

# **Implemental Regulations of the Law of Transit of Foreign Goods through the Territory of Islamic Republic of Iran**

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## **Chapter 1: Definitions and Generalities**

### **Article 1**

The terms used in the law of transit of foreign goods through the territory of Islamic republic of Iran (hereinafter called " the law") and in these implemental regulations are defined as following:

- A. "External transit declaration form" is a form printed by the customs of Islamic republic of Iran and used for declaring the foreign transit goods.
- B. Provisional declaration form for transit goods: is a printed form for the provisional declaration of goods which at its arrival is submitted to customs, port or airport by the conductor of transport vehicle or the representative of transportation company or the representative of railways, as the case may be.
- C. Declaration of transit goods: is the statement of goods, full description and specifications in the submitted declaration form which is resented to customs for the transit of foreign goods.
- D. Provisional declaration of transit goods: is the statement of goods' general specifications in the provisional declaration form for transit goods as presented to the customs.
- E. Delivery order of transit goods: is the document authorizing the delivery of goods to its owner or the transitor, which by due observance of pertaining criteria and regulations, is issued to customs office by the carrier or its representative.
- F. External transit permit: is the duplicate of external transit declaration form which is confirmed and issued by the customs offices.
- G. Bill of lading: is the document of goods' title which is issued by the carrier or its presentative upon receipt of the goods and indicates the carnage of specific goods from one point (origin of carriage) to other point (destination of carriage) by the agreed transportation means (ship, truck, train, airplane or a combination thereof) against specific freight.
- H. Electronic data: is the inforamatory text or file which is exchanged through computer nets, light disc or floppy disc for expediting the current works in connection with transit of goods under the internationally recognized standard and format, together with the application of security on this kind of files and the possibility of identifying the sender and the receiver.
- I. Guarantee: is cash deposit or bank letter of guarantee issued individually, or collectively, or insurance policy which is deposited with customs by transitor to secure performance of undertakings to the customs in connection with transit goods.

**Note:** the definition of other terms not mentioned in this article will be subject to the pertinent regulations.

## **Article 2**

The carriage of transit goods from the bounded territory of Islamic republic of Iran is not limited to a specific transportation means and their carriage by various means whether ship, truck, train, airplane and pipeline or a combination thereof (multi modal transportation) is allowed under the stipulations of these implemental regulations.

## **Article 3**

The concerned organizations may accept the documents and papers mentioned herein which can be exchanged electronically and such electronic documents have the same authenticity and credit as similar paper documents.

## **Article 4**

The customs is bound, within six months from the date of announcement by "the high council of transport co-ordination", to assign the required personnel in the transportation terminals, railway stations and airports which are recognized as customs' bonded areas. Provided that the necessary facilities such as office buildings and equipments, warehouses, open areas, loading and offloading means and governmental residential premises to the needed extent have been prepared at the proposal of customs department and approval by "the high council of transport co-ordination".

**Note 1:** The organization applying for establishment of the customs bonded area, will provide the above facilities.

**Note 2:** The customs may issue necessary license to real persons and legal entities who have the required possibilities for discharging, loading and warehousing of transit goods in the entry and exit customs houses.

## **Article 5**

Transit of goods from the territory of Islamic republic of Iran within the treaties and agreements made between the governments of parties will be subject to the same provisions that are mentioned in the agreements. Except when its entry is prohibited due to security and religious reasons.

**Note:** transit of goods originating from other countries that do not have transit agreement with the Islamic republic of Iran or the instances not observed in the agreements of the parties, will be subject to the law and these implemental regulations.

## **Article 6**

Within maximum 15 days after the approval of these implemental regulations, the list of prohibited goods will be prepared by "the state's security council" and approved by the council of ministers.

**Note 1:** Any increase or decrease in the announced items of the list will be subject to the approval of council of ministers, at the proposal of security council.

**Note 2:** The prohibition for transit of the items added to the list will come into forces months after its announcement.

### **Article 7**

Transit of the agricultural and live-stock products and the raw materials there of that by law require quarantine license, will be subject to obtaining of the said license. The list of the goods requiring live-stock and agricultural quarantine license. Will be made out by the relevant authorities and upon notification to the state transportation and terminals organization will be published for the information of transitors.

