



ASEAN CUSTOMS TRANSIT SYSTEM (ACTS)

Procedures Manual for Principals and Transporters

Version 1 November 2018

“Towards greater connectivity, efficiency, integration, safety and sustainability of ASEAN transport to strengthen ASEAN’s competitiveness and foster regional inclusive growth and development”



ACTS | ASEAN CUSTOMS
TRANSIT SYSTEM



one vision
one identity
one community



Preface:

The purpose of this manual is to provide the guidelines and procedures for the Principals and Transporters of ASEAN Member States (AMS) to support the implementation and operation of the ASEAN Customs Transit System (ACTS). These guidelines will also support the implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit (AFAFGIT) as set out in:

- Protocol 1 (transit transport routes)
- Protocol 2 (frontier posts)
- Protocol 3 (types and quantity of road vehicles);
- Protocol 4 (the technical requirements of vehicles);
- Protocol 5 (ASEAN Scheme of Compulsory Motor Vehicle Insurance); and
- Protocol 7 (Customs Transit System).

This manual has been developed to enable uniform interpretation and application of the AFAFGIT Protocols 3, 4, 5 and 7, and serves both as an operational instrument and training tool.

See <https://acts.asean.org> for more information

REVISION HISTORY

Revision No.	Date	Description	Sections
1	26/08/2020	Update to cater for possibility that the Applicant Customs Authority may make a claim for Customs debt directly to the Guarantor bank, without going through the agent / correspondent bank	Appendix C page 86 Footnote no. 14 Appendix C page 88 Footnote no. 16



ACTS - ASEAN Customs Transit System

AEC - ASEAN Economic Community

AFAFGIT- ASEAN Framework Agreement on the Facilitation of Goods in Transit

AMS- ASEAN Member State

ARISE – ASEAN Regional Integration Support from the EU

ASEC – ASEAN Secretariat in Jakarta, Indonesia

FEU - Forty foot equivalent unit

GPS - Global Positioning System

GVP- Goods Vehicle Permit

LPTC - Land Public Transport Commission/SPAD

LTO - Licensed Transport Operator

NTTCC - National Transit Transport Coordinating Committee

NTFC - National Transport Facilitation Committee (Thailand)

RFID - Radio Frequency Identification

SOP - Standard Operating Procedure

TEU - Twenty foot equivalent unit

TFWG - ASEAN Transport Facilitation Working Group



TABLE OF CONTENTS

1. Introduction.....	2
2. Registering as a Principal under ACTS.....	4
3. Procedural Guidance for Principals.....	5
4. ACTS Client Trader User.....	10
5. Authorised Traders and Simplifications.....	15
6. CUSTOMS Office of Guarantee.....	16
7. Transit Accompanying Document (TAD).....	18
8. Diversion or non-delivery.....	20
9. Fallback procedure.....	22
10. Competent Authorities and Criteria for issuance of ASEAN Goods Vehicle Cross-Border Permit (AGVCBP).....	26
11. The Licensed Transport Operator.....	29
12. The ASEAN Goods Vehicle Cross-Border Permit.....	31
13. Applying for a ASEAN Goods Vehicle Cross Border Permit.....	32
14. ASEAN Goods Vehicle Cross-Border Permit – Issuing and Notification Procedures 33	
15. The ASEAN Goods Vehicle Cross Border Permit Sticker.....	35
16. Home Country Distinguishing Mark Sticker & Registration Plates.....	36
17. Documents to be carried on the vehicle.....	38
18. Operational transport procedures at borders.....	39
19. Vehicle specifications.....	40
20. Sealed Load Compartment or Containers.....	41
21. Road Traffic Rules.....	42
22. Transit Transport Routes.....	44
Appendix A Authorised Transit Traders – Conditions, Simplifications and Application Forms.....	45
Appendix B – ACTS Registration Forms -Person to register as a Principal in ACTS....	73
Appendix C – Claims and Recovery Procedures.....	77

1. INTRODUCTION

1.1 ASEAN Leaders' decision to create an ASEAN Economic Community (AEC) is intended to introduce free flow of goods, services, investment and skilled labour in the ASEAN region. For the AEC to take root, the establishment of a fully harmonised Customs and Transport environment for transit operations is of the highest priority.

1.2 The ASEAN Framework Agreement on Facilitation of Goods in Transit (AFAFGIT - Ha Noi, 1998) is the core instrument for the realization of these objectives, it encompasses nine high level Protocols that sets out generic standards to be put into place for the implementation of a regional transit system in ASEAN.

