notice of goods warehoused.

Article 99: Responsibilities of Customs

The Customs shall fulfill the following responsibilities:

- 1° To ensure that, all goods entered for warehousing are deposited into the warehouse;
- 2° To ensure that the warehouse manager gives delivery of goods only against approved security;
- 3° To ensure that the arrival notice (Avis d'arrivée) are kept securely, properly maintained and up to date all the times;
- 4° To ensure weekly submission of the certificate of receipt;
- 5° To ensure that the warehouse keeper complies with all provisions related to warehousing of goods as per the Law;
- 6° To notify the Customs of the failure to deposit goods so entered within the prescribed period;
- 7° To ensure proper stacking of goods in the warehouse so that stocks can be easily and quickly checked;
- 8° To ensure that proper stack cards are prepared for each consignment and to report immediately to Customs any negligence on the part of the warehouse licensee in fulfilling his/her statutory obligations;
- 9° To ensure that all damaged and stack packages are reported at once in view of speedy repair;
- 10° To ensure that the entrance of the bonded warehouse is double locked by a Customs and warehouse manager's lock.

Article 100: Conditions of repacking in the warehouse

Where any goods are warehoused, Customs may:

- 1° permit the goods to be repacked, bulked, sorted, lotted or packed;
- 2° permit the assembly or manufacture in the warehouse of any article consisting wholly or partly of the goods; and for that purpose Customs may permit the receipt in a warehouse, of duty free or locally produced articles required as components of the article to be assembled or manufactured in the warehouse.

The owner of the goods shall observe all the requirements as may be determined by Customs in regard to opening, removing, marking, stacking, sorting, weighing, measuring, packing, repacking, bulking, lotting and sealing the packages in which the goods to be repacked are, or are to be contained, and as to the payment of duty on the goods or any part of the goods.

Article 101: Transfer of ownership of goods

Where the owner of any goods deposited in a warehouse desires to transfer them to another person, such persons shall each fill and sign a prescribed form of transfer.

Article 102: Transfer of goods from one warehouse to another

Goods declared for warehousing may be transferred from one licensed warehouse to another after making a declaration. Such goods shall be recorded by the Customs officer in charge of the warehouse in which the goods are transferred.

Article 103: Licensing for bonded warehouse

An application for the licensing of any premises as a bonded warehouse shall be made on a prescribed form and the applicant shall specify whether the application is for a private or public bonded warehouse.

The application referred to in paragraph (1) shall be accompanied by a plan of the premises and its location in relation to other premises.

Customs may, issue a licence under paragraph (1) upon payment of a licence fee and where he or she is satisfied that the situation, construction of and accommodation in the premises proposed are suitable for use as a bonded warehouse.

Approved bonded warehouses shall be issued a license.

Private bonded warehouses are for raw materials, motor vehicles, pharmaceutical products, duty free shops, petroleum products and any goods approved by Customs.

Article 104: Execution of a bond

A licensee of a bonded warehouse shall execute a bond prescribed by Customs

Article 105: Alterations to a bonded warehouse

A person shall not make any alteration to a private bonded warehouse without obtaining the permission of Customs.

Article 106: Death of the licensee or surety

The death of a licensee of a bonded warehouse, the commencement of bankruptcy proceedings against a licensee or any other change in circumstances which renders a licensee unable to honour a bond shall be reported immediately to the Customs by the surety.

The commencement of bankruptcy proceedings against a surety or any other change in circumstances which renders a surety unable to honour a bond shall be reported immediately to the Customs by a licensee.

Article 107: Bonded warehouses to be marked

Bonded warehouses shall be distinguished by marks.

The words « Customs Bonded Warehouse » shall be clearly marked on the principal entrance to the customs bonded warehouse or in any other place the Customs may approve and shall be removed when the customs bonded warehouse ceases to be licensed as such.

The words « Duty Free Shop » shall be clearly marked on the principal entrance to the duty free shop or in any other place the Customs may approve and shall be removed when the duty free shop ceases to be licensed as such.

Article 108: Licensee to submit records

A licensee of a bonded warehouse shall submit a record of goods remaining in the bonded warehouse to the Customs for the period up to the 31st day of December of each year.

The record of goods referred to in paragraph (1) shall be submitted to Customs by the 31st of January, of the following year.

Article 109: Removal of goods when bonded warehouse is closed

Where notice of closure of a bonded warehouse is given by Customs to an owner of any goods warehoused, the owner shall, within the period specified in the notice, declare the goods for home consumption, exportation, or transfer to another bonded warehouse.