### **Article 8**

For the transit of following chemicals, explosives and narcotics the licence must be obtained from the below mentioned organizations:

A. Radioactive chemical element: Promethium, Polonium, Stat, Radon, Francium, Radium, Actinium, Protactinium, Neptunium, Americium, and the other elements with higher atomic number, as well as other radioactive materials in accordance with the list published by the nuclear energy organization of Iran, from the said organization.

B. Dynamite and other explosive material, such as wick, detonator, explosive and flammable capsules from the ministry of defense and logistics of the armed forces.

C. Narcotic and poisonous materials, saccharin and saccharin containing materials, bleu de methylene which have medical use, from the ministry of hygiene, treatment and medical education (department of control on the narcotic materials).

### **Article 9**

For the transit of foreign goods that require quarantine or issuance of license the ministries of agriculture and construction campaign shall at the shortest time issue the necessary license by providing the required facilities in the country's authorized borders.

### **Article 10**

The transit of foreign goods through the territory of Islamic republic of Iran shall be subject to depositing of guarantees as follows:

A. In respect of authorized goods an amount equivalent to the customs duties, taxes and charges that are levied on their final import.

B. In respect of prohibited and conditionally authorized goods an amount equivalent to customs duties, taxes, charges and triple value of the goods.

**Note 1:** In the event of non-exit of the transit goods and conformity of the case to the smuggling stipulations, regardless of the amount of deposited guarantee, the transportation companies or individual will be subject to punishments prescribed in

the relevant laws.

**Note 2:** The amount of guarantee deposited by the Iranian international transportation companies who hold license of operation issued by the ministry of road and transportation is equal to the customs duties, taxes and charges of transit goods.

**Note 3:** In cases where the transit goods is carried under written undertaking of the railways of Islamic republic of Iran up to the exit border and under international bill of lading, no cash guarantee is required.

**Note 4:** The guarantee under this article can be in cash deposit or, bank letter of guarantee. For the international transportation companies subject of note 2 of this article. in addition to the above mentioned items, collective tank guarantee letter or valid insurance certificates will be accepted instead of cash guarantee for transit of goods.

**Note 5:** Securing of guarantees in the above-indicated amounts shall not bar the collection of fines and other public dues according to the relevant regulations in case of offence or perpetration of smuggling.

#### **Article 11**

The foreign transportation vehicles including truck, bus, minibus, locomotive and rolling stock without cargo and passenger, as well as passenger cars which will transit through the territory of Islamic Republic of Iran with self-driving power and do not have internationally valid traffic documents, in case declared by one of the Iranian international transportation companies, shall be subject to regulations of transit goods as regard depositing of guarantee.

#### **Article 12**

All the organizations that are in charge of transit operations or formalities of foreign goods, such as the customs, ports and trucking terminals, railway stations, airports and banks must concentrate the pertaining works in one division or department as separated from other divisions, so that the formalities for external transiting of goods would be wholly completed in the said department as fast as possible and without interruption.

#### **Article 13**

The completion or change of packing of foreign transit goods and also their sampling at the written request of goods' owner or transitor, without change of quality of the good, is permissible in the customs area, under the customs continuous control. In such instances a detailed process verbal attached to the transit documents will be made and signed by the customs representatives and the transitor, as the case may be.

**Note:** In case transit goods are delivered to ports and shipping organization or to public warehousing and customs services company, the process verbal referred to in this clause must be signed (as the case may be) by the representatives of the

organization or the company.

#### **Article 14**

The custom offices and concerned organization will accept the written request of the goods' owner or the transitor with respect to transfer them from container to track, wagon, airplane and vice versa.

#### **Article 15**

When necessary to put any levies on the foreign transit goods "the state's transport and terminals organization" will consider the matter and with due regard to the reciprocal action of other countries towards transit goods of Islamic republic of Iran, will submit the appropriate proposal for such levies to "the high council of transport co-ordination" to be approved by the council of ministers.

#### **Article 16**

All organizations that have assumed duty with respect to the transit of goods. such as quarantine posts for livestock and agricultural products, order maintaining forces (police) etc. shall, while providing the necessary facilities, co-ordinate their working hours with those of relevant border customs offices and if necessary to be active day and night.

#### **Article 17**

Upon request of the international transportation company which has been previously introduced to the passport office by "the state's transport and terminals organization" the passport office is bound to issue within maximum 7 working days passport and exit booklet for the Iranian drivers applying for operation in the international routes.

**Note:** The ministry of information shall respond the answer to passport office's inquiry about the status of the drivers within 48 hours at the latest.