1.3 The practical objective of the AFAFGIT is the creation of a regional environment in which a vehicle operating under the transit system can move goods by road from a point of departure in any ASEAN Member State (AMS) to a point of destination in any other Member State via any number of transit countries without intermediate unloading and with minimal procedures at borders. Under the purview of Transport, the key Protocols of the AFAFGIT are Protocols 1, 3, 4 and 5, while Protocols 2 and 7 are under the purview of Customs.

1.4 In accordance with plans by AMS to activate AFAFGIT and its relevant implementing Protocols in ASEAN Customs Transit System (ACTS), this manual will support AMS to operationalise the AFAFGIT and its protocols.

1.5 Under ACTS, the software components of the computer system have been installed at national and regional level in participating Member States. ASEAN Customs Authorities are responsible for managing and maintaining this system, with the support of ARISE Plus, the ACTS central Management Team and the ASEAN Secretariat (ASEC). Customs Authorities are responsible for registering Principals, who will submit transit declarations to ACTS either directly or using a properly-authorized representative. Subsequently, Customs Authorities will manage the day to day control of transit transactions under ACTS, including claims and recovery procedures if irregularities occur leading to a Customs debt.

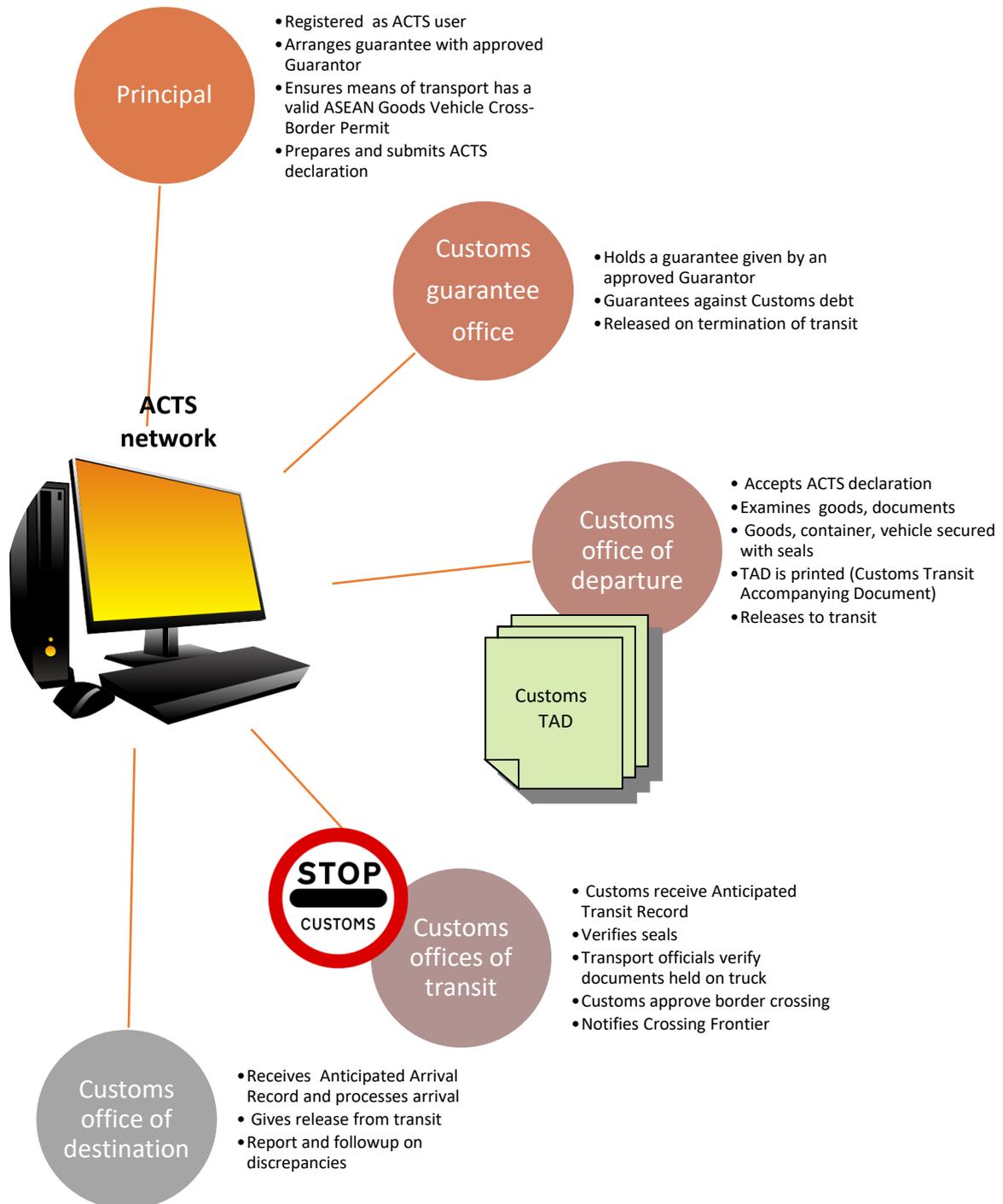
1.6 Under ACTS, National Transport Authorities have two basic operational tasks:

