

Law No. (16) For The Year 2000
A Law Amending the Customs Law

Article (1):

This Law shall be named (The Law Amending the Customs Law for the year 2000) and shall be read in conjunction with the Law No. (20) for the year 1998 and its amendments, referred to hereinafter as the Original Law. This Law shall come into force sixty days after its publication in the Official Gazette.

Article (2):

Article (2) of the Original Law shall be amended by repealing the definitions designated for the terms "identical goods" and "similar goods" and replacing them with the following: I, Identical goods: Goods, which are the same as the goods being valued in all respects, including physical characteristics, quality and reputation, and country of production. Minor discrepancies in appearance shall not exclude goods otherwise conforming to the definition from being regarded as identical.

Similar goods: Goods of the same country of production, which although not alike in all respects, have like characteristics and component materials to the goods being valued, which enable them to perform the same functions and to be commercially interchangeable.

The quality of the goods, reputation and trademarks shall be taken into account in determining whether goods are similar.

Article (3):

Article (12) of the Original Law shall be amended by considering the text therein as Paragraph (A) and adding Paragraph (B) as follows:

B- Goods imported from a source other than the country of origin, and which are put up for domestic consumption in the source, shall be subject either to the customs tariffs applicable to the goods from the source, or to the tariffs applicable to goods from the origin, whichever is higher.

Article (4):

Article (15) of the Original Law shall be repealed and replaced with the following text:

Article (15): Upon decisions issued by the competent authority pursuant to the Laws and Regulations in force, the Customs Department shall:

- 1 - collect or refund anti-dumping and countervailing duties imposed on certain imported goods from certain countries in due time;
- 2 - implement any necessary measures, including the imposition of import quotas, to counteract measures (harmful to the national economy) taken by other countries.

Article (5):

Article (24) of the Original Law shall be repealed and replaced with the following text:

Article (24): The origin of imported goods shall be determined according to the following rules:

A- Goods are considered to be of origin of a given country if obtained wholly in the said country, which shall include the following:

- 1- mineral products extracted from the soil, territorial waters, or seabed of the said country;
- 2- vegetable products harvested or gathered in that country;
- 3- live animals born and raised in that country;
- 4- products obtained from live animals in that country;
- 5- fishing or hunting products of that country or its territorial waters;
- 6- maritime fishing products and other products obtained from the sea, outside a country's territorial water, by means of fishing boats registered in the said country, and raising its flag;
- 7- goods produced or procured aboard manufacturing ships from amongst the goods listed in sub-paragraph (6) of this Article, provided such ships are registered in the country of origin of such goods, and raise its flag;
- 8- products taken from the seabed or the subsoil thereof outside territorial waters provided that the country has special rights to exploit the seabed or its subsoil;
- 9- items produced from the wastes of manufacturing processes and raw materials used therein, provided the wastes are collected there, and are fit only to be recovered as raw materials;
- 10- goods produced in the said country exclusively from goods referred to in sub-paragraphs (1 to 9) or from the derivatives thereof, and at any production stage.

B- Goods are considered to be of origin of a particular country if they are wholly produced in that country from materials resulting from a process of substantial transformation, in accordance with Paragraph (C) of this Article.

C- The origin of goods produced by more than one country shall be the country where the last substantial transformation occurred.

Transformation shall be considered substantial in any of the following two cases:

- 1- If there is a change in the six digit tariff classification of the goods, from the classification of each of its components;
- 2- If the added value is at least equal to 40 % of the value of the good ex-factory level. For this purpose:

-Value added shall mean the value of the goods at the exfactory level, less the customs value of all foreign inputs of productions used in the production of the goods.

-The value of goods ex-factory shall mean the price actually paid or payable for the goods ex-factory less the amount for any taxes or fees refundable, or which may be refunded upon export.