#### **Article 18**

Drivers of the trucks carrying foreign transit goods are bound to travel through the transit routes that are designated and announced by "the state's transport and terminals organization" in co-ordination with the ministry of interior.

**Note:** Order-maintaining forces will control trucks carrying transit goods along the route and in case of deviation will guide them to the designated transit routes.

#### **Article 19**

In the event that the order-maintaining forces stationed in the controlling posts along the transit route have strong suspicion of Smuggling as to the transit goods or observe the removal of the seal of the truck or the container or any kind of manipulation in the transit goods, breaking of the seal and inspection of the goods would be possible only

in the presence of customs representative and by issuance of process verbal.

**Note 1:** The removal of the seal, inspection of goods and issuing of the process-verbal will be carried out in the nearest customs house and if the transfer of vehicle containing the goods to the nearest customs house would be impossible, the order maintaining forces while guarding the transit consignment will apply to the nearest customs house for dispatch of a representative to the place where the transportation means is stationary. If upon inspection no suspicious case is observed regarding the container or transportation means and in the event of need to replace the transportation means the new vehicle, as the case may be, will be sealed again by the customs and through indicating the specifications of the new seal in the process verbal the permit for continuance of the journey will be issued, otherwise the matter will be dealt with in accordance with articles 43 and 44 of these regulations.

**Note 2:** The inspection procedures and affixing the new seal which ultimately culminates in the continuance of the journey shall not exceed 24 hours.

### **Article 20**

If the foreign transit goods arriving via land borders will pass through the customs directly and without discharging and loading operations, or arriving at one of the ports/customs houses by transportation means and are directly transferred to another means of transport for on carriage, such transit goods will not be subject to the payment of local insurance premium. In such cases if the goods receive damage, the customs will not be responsible.

### **Article 21**

If the foreign transit goods are offloaded in the customs and ports premises and areas and warehouse receipt is issued therefore, it will be subject to the insurance premium required for imported goods delivered to the customs.

**Note:** If the photocopy of insurance policy, valid during the external transiting of the goods, with a written undertaking and confirmation of its authenticity, is presented by the transitor to customs, the said goods will not be subject to local insurance premium.

### **Article 22**

Discharging, loading and storage charges of the transit consignment will be collected in accordance with the tariff to be formulated by "the high council of transport co-ordination" and approved by the council of ministers or "the high council of ports and shipping organization, as the case may be, with due regard to Article 30 Of "the law concerning the collection of some of government's incomes and its spending in specific cases", enacted in 1373 (1994).

**Note:** Until the designations of the said tariff the charges will be calculated and collected in accordance with the tariff of imported goods.

### **Article 23**

The foreign transit goods, in case of discharge at the entry customs areas, will be exempted from the warehouse charges for 5 days.

**Note:** In case of exceeding 5 days the warehouse charges will be collected for the whole period of stay.

#### **Article 24**

The legal feeds of stay of foreign transit goods in the country's customs precincts and areas is 4 full months, the commencement of which is the date of submission of transit good's provisional declaration and the manifest of the whole consignment or the date of issuance of relevant warehouses receipt.

**Note 1:** In the event of existence of reasons acceptable to the customs. Pursuant to the request of goods' owner or transitor, the above period is extendible for another 4 months, by payment of the relevant costs.

**Note 2:** The above period of time in the airports and railway stations is 30 days, which is extendible for additional 30 days. **Note 3:** Upon elapse of the legal stay period or its extension, the transit goods will be regarded as abandoned by a 20 days written notice of the customs and the matter will be dealt with by the relevant law.

#### **Article 25**

The perishable goods which are normally spoiled after being discharged in the open air and ordinary conditions, or normally start to decay and to decompose and the goods dangerous to keep, as well as live animals, shall immediately pass through the customs. Otherwise the customs or port will have no liability whatsoever in respect of their decay, deterioration or storing and by prior notice the goods will be declared as abandoned, accordingly.

**Note 1:** if the customs areas and precincts have not been equipped for the storage of such goods that should be kept in refrigerating rooms, the customs may refrain from acceptance of such goods in its areas and precincts, in which case the transitor must quickly have the goods transited or transferred under the customs supervision to refrigerating rooms at its own responsibility and with observance of other regulations.

**Note 2:** In case storing requirements for each of the goods mentioned in the article are provided in the customs areas and precincts, the said goods will re excluded from this article's coverage.