- Issuing ASEAN goods vehicle cross-border permits; and
- Performing transport controls at borders, which involve checking that trucks crossing the borders under ACTS are carrying the required sets of documents, as agreed by ASEAN Member States in Protocol 4 of AFAFGIT.

1.7 Principals will use transporters who have been issued with ASEAN Goods Vehicle Cross-Border Permits (maximum 500 per AMS); these Principals will implement the AFAFGIT and its Protocols. ACTS covers only road transport; a limited range of goods (excluding prohibited and dangerous goods); with selected transport operators, approved routes, border crossings and Customs offices.

1.8 ACTS provides electronic communications between a transporter Principal and Customs and cross-border monitoring of the movement between the Customs offices responsible for the control of the transit. ACTS acts as a network connecting Customs offices and registered transit operators across participating ASEAN Member States.

An overview of the ACTS architecture and functions is shown below.



2. REGISTERING AS A PRINCIPAL UNDER ACTS

2.1 Under ACTS, any trader involved in the regional transit movement of goods by road is permitted to register as a Principal, so long as the requirements set by Customs Authorities are respected. This means Customs brokers, shipping and forwarding agents, importers and exporters are all permitted to register. Standard application forms are at appendix B to this manual.

2.2 Separate guidance will be provided by the ACTS Implementation Team and Customs Authorities on the technicalities of registration under the system.

2.3. Significant concessions (called 'simplifications' as set out in Protocol 7 of the technical appendix of AFAFGIT) are available for Principals, subject to authorisation by Customs Authorities. These Principals are called Authorised Transit Traders (ATT), and the scheme is similar to the Authorised Economic Operator scheme. More details on ATT conditions are at appendix A to this manual. The main advantages of becoming an ATT are:

- Permission to load goods at departure at the ATT's commercial premises, rather than presenting them to Customs Offices, and submission of electronic declaration from there;
- Permission to use commercial seals approved by Customs Authorities to secure the load compartment of the means of transport; and
- Permission to unload goods at destination at the ATT's commercial premises.

3. PROCEDURAL GUIDANCE FOR PRINCIPALS

3.1 The Principal is responsible for submitting a transit declaration to ACTS. The ACTS System User Manual will provide the details. A description of the procedures to be carried out by the Principal is below.

3.2 The ACTS transit declaration

The Principal, in preparing the electronic ACTS declaration, must provide accurate information and in sufficient detail to properly identify the goods intended for transit and their packaging.

The declaration information is used to verify that those goods are eligible for ACTS transit procedures (i.e. not listed as **'prohibited' or excluded'**), and also to calculate the amount of guarantee needed.

3.3 Guarantees and Guarantors

The guarantee is an amount held by or available to Customs if the terms of the transit approval are not met, such as the loss or improper diversion of the goods. The amount of guarantee is a calculation of the highest rates of duty/taxes potentially payable on those goods (with rates based on AHTN commodity code) through the countries of intended transit. The amount of guarantee for the transit operation is held by Customs (the **'office of guarantee'**) in the country of departure until released upon notice of discharge (satisfactory termination) of the transit movement.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★
Instructions on preparing the declaration and complete details of the information required for a valid declaration are within the ACTS System User Manual

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

3.4 Guarantors

A **Guarantor** is a legal 'person', such as a bank, which undertakes to pay the duties and taxes that will be due if a transit document is not discharged properly and the Principal trader is not able to pay for the duties and taxes due to Customs. Guarantors must be established in and approved by the Customs office of guarantee in the country where the guarantee is furnished.