Goods which are not declared as required under paragraph (1) shall, on the expiry of the specified period, be considered as abandoned.

Article 110: Customs warehouse rent

Rent shall be charged on goods deposited, or deemed to be deposited, in a Customs warehouse at a fee equivalent to that is charged by the public warehouse.

Article 111: Customs may waive rent

Customs may waive the whole or any part of the rent charges on request and provision of justifiable reasons by the owner of the goods.

Article 112: Rent to be paid before release of goods

All rents and charges on goods deposited, or deemed to be deposited in a Customs warehouse shall be paid before the release of the goods.

Article 113: Customs premises deemed to be Customs warehouses

Where at any place in the customs territory where a Customs officer is stationed, a building has not been specifically approved by Customs for use as a Customs warehouse, any Customs premises or any premises occupied and administered by the Customs shall be deemed to be a Customs warehouse.

Article 114: Application for Duty drawback

Drawback is granted on inputs used in production of exported goods, upon application to Customs by the person concerned.

Article 115: Stock records

An applicant of duty drawback shall keep the following records:

1° the applicant is required to keep a register of the stored raw materials;

2° a register of manufactured products.

The applicant shall include in the register, the type and quantity of the raw materials used in the production of the exported products.

Article 116: Duty Drawback requirements

A person who intends to claim duty drawback shall register with Customs and shall provide particulars and supporting documents as Customs may require.

The claim for duty-drawback shall be made on a prescribed form and shall be accompanied by-

- 1° a goods declaration from the country of export;
- 2° records referred to in 115;
- 3° a signed claim form bearing the printed personal names of the authorized offices of the exporter or agent;
- 4° proof of payment of duties and taxes on imported inputs;
- 5° any other documents Customs may require.

Article 118: Refusal to grant duty drawback

Duty drawback shall not be granted on tax exempt materials used in the production of exports or for damaged or spoiled goods before exportation.

Article 118: Basis of payment of duty drawback

Duty drawback shall be payable according to the actual quantity of goods exported.

Article 119: Conditions of granting duty drawback

Duty drawback shall be granted under the following conditions:

- 1° that the goods are not prohibited by any law from being exported or put on board of any aircraft for use as stores;
- 2° that the goods have been declared and the accompanying supporting documents deposited with Customs.
- 3° where Customs is satisfied that the particulars of goods are identical with the particulars contained in the declarations, invoices and other documents relating to the goods;
- 4° upon examination of the goods prior to exportation or use on board an aircraft by a Customs officer;
- 5° that the application is made within a period of twelve (12) months from the date the duty and taxes were paid;
- 6° that the Customs officer certifies on the export entry that the goods have been exported or used as stores on board an aircraft.

Article 120: Duty drawback refund

Customs shall process duty drawback refund claims within a period of thirty (30) days, from the date the request was made and subject to fulfillment of all requirements and conditions stipulated in articles 117 and 120.

Article 121: Standard exchange system for purposes of repair

The standard exchange system as stipulated in article 141 of the Customs Law shall be authorized by customs, where national goods temporarily exported for repair are replaced by similar products temporarily and upon fulfillment of the following conditions:

- 1° stating the Harmonized Systems code of the replacement product;
- 2° providing technical characteristics of the replacement products such as:
 - a. Serial or manufacturer's number;
 - b. Samples where applicable;
 - c. Affixing distinctive marks;
 - d. Other means of identification.
- 3° providing details of the planned activities as a result of using the replacement product;
- 4° stating an estimated period for use of the replacement product.

Article 122: The rate of yield requirements

When establishing the rate of yield Customs shall require the following information from the applicant:

- 1° quantity of compensating products;
- 2° customs value of the compensating products;
- 3° duty and tax rate of the compensating products;
- 4° total duties and taxes of the compensating products;
- 5° quantities of imported or exported goods used to produce compensating products;

- 6° rate of yield of each type of goods used to produce compensating products;
- 7° value of imported or exported goods used to produce compensating products;
- 8° duty and tax rate of the imported or exported goods used to produce compensating products;
- 9° total duty and taxes on imports or exports used to produce compensating products;
- 10° providing original copies of the import or export declaration.

Article 123: Determination of rate of yield and duty

When calculating the rate of yield and duty and where customs is satisfied with the accuracy of the information contained in article 122, Customs shall take the total duties and taxes of the compensating products less the total Duties and taxes on imports used to produce compensating products.