### **Chapter 2: General conditions**

#### **Article 26**

The foreign transit goods can pass through the country's territory in the following ways:

- A. Direct transit abroad from the territory of Islamic republic of Iran.
- B. Combined transport abroad from the territory of Islamic republic of Iran.

C. Storage in the safeguarded regions or customs areas and their gradual or in-whole carriage abroad.

**Note:** The implementation of operations relating to the classes (B) and (C) Of this article will be possible with due observance of the notes (2) and (3), Article 31 of these regulations. Article 27

The transitor shall submit to the customs the declaration form of transit goods in triplicate along with the necessary documents.

### **Article 28**

Upon receipt of declaration and completing the relevant formalities, the customs will immediately sign and stamp the transit license and hand it over to the transitor.

### **Article 29**

The necessary documents attached to the transit declaration are:

A. For the goods arrived by land:

1. C. M. R in case of submission of photocopy, the presentation of its ordinal to the transiting customs is obligatory for the purpose of certification and confirmation.
2. Photocopy of invoice.
3. Photocopy of packing list in cases of nonuniform commodity.

B. For goods arrived by sea:

1. A copy of bill of lading.
2. Delivery order of transit goods.
3. Photocopy of invoice.
4. Photocopy of packing list in cases of non-uniform commodity.

C. For goods arrived by train:

1. Bill of lading or its photocopy confirmed by the Railway Company of Islamic republic of Iran.
2. Photocopy of invoice
3. Photocopy of packing list, if necessary.

D. For goods arrives by air:

1. Airway bill or its photocopy verified by the concerned airline or its agent.
2. Photocopy of invoice.
3. Photocopy of packing list, if necessary.

**Note 1:** In cases where the external transiting of goods is conditioned to obtaining of the license submission of same at the time of declaration for its transit is necessary.

**Note 2:** The manifest of foreign transit consignments that arrive by boat or barge is accepted in lieu of bill of lading.

**Note 3:** Trucks carrying transit goods under T. I. R carnet are allowed to pass by presentation of T. I. R carnet and C. M. R without the need to fill in declaration form and to deposit guarantee.

### **Article 30**

Acceptance of a single declaration for transit of consignments of one bill of lading covering a variety of goods as well as acceptance of a single declaration for the transit of Consignments contained in one transportation vehicle covered by several bills of lading is free of objection.

### **Article 31**

The formalities pertaining to the transit of foreign goods from the country's territory must be effected at the first authorized entry customs.

**Note 1:** In order to have accessed the specifications of goods for the purpose of declaration, the transitor may request the customs to allow the conduct of survey of consignment under the customs supervision and to note down the necessary particulars. The customs will agree to this request.

**Note 2:** If at the request of transitor, the foreign transit goods, prior to being carried abroad are transferred to and discharged in one of the inland customs areas or precincts allocated for this purpose, the issued transit license will be liquidated according to the regulations and at the time of continuance of the journey the transit formalities will resume from the same inland customs.

**Note 3:** In case the transport vehicle of transit goods is changed by direct transfer of the consignment in the inland destination customs houses, the liquidation of license will not be needed and it will remain valid until the exit of goods from the country. A copy of the process verbal showing the direct transfer to have been effected by the carrier of the goods will be submitted or sent to the customs of destination.

**Note 4:** The customs of Islamic republic of Iran will release the list of customs offices that are authorized to carry out the formalities relating to transit of foreign goods through the country's territory.

### **Article 32**

In cases where the foreign transit consignments are discharged in the customs areas and precincts the presentation of warehouse receipt and the documents enumerated in the Article 29 of these regulations are necessary for the transit procedures as the case may be.

### **Article 33**

The foreign transit goods do not need to receive the laboratory's views and also the license of Iranian standard organization.

**Note:** In the events of strong suspicion, at the customs' discretion there will be no objection to laboratory's judgement.

### **Article 34**

The containers carrying foreign transit goods are considered as the goods-holder and do not need separate declaration. But, the International transportation companies may, at the time of arrival and for facilitating the movements (multiple entry and exit) of these containers, apply for the temporary import permit for container and the customs is bound to accept it.

### **Article 35**

In respect of uniform consignments the discharge of which takes a long time because of their large quantity and volume the acceptance of declaration will not depend on the completion of discharge operations and for such consignments the transitor may submit the declarations form upon arrival and proceed for the customs formalities.