D-Notwithstanding what is stated in sub paragraph (1) of Paragraph (C) of this Article, the change in customs classification as a result of one or more of the following operations, whether carried out separately or jointly, shall not be considered substantial transformation:

- 1- operations carried out to insure that the products are preserved in good condition for purposes of transport or storage;
- 2- operations carried out to facilitate shipment of goods or transportation thereof;
- 3- operations carried out to package goods or to prepare the goods for sale;
- 4- simple operations on goods, including: ventilation, spreading out, drying, cooling, removal of damaged parts, greasing or rust removal, adding a coat of paint to protect against natural elements, removal of rust, washing, cleaning, sifting or

screening, sorting or classifying, scaling, testing or calibration, packaging or breaking up of assembled packages or repackaging, dividing the bulks, affixing marks and labels and other distinguishing signs on the packages of goods, dilution by water or any other aqueous solution, ionization, salting, peeling, crushing, removal of seeds from fruits, and slaughtering of animals.

Article (6):

Article (25) of the Original Law shall be repealed and replaced with the following text:

A -1: If an importer or exporter or any interested party, submits a written request to the Department, for the determination of nonpreferential origin for a given good, upon good cause shown, the Department shall determine the origin without delay and within a period not exceeding 150 days as of the date of submitting the request, provided all the information specified in Instructions issued by the Director for this purpose is furnished with the petition.

2- Applications for determination of origin may be accepted at any time whether prior to commencement of trading in such goods, or at any time thereafter.

3- The decision regarding the determination of the non-preferential origin mention in sub-paragraph (1) of this Paragraph shall be valid for 3 years, provided the facts, circumstances and conditions on which the determination is based, including the rules of origin, remain similar.

4- Any administrative measure taken by the Department with respect to determination of non-preferential may be challenged before the Director within 10 days of notification thereof. The Director's decision may in return be challenged before the Custom's court within fifteen days from the date of its notification.

5- The decision shall be nullified ipso jure if the Department issues a contrary decision subsequently, provided that all concerned parties are notified in advance.

6- Subject to the provisions of sub-paragraph(7) of this Paragraph, the Department shall publish the decisions regarding determination of nonpreferential origin in the Official Gazette.

7 - For the purposes of application of non-preferential rules of origin, the Department shall not disclose any information which is confidential by nature or which is submitted on a confidential basis, without the written permission of the person or the entity submitting such, except for information the disclosure of which is requested by a judicial authority.

B- Without prejudice to relevant legislation, the Department shall not apply any new rules of origin or amendments to non-preferential rules of origin retroactively.

Article (7):

Article (27) of the Original Law shall be amended by considering what is stated therein as Paragraph (A) and adding Paragraphs (B) and (C) thereto as follows:

B-The provisions of Article (25) of this Law shall apply to preferential rules of origin, mutatis mutandis.

C-For the purpose of this Article and Articles (24), (25) and (26) of this Law, rules of origin shall mean the criteria on the basis of which the country of origin of the goods is determined, in accordance of the provisions of the said Articles, or international agreements to which the Kingdom is party.

Article (8): Article (28) of the Original Law shall be amended as follows:

First: By repealing the introduction of Paragraph (A) and replacing it with the following:

A-(The customs value for goods imported into the Kingdom shall be the transaction value, that is the price actually paid or payable for the goods when sold for exportation to the Kingdom, subject to the provisions of Paragraph (F) of this Article and the following conditions.)

Second: by adding the following phrase at the end of sub-paragraph (4) of Paragraph (a) (If they are related, the transaction value shall be accepted for Customs purposes, according to the provisions of Paragraph (C) and (D) of this Article.)

Third: by repealing the text of fails to notify the Department sub-paragraph (4) of Paragraph (B) and replacing it with the following:

4- If another person owns, or holds or controls directly or indirectly not less than 5% of the voting stock or shares of both of them.

Fourth: by repealing the word (supervises) in sub-paragraph (5) of Paragraph (B) and replacing it with the word (controls).

Fifth: by repealing the word (supervision) in sub-paragraph (6) of Paragraph (B) and replacing it with the word (control).

Sixth: by repealing the word (supervising) in sub-paragraph (7) of Paragraph (B) and replacing it by the word (controlling).