Article 124: Goods imported under the temporary importation regime

The temporary importation regime shall apply to the following:

- 1° commercial samples;
- 2° goods, including stage properties, imported for local exhibition or Entertainment;
- 3° vehicles and equipments imported for carrying out public works;
- 4° touring promotional material which are not prohibited;
- 5° vehicles and goods of a person intending to make a temporary stay in the Republic;
- 6° any other goods Customs may allow, subject to conditions he or she may impose.

Article 125: Request for temporary importation regime

A person who intends to import any goods under the temporary importation regime and is governed by a specific convention or is carrying out public works shall make an application to Customs.

The application mentioned in paragraph (1) shall provide:

- 1° the convention ratified by Republic of Rwanda;
- 2° contract of employees of the organization under the convention;
- 3° contract for carrying out the public works;
- 4° the full particulars of the goods imported, specifying the nature of the goods for the purpose of identification;
- 5° invoices or other documentary evidence of value shall be produced and attached to the application;
- 6° the approximate period of temporary importation.

The importer referred to in paragraph 2, (2°) and Article 124 (5°) for persons employed by Government and its institutions shall deposit a letter of guarantee to cover the duty and taxes on the goods signed by the organization and the line Ministry.

The importer referred to in paragraph 2, (3°) shall deposit an amount sufficient to cover the duty and taxes on the goods, or shall execute a security bond, as Customs may determine.

Article 126: Cancellation of security bond or refund

The security bond shall be cancelled or refunded upon re-exportation within the prescribed period as Customs may determine.

Article 127: Temporary importation of vehicles

A person who is not resident in the Republic of Rwanda and who intends to make a temporary stay in the country shall be granted temporary admission subject to their re-exportation, where that person imports:

- a. any road vehicle, including trailers, or cycle, and their accessories, for his or her use during the visit;
- b. any goods intended for his or her use, while in the customs territory but not for consumption; or
- c. any road vehicle, including trailers, designed for the transport of person for remuneration or for the industrial or commercial transport of goods.

With the exception of tourist vehicles covered under the «carnet de passage», authorization to enter the customs territory for vehicles on a temporary stay fulfilling conditions stipulated in Articles 128 and 129 shall be issued an entry permit by Customs at the point of entry.

Vehicles and goods imported under paragraph (1) shall be re-exported within a period of 15 days from the date of importation unless the importer satisfies to Customs that he or she is prevented from doing so by force majeure.

Vehicles and goods imported temporarily under specific convention shall be re-exported upon expiry of the contract.

Article 128: Authorization for temporary entry

A person mentioned in article 127 who imports a vehicle or goods under this provision shall be granted authorization for temporary importation if he or she:

- 1° satisfies the Customs that the vehicle and goods correspond in all respects with the description in the accompanying documents; and
- 2° proves that his or her principal place of business and residence is outside the Country;
- 3° proves that the vehicle is registered outside the country;
- 4° provides to the customs officer with a vehicle and the holder's identification documents.

Customs by written instructions determines the modalities of this regime and tariff of the entry and exit permits.

Article 129: Re-exportation of temporary imported goods

A person re-exporting a vehicle or goods under article 127 shall, before re-exportation produce the temporary importation papers and satisfy to a customs officer that the vehicle or goods to be re-exported correspond with the description of the vehicle or goods in the documents.

Article 130: Seizure of temporary imported goods or vehicles

Upon the expiry of the period granted to persons mentioned in article 127, Customs shall seize such goods or vehicles and released them on condition that:

- 1° duties and taxes due are paid;
- 2° they are to be exported.

Article 131: Security for temporary imported goods

A person importing goods other than vehicles under the temporary importation regime shall deposit with customs a sum or security equal to the duty chargeable on such goods.

Article 132: Refund of amount deposited

Where a customs officer is satisfied that the goods declared for exportation correspond in all particulars with the description in the form, and that they will be exported forthwith, the amount or security deposited shall be repaid or cancelled respectively.

Article 133: Declaration of goods in transit

Goods in transit to a foreign country shall be declared at the point of importation.

A licensed clearing agency or an owner in exceptional circumstances shall furnish a bond or any other security in such amounts as customs may require.

Article 134: Comprehensive guarantee or guarantee waiver

An importer shall be permitted to utilize a comprehensive guarantee upon fulfillment of the following conditions:

- 1° to have a good compliance record of the previous three (3) years;
- 2° the goods have to be continuously imported by the importer six (6) times or more in the past one (1) year;
- 3° importation of goods to the volume determined by Customs.