For the initial operational phase of ACTS, participating Member States will only accept guarantees issued by a bank.

3.5 Categories of transit guarantee:

- Single journey guarantee

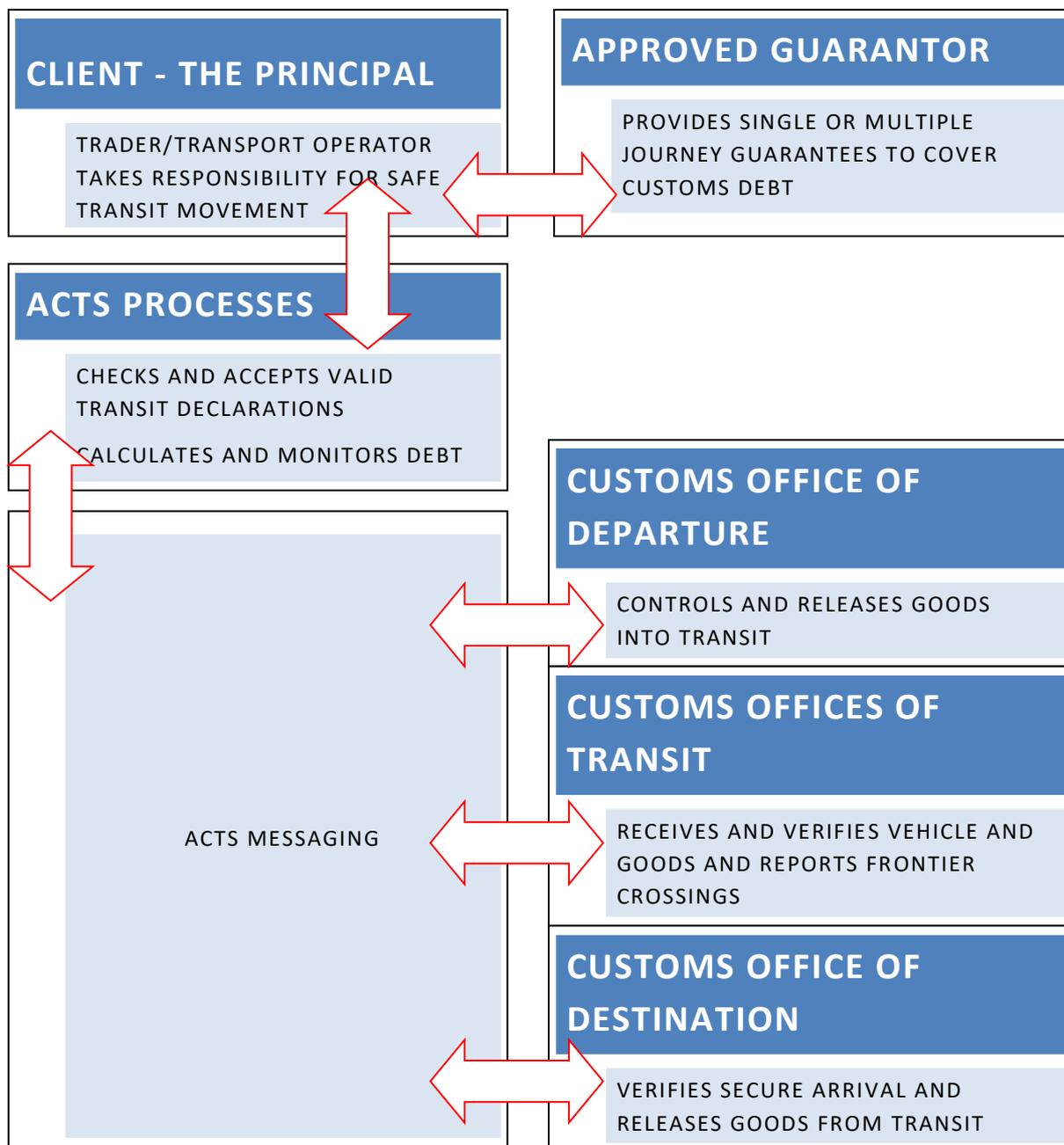
Covers only a single transit operation by the Principal concerned, covering the full amount of duties, taxes and other charges for which the goods are liable.

- Multiple journey guarantee

*Covers several transit operations up to a given **Reference Amount**, set to equal 100% of the total amount of duties and other charges that may be incurred for goods under the Principal's transit operations over a period of at least one week.*

A more detailed explanation of Guarantees and Guarantors, including examples of calculations of guarantees and reference amounts, and reductions to reference amounts available to approved Authorised Transit Traders, is given later in this manual.