**Note:** In regard to the consignments arrived by boat and barge that lack bill of lading, each of the items indicated in their manifest will be subject to the facilities of this article.

### **Article 36**

Should it be observed that the goods which have been declared to the entry customs for the purpose of transit from country's territory do not exist or are short, a process-verbal will be made and the submitted declaration, as well as the transit license will be corrected accordingly and the goods will get transited.

### **Article 37**

The entry customs, in co-ordination with and based on the opinion of the state's transport and terminals organization and with due regard to distance, road conditions, season of the year and type of transportation means, will designate, with notification in the transit license a time limit for the carriage of transit goods from the entry up to the exit customs or the customs of inland destination.

**Note 1:** The time limit indicated in the foreign transit license will be computed as of the time the goods leave through the exit gate of customs areas or precincts.

**Note 2:** In the event that transportation vehicle carrying the transit goods is stopped across the route for technical defects or other reasons justifiable to the customs, the stoppage causing the time limit indicated in the license to expire, the driver of transportation vehicle or the transitor must - before the expiry of the time limit-report the case to the customs nearest to the place of truck's stoppage or the customs of designated destination in the country's territory.

**Note 3:** The customs nearest to the place of truck's stoppage upon receiving the report shall consider the matter and promptly notify it to the entry and exit customs.

**Note 4:** However, upon resolving the problem, the driver or transitor of the vehicle shall immediately have it dispatched to the destination.

### **Article 38**

Across the carriage route the transit license must be with the transportation means that carries the foreign transit goods. Note: In the event where the foreign transit goods indicated in a license are carried by more than one transportation means, the customs supervising the transit must indicate and certify the particulars of transiting consignment, transportation means and the number of the seal in the reverse side of the photocopy of transit license and submit it to the transitor in order to be kept across the route with the transportation means. In such instances the original license will be carried with the last transportation means and submitted to the exit or destination customs.

The above mentioned photocopy across the route will be regarded as the original for the order-maintaining forces and will be valid for the inland destination and exit customs for relevant operations.

### **Article 39**

At the time of arrival of foreign transit goods, in the exit or inland destination customs, the transitor or its representative must submit to the said customs the transit license or its photocopy which according to the provisions of Article 38 of these regulations, has been certified and kept with the transportation means carrying the goods.

### **Article 40**

The exit or inland destination customs, upon brief inspection and checking the intactness of the seal and if necessary by checking the good's apparent specifications with the contents of the license or its certified photocopy, will issue the permit for exit from the border or discharge of the goods.

### **Article 41**

After exit or discharge of the goods in the inland destination or exit Customs, the concerning customs will immediately confirm, sign and stamp the facts on the overleaf of the transit license or its certified copy and after having it recorded in the relevant books and filed, will notify the entry customs by facsimile or other communication, electronic, satellite and computer means and hand over the copy to the transitor or its representative. However, final liquidation depends on presentation of the original transit license.

### **Article 42**

The customs issuing the foreign transit license shall, upon receipt of final confirmation form the inland destination or exit customs advising arrival, delivery or exit of the transit goods, consider the transitor's obligations as ended and shall return or liquidate the guarantee.

### **Article 43**

Whenever the inland destination or exit customs encounters removal of the seal or the probability of its manipulation, it must inspect the consignments in the presence of driver and transitor's representative, checking it against the transit license.

Subsequently, if no ill faith or discrepancy is proved the permit for good's exit or discharge will be issued, otherwise the matter will be examined according to the law and regulations.

#### **Article 44**

If the custom's seal has been deliberately broken or the foreign transit goods manipulated the perpetrator(s) will be prosecuted according to the law concerning smuggling. Furthermore, if this action becomes subject to another penal act, the perpetrator(s) will be also punished accordingly.

#### **Article 45**

In case the conviction of real persons and legal entities by the Competent court becomes final and the perpetrator(s) are subject to further restrictions or deprivations in accordance with the country's prevailing laws and regulations, they will also be dealt with accordingly.

**Note:** In the events where, by the discretion of judicial authorities, the transitor has not participated in smuggling or other violations of law, he will be acquitted of any restrictions or fines.

#### **Article 46**

The drivers of transportation vehicles containing the foreign transit goods shall carry the consignment to inland destination or exit customs without any manipulation and within the time limit prescribed in the transit license.

Hassan Habibi (First Deputy of the President) published in the official news paper of Islamic republic of Iran, on December 31, 1998.