Seventh: by repealing the text of Paragraph (C) and replacing it with the following:

C-I- In determining whether the transaction value is acceptable for the purposes of Paragraph (A) of this Article, the fact that the buyer and seller are related within the meaning provided in Paragraph (B) shall not in itself be grounds for regarding the transaction value as unacceptable. In such a case, the Department shall examine the circumstances surrounding the sale and the transaction value shall be accepted provided that the relationship did not influence the price.

2- If the Department considers on the basis of information available to it, that there are grounds for considering that the relationship has influenced the price, the Department shall communicate its grounds to the importer, and the importer shall be given sufficient time to reply. If the importer so requests, the communication shall be in writing.

Eighth: by repealing the phrase (within 90 days before or after the importation date) which is stated in Paragraph (D) and replacing it by (at the same time to the extent possible)

Ninth: by repealing the text of Paragraph (E) and replacing it with the following:

H -1- In applying the tests mentioned in Paragraph (D) of this Article, due account shall be taken of demonstrated differences in commercial levels, quantity levels, and the costs

provided for in Paragraph (F) of this Article, and the costs incurred by the seller in sales in which the seller and the buyer are not related that are not incurred by the seller in sales in which the seller and the buyer are related.

2- The tests mentioned in this Paragraph shall be used at the initiative of the importer and only for comparison purposes, and may not be adopted as substitute values.

Tenth: by repealing the text of Paragraph (F) and replacing it with the following:

F- In determining the customs value according to the provisions of Paragraph (A) of this Article, the following costs shall be added to the extent that they are not included in the price actually paid or payable for the imported goods.

1- commissions and brokerage, except buying commissions;

2- the cost of containers which are treated as being part of the goods for customs purposes;

3- the cost of packing whether for labour or materials;

4- the value apportioned as appropriate of the following goods and services where supplied directly or indirectly by the buyer, free of charge, or at a reduced cost for use in connection with the production and sale for export to Kingdom:

- materials, components, parts, and similar items incorporated in the imported goods;

- tools and moulds used in the Production of the Imported goods;

- materials consumed in the production of the imported goods;

- engineering, development, artwork, design work, plans and sketches undertaken outside the Kingdom and necessary for the production for the imported goods;

5- royalties, and license fees related to the goods being valued that the buyer must pay either directly or indirectly as a condition of sale of the goods being valued to the extent that such royalties and fees are not included in the price actually paid or payable;

6- the value of any part of the proceeds of any subsequent resale, disposal or use of the imported goods that accrues directly or indirectly to the seller;

7 - the cost of transport of the imported goods to the border entry point.

8- loading, unloading, handling and insurance charges associated with the transport of the imported goods to the border entry point.

Eleventh: by adding the phrase (or the information therein) after the phrase (the authenticity of the submitted documents), in Paragraph (H) of Article (28).

Twelfth: by adding Paragraph (I) to Article (28) as follows:

I-The customs value shall not include the following charges or costs, provided that they are separate from the price actually paid or payable:

1. charges for construction, erection, assembly, maintenance or technical assistance, undertaken after importation of goods such as industrial plants, machinery or equipment;

2. cost of transportation after importation;

3. duties and taxes imposed in the Kingdom.

4. flow of dividends and other payments made by the buyer to the seller that are not related to the imported goods.

Article (9):

Article (29) of the Original Law shall be amended by deleting the phrase (and subject to the Department's approval) at the end of it.

Article (10):

Article (30) of the Original Law shall be repealed and replaced with the following:

Article (30): The customs value shall be :

A- the transaction value of identical goods sold for export to the Kingdom and exported, at or about the same time, in a sale at the same commercial level and in substantially the same quantity as the goods being valued. Where no such sale is found, the transaction value of identical goods sold at a different commercial level or in different quantities, adjusted to take account of differences attributable to commercial level or to quantity shall be used, provided that such adjustments are made on the basis of demonstrated evidence which clearly establishes the accuracy of the adjustment, whether the adjustment leads to an increase or decrease in the value, and with due account to the differences in costs mentioned in sub-paragraphs (7) and (8) of Paragraph (F) of Article (28) of this Law between imported goods and identical goods arising from differences in distance and means of transport. If, in applying this Paragraph, more than one transaction value of identical goods is found, the lowest such value shall be considered.