3.6 Overview of ACTS stages

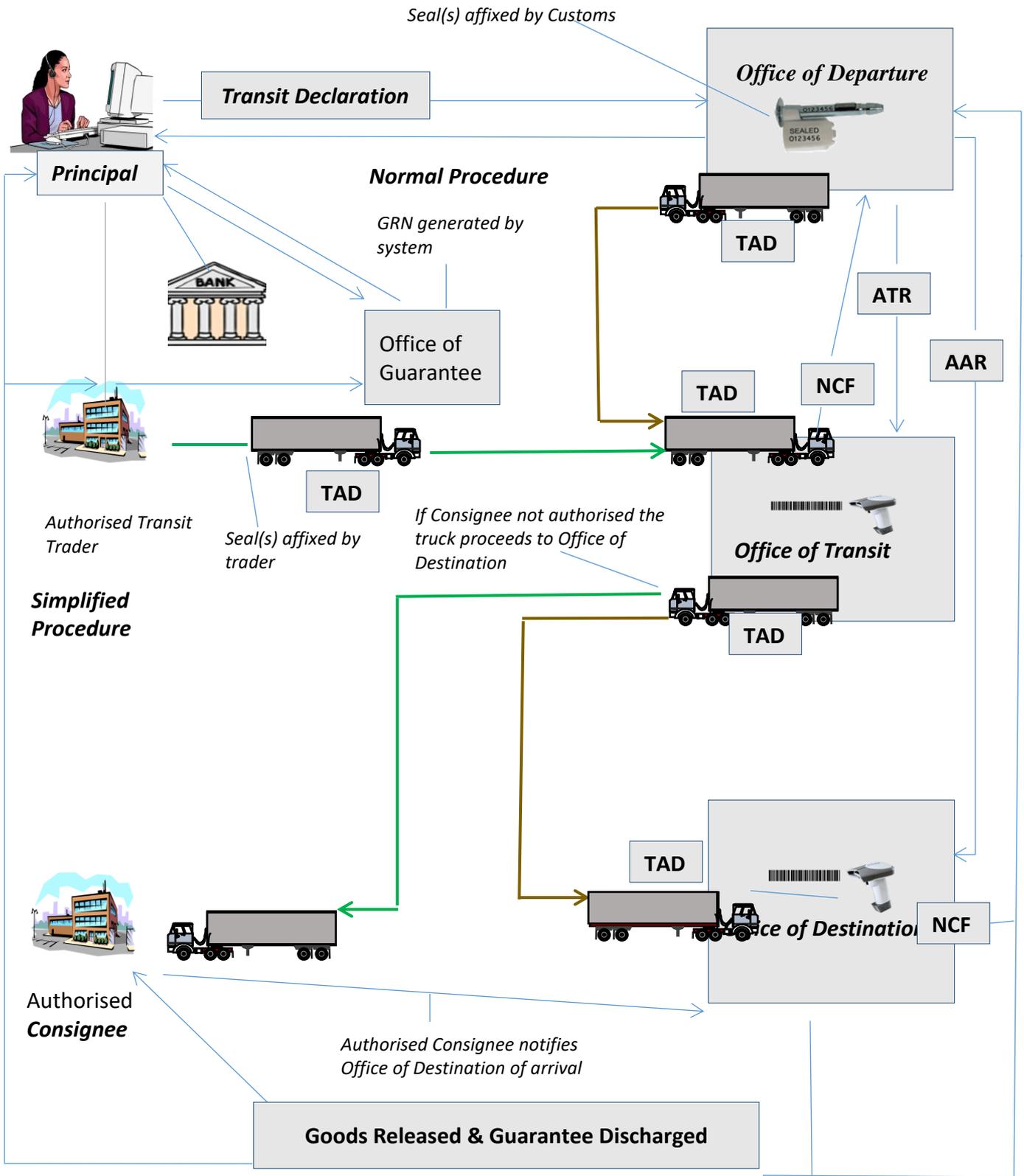


3.7 Procedural Stages of ACTS

- The Principal obtains a guarantee and lodges it with the Customs office of guarantee. *Examples of the guarantee undertaking formats will be shown in annexes to this manual, when agreed by Customs and the participating banks.*
- The guarantee details are electronically recorded and a Guarantee Reference number (GRN) is given