Customs may waive a transit guarantee on:

- 1° goods imported to rescue victims in natural calamities;
- 2° goods imported for humanitarian purposes by International organizations.

Article 135: Movement of goods in transit

Goods in transit shall be conveyed in authorized routes or routes approved by the Customs and the transit period in respect of the goods shall not exceed fifteen (15) days from the date of declaration or any further period as Customs may permit.

Article 136: Exports

Goods in exports to a foreign country shall be declared at the point of exportation, except:

- 1° samples with negligible value;
- 2° travellers' baggage.

Article 137: Exemptions

To be exempted from paying duties and taxes, imported goods mentioned in the article 1 of law n° 54/2006 of 31/12/2006 modifying and complementing law n°21/2006 of 28/04/2006 establishing the customs system shall fulfill the following conditions:

A) Personal luggage of travelers

1° Goods should be non-commercial personal effects;

- a. a photographic camera and normal accessories with a maximum of 12 plates or 6 rolls of film;
- b. a cinematographic camera and normal accessories with a maximum of 6 unused films;
- c. sporting machines and articles;
- d. a portable musical instrument;
- e. a pair of binoculars;
- f. a portable radio receiver, excluding radios intended for use in cars;
- g. a portable typewriter;
- h. small camping objects (small tent, sleeping bag, some cooking utensils, etc.);
- i. a portable sewing machine;
- j. a sound recording machine (Dictaphone, recorder, etc.) with tapes or disks;
- k. one smoothing iron, electric razors, electric devices, medical devices;
- l. small children's toys;
- m. a portable personal computer
- n. any other accompanied goods as Customs may determine.

2° Exemptions shall not be granted to frequent travelers.

B) Personal property

1. Goods

1° goods imported as personal property shall be non-commercial in nature;

2° exemption shall be accorded to Rwandese nationals who have resided outside the customs territory for an uninterrupted stay abroad of at least one (1) year, with an exception of Rwandan diplomats definitively recalled;

3° goods to be exempted shall be imported within a period of three (3) months in advance or after following the arrival of the applicant. Customs may authorize extensions;

4° applicants shall provide a recommendation from the Rwandan embassy where appropriate;

5° submission of the bill of lading or Airway bill proving that the goods to be exempt have been shipped from the applicants' previous place of residence;

6° submission of the applicant's passport;

7° submission of supporting documents proving persons' status abroad.

II. Vehicles

1° vehicles exempted as personal property shall be non-commercial in nature;

2° Only one (1) vehicle per family will be exempted.

a. Rwandese who have resided outside Rwanda for over three (3) years shall prove ownership of vehicle in their names;

b. Rwandese who have resided outside Rwanda for less than three years should prove registration of at least twelve (12) months;

3° submission of the original documents of the vehicle registration;

4° submission of the applicant's passports;

5° submission of supporting documents proving persons status abroad;

6° submission of documents establishing value of the vehicle;

7° submission of the bill of lading or Airway bill proving that the vehicle to be exempt has been shipped from the applicants' previous place of residence.

C) Goods imported for diplomatic missions, consulates and International Organisations

1° In as far as international organizations are concerned, the Convention under _____ which exemptions are granted should be ratified by the Republic of Rwanda;

2° the foreign members of diplomatic and consular corps and foreign personnel should submit a valid service card issued by Ministry of Foreign Affairs;

3° the foreign members of diplomatic and consular corps and foreign personnel should submit passports with valid visas;

4° the reciprocity principle shall be fulfilled and the exemption will be accorded based on the quotas established by the Ministry of Foreign Affairs;

5° the applicant requesting for exemptions under a specific agreement concluded between the Republic of Rwanda and foreign governments shall fulfil the following conditions:-

- a. submit copy of a valid agreement and a tender document where applicable;
- b. list of goods directly to be consumed and relevant to the needs of the project under exemption approved by a competent authority;

- c. approval of the exemption request by the line Ministry.

D) Consignments of negligible value

1° Goods whose total F.O.B value does not exceed one hundred thousand rwandan francs (100.000 RWF);

2° goods exclusively for the personal use of the consignee or his family, which do not by their nature or quantity, reflect any commercial intent.

E) Gifts with negligible value

1° The value of the gift does not exceed F.O.B one hundred thousand rwandan francs (100.000 RWF)

2° the gift has been sent from a private person abroad to another person within the Customs territory;

3° the gift is of a non-commercial nature;

4° exemptions shall not be granted to frequent applicants.

F) Educational, scientific, technological and cultural materials

1° The applicant should be an establishment having education, science, technology or culture in its attributions;

2° approval of the exemption request by the line Ministry;

3° scholastic supplies and equipment to educational institutions;

4° imported goods should be in the names of an institution with education, science, technology or culture in its attributions

5° objects of collection and artistic objects intended for museums, galleries or other approved public institutions, on condition that they are not for sale.

G) Information and Communication Technology Equipments

Should appear on the list established by the Ministry having Information and communication technology in its attributions.

H) Pharmaceutical products

1° Goods to be exempted should appear on the list established by the Ministry having Health in its attributions;

2° submission of a certificate of analysis from the exporting country;

3° submission of importation license from the Ministry of Health.

I) Instruments and apparatus intended for medical research, diagnostic or treatment

1° Goods to be exempted should be approved by the Ministry having Health in its attributions;

2° the applicant should be an establishment approved to carry out medical research diagnostic or treatment.

J) Equipment and instruments use in conserving and protecting the environment

- 1° The applicant should be an establishment approved to conserve and protect environment;
- 2° approval of the exemption request by the line Ministry.

K) Goods for charitable or philanthropic organisations

- 1° Submission of a valid certificate of incorporation from the competent authority;
- 2° submission of proof of donation;
- 3° donations must serve a social purpose to the population;
- 4° submission of bank transfer if donation is in monetary form;
- 5° submission of plan of action approved by the line Ministry.
- 6° goods for foreign charitable or philanthropic organisations not established in Rwanda shall be recommended by the line Ministry.

L) Articles intended for the handicapped persons

- 1° A certificate of infirmity issued by a specialised institution;
- 2° submission of a certificate of incorporation for specialized institutions or organisations and an approval from the line Ministry;
- 3° goods imported must be specially designed and related to the physical inability of the applicant.

M) Donations to the State or its institutions

- 1° Submission of a donation certificate;
- 2° donations destined to government institutions should be approved by their respective line Ministries.

N) Honorary decorations or awards

- 1° Decorations and awards should be as a result of an official international competition.
- 2° submission of official proof of participation in the competition.

O) Samples of negligible value

- 1° Provision of full particulars of the samples to be imported;
- 2° goods exclusively to be used as samples and which do not by their nature or quantity reflect any commercial intent;
- 3° samples should be of a negligible F.O.B value not exceeding one hundred thousand rwandan francs (100,000 Rwf);
- 4° Where the samples are of value higher than that mentioned in paragraph 3° above, the applicant shall request for approval from Customs.

P) Goods imported for examination analysis or Test purposes

- 1° The applicant should be an establishment approved to carry out examination analysis or tests for the specifically requested goods;
- 2° submission of an approval of the exemption request by the line Ministry.

Q) Articles imported for religious ceremonies

- 1° Imported goods should be in line with religious ceremonies or practices of a specific religion;
- 2° imported goods should not by their nature reflect any commercial intent;
- 3° submission of an action plan, describing goods to be imported and their respective quantities signed by the legal representatives of the respective religious bodies and approved by the line ministry.

R) Equipment for national Defense and national security

- Should appear on the list established by the Ministry of Defense and Security and approved by the Ministry having Finance in its attributions.

S) Reproductive animals

- 1° Submission of import permits issued on a case-by-case basis by the competent authority;
- 2° submission of health certification documents from competent authorities.

T) Solar energy equipment and accessories

Should appear on the list established by the Ministry having energy in its attribution.

U) Medical optical spectacles

- 1° Submission of an importation licence from the ministry having health in its attributions;
- 2° the applicant should be a registered optician;
- 3° goods imported must be specially designed as Medical optical spectacles.

V) Raw materials, Plant and Machinery

- 1° Plant and machinery categorised as capital goods in the tariff book,
- 2° goods imported as raw materials must be categorised as raw materials in the tariff book.

W) Agriculture inputs

- 1° Should appear on the list established by the Ministry having agriculture in its attributions;
- 2° importations should be by registered businesses;
- 3° submission of a certificate from the Ministry having agriculture in its attribution for farmers.

Article 138: Exemptions specific to registered Investors

A holder of a valid investment certificate shall benefit from incentives offered on imported materials in line with the area of investment and upon fulfillment of the following conditions:

(A) Industrial machine and raw material

- 1° Industrial machinery categorized as capital goods or valued at least FOB ten million rwandan francs (10,000,000 Rwf) and should be for industrial use;
- 2° Raw materials imported must be used directly in the manufacturing process;
- 3° industrial machinery shall be accorded to initial installation, renovation or expansion of investment.

B) Personal effects for Expatriates

- 1° submission of a valid contract of employment;
- 2° submission of work permit and valid visa issued by a competent authority;
- 3° vehicles exempted as personal property shall be non-commercial in nature;
- 4° one vehicle shall be granted per family.
- 5° Vehicles for expatriates shall be declared under the temporary importation regime

C) Equipment and materials imported by private educational Institutions

- 1° Submission of an act of incorporation issued by the Ministry having Education its attributions;
- 2° exemptions shall be accorded to initial investment, renovation or expansion of investment.

D) Hotel shuttles, refrigerated vehicles, means of transport for tourists, ambulances, funeral vehicles, fire extinguisher vehicles

- 1° Vehicles have to be manufactured for that specific purpose;
- 2° exemptions shall be accorded to initial investment and expansion of investment.

E) Private aircraft for tourist transport

Approval of exemption request from the Ministry having tourism in its Attributions.

F) Capital goods, equipment, raw materials and imported Goods by an investor in a Free Zone.

Submission of certificate of registration to operate in a Free Zone.

G) Veterinary equipment, medicaments, agricultural inputs, fishery equipment for investors in the agricultural and livestock sector

Submission of approval of exemption request from the line Ministry.

H) Hotel, tourist industry and amusement park equipment

1° Tourist establishments shall be rated at three (3) stars and above based on Competent Authority ratings;
2° goods to be exempted should appear on the list established by the Ministry having tourism in its attributions.

Article 139: Flat Rate for Investment Construction projects

Construction projects registered under Rwanda Investment Export Promotion Agency shall benefit from Flat Rate of 5% CIF in lieu of all customs duties and taxes on building and finishing materials, if it meets the following criteria:

- 1° a construction project worth the equivalent of one million and eight hundred thousand American Dollars (US\$1,800,000);
- 2° to be completed within a period of twenty four (24) months;
- 3° imported building and finishing materials must be those not produced locally to international standards or in line with developer's specifications.

Article 140: Abuse of exemption

Customs shall require the applicant to pay import duties, taxes and fines thereof, where exempted goods are used for any other purpose other than that which justifies the exemption.

Article 141: Suspension of debtor's obligation to pay duties

Customs may suspend the payment of duties and taxes where a refund claim on duties and taxes paid in error is made and such claim is above or equal to duties or taxes due and a final decision establishing the error payment is made.

Article 142: Suspension of payment of duties and taxes in case of seizure

Customs may suspend the payment of duties and taxes where:

- 1° goods of the debtor are seized with a view to subsequent confiscation;
- 2° value of seized goods is equal or above total duties and taxes due.

Article 143: Reward for informers

Persons providing information outside their areas of responsibility that contributes to establishing customs offences that leads to subsequent recovery of duties and taxes shall be granted a reward equivalent to ten per cent (10%) of duties and taxes recovered.

However, provisions in the above paragraph do not apply to Rwanda Revenue Authority employees.

Article 144: Waiver of customs fines

Customs fines may be waived due to substantial economic or financial hardship where:

1° The waiver is applied for in the note sent to the Commissioner General;

2° If the tax administration finds that the request of the taxpayer is founded, it makes a report to the Minister. The report is transmitted to the Cabinet in order to make decisions.

Article 145: Customs administrative measures

Customs may temporarily deny access to customs offices, bonded warehouses or temporary storage facilities under the following conditions:

- 1° where recidivism in committing Customs offences is established;
- 2° any other case as determined by Customs.

Customs may determine fines for tools or means of transport used in smuggling goods based on the value of goods and types of vehicle. However, the fine shall not exceed duties and taxes due

Article 146: Composition of the Appeals Commission

The Appeals Commission shall comprise of:

- 1° the Minister who is the chairperson;
- 2° Representative from the ministry of commerce;
- 3° Representative from private sector;

4° Representative from Rwanda Revenue authority

The Minister may appoint technical experts on a case-by-case basis.

Article 147: Abrogation of contrary provisions

All previous provisions contrary to this Order are hereby abrogated.

Article 148: Entry in force

This Order shall come into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Done at Kigali, on 09/05/2007

The Minister of Finance and Economic Planning

MUSONI James

(sé)

Sean and sealed with the Seal of the Republic:

The Minister of Justice