B- the transaction value of similar goods subject to the provisions of Paragraph (A) of this Article.

c- 1- If the imported goods or identical or similar imported goods are sold in the Kingdom in the same condition as imported, the customs value of the imported goods shall be based on the unit price at which the imported goods or identical or similar imported goods are sold in the greatest aggregate quantity, at or about the time of the importation of the goods being valued, to persons not related to the seller, subject to following deductions:

- either commissions usually paid or agreed to be paid, or additions usually made for profits and general expenses in Kingdom for imported goods of the same class or kind;
- the usual transport and insurance costs and costs associated therewith incurred within the Kingdom;
- customs duties and other taxes payable in the Kingdom by reason of importation or sale of the goods.

2- If neither the imported goods nor the identical or similar imported goods are sold at or about the time of importation of the goods being valued, the customs value shall be, subject to the provisions of sub-paragraph (1) of this Paragraph, based on the unit price at which the imported goods or identical or similar imported goods are sold in the Kingdom, in the same conditions as imported, at the earliest date after importing the goods being valued but before the expiration of 90 days after such importation. .

3- If neither the imported goods nor the identical or similar imported goods are sold in the Kingdom at the same conditions as imported, then, upon the importer's requests, the customs value shall be based on the unit price at which the imported goods, after further processing, are sold in the greatest aggregate quantity to persons in the Kingdom who are not related to the seller, due allowance being made for the value added by such processing and the deductions provided for in sub-paragraph (1) of this Paragraph.

D-1- The customs value of imported goods pursuant to the provision of this paragraph shall be based on a computed value, which shall consist of the sum of the following: -

- the cost or value of materials or other processes employed in producing the imported goods;
- 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 Kingdom;
- the wages, costs and expenses provided for in subparagraphs (7) and (8) of Paragraph (F) of Article (28) of this Law.

2- It shall not be required of any person not resident in the Kingdom to submit for examination, or to allow access to, any account or other records for the purposes of determining a computed value. However, the Department may for the purposes of determining the customs value under the provisions of this Article, verify information provided by the producer of the goods in another country with the producer's approval, provided sufficient advance notice is given to the government of the country in question and that the government does not object to the investigation.

Article (11):

Article (31) of the Original Law shall be amended as follows:

First: by repealing the text of Paragraph (A) and replacing it with the following text:

A - If the customs value is not determinable according to the provisions of Articles (28, 29, 30) of this Law, it shall be determined according to the data available in the Kingdom, by using reasonable methods consistent with the provisions of the above-mentioned Articles. The customs value shall not be determined on bases of the following:

- 1- the selling price in the Kingdom for locally produced goods;
- 2- the higher value among several values;
- 3- the price of the goods on the domestic market of the country of exportation;
- 4- the cost of production, other than the computed sum determined for identical or similar goods in accordance with the provisions of Paragraph (D) of Article (30) of this Law;
- 5- the price of goods sold for exportation to a third country other than Jordan;
- 6- arbitrary or fictitious values;
- 7 - the minimum customs value.

Second: by adding the phrase (pursuant to the provisions of Paragraph (A) of this Article) at the end of Paragraph (B).

Third: by adding Paragraphs (I) and (J) as follows:

1- Other provisions and conditions necessary for the implementation of Articles (28), (29), (30) and (31) of this Law shall be determined according to Instructions issued by the Director for this purpose.

J- For the purposes of customs valuation, the Department shall not disclose any information that is confidential by nature or which is submitted on a confidential basis without written permission of the person or entity submitting it, except for information the disclosure of which is requested by Judicial authorities.

Article (12):

Article (32) of the Original Law shall be amended as follows:

First: by considering the introduction as Paragraph (A), and renumbering Paragraphs (A) and (B) of the said Article as sub-paragraphs (1) and (2).

Second: by adding Paragraph (b) to this Article as follows:

(b) Other conditions and provisions necessary for the implementation of this Article shall be determined according to Instructions issued by the Director for this purpose.

Article (13): Article (41) of the Original Law shall be repealed and replaced with the following text: The importation of goods which constitute infringement on any intellectual property right subject to protection under the relevant Legislation in force, on the following basis:

A-I The right holder may submit to the competent court a petition with a cash or bank guarantee accepted by the court, to suspend release and clearance procedures for the

said goods, provided the petition is supported by sufficient evidence about infringement, and a detailed description of the infringing goods.

2- The competent court shall issue its decision with regards to the petition mentioned in sub-paragraph (1) of this Paragraph within three days of submission. The petitioner shall be notified of the court's decision within a reasonable period. The defendant may appeal the court's decision at the Court of Appeal within eight days from the day the decision is notified or communicated to the defendant. The Court of Appeal's decision shall be final. B- If the petitioner within eight days after being notified of the decision to suspend release and clearance procedures fails to notify the Department that a court case has been instituted, the goods shall be released provided it is established such goods legal requirement related to importation. C- C-The Competent Court may order the petitioner to pay to the importer, the consignee, and the owner of the goods an appropriate compensation for any injuries incurred as a result of suspending the clearance and release procedure, on a wrongful basis, or in the case of release of the goods pursuant to the provisions of Paragraph (B) of this Article. D- The Director or a deputy thereof may suspend clearance and release procedures of goods, if on the basis of prima facie evidence the Director or Deputy is satisfied that there is infringement on intellectual property rights related to Copyrights and Trademarks and according to the following provisions:

1- The importer and the right holder shall be notified of the decision to suspend clearance and release of goods if the address is known;

2- If the Department, within eight days of the date of notification of the right holder with the suspension decision issued pursuant to the provisions of this Paragraph, is not notified that a case has been instituted, the goods shall be released provided all legal conditions regarding importation are met.

3- The importer may challenge the decision issued pursuant to the provisions of this Paragraph at the Competent Court within eight days of being notified of the decision. The provisions of sub-paragraph (2) of Paragraph (1) of this Article shall apply.

E- The petitioner may inspect the goods subject to suspension of release and clearance procedures, under the Department's supervision, in order to substantiate the petitioner's claim.

F- Small quantities of goods of a non-commercial nature and personal items and gifts contained in travelers personal luggage or sent in small consignments, as well as goods in transit and goods which are placed in the markets of the exporting country by the right holder or upon permission thereof, shall be excluded from the provisions of this Article.

G- The Department shall not be liable to compensate the importer or the owner of the goods for any injuries resulting from suspending the release and clearance of the goods according to the provisions of this Article. H- For the purposes of this Article, the following phrases shall have the meanings assigned thereto hereunder:

I- Intellectual Property Rights: Copyrights and neighboring rights; Trademarks, Patents, Integrated Circuits Designs, Trade Secrets, Industrial Designs, Industrial Models, and Geographical Indications

2- The Competent Court: The Regular Competent Court according to the relevant legislation.

Article (14):

The text of Paragraph (A) of Article (161) of the Original Law shall be repealed and replaced with the following text: .

A - The following allowances shall be levied from the owners of goods

for the benefit of officials of the Customs Department and other Departments working therewith:

1 - (0.20%) of the value of the imported goods locally sold provided that this percentage is not less than (10) IDs and not more than (250) IDs.

2 - (20) IDs for each transit declaration.

3 - (15) IDs for each export or re-export declaration.

4- (3) IDs for each traveler luggage declaration.

Article (15) : Article (198) of the Original Law shall be amended as follows:

First: By adding Sub-paragraph (3) to Paragraph (A) as follows:

3- declaration of placement for consumption related to used non-commercial household furniture and utensils accompanied by those returning to the Kingdom for permanent residence which are in violation with respect to value, or quantity or kind.

Source:	World	Intellectual	Property	Organization
	http://www.wipo.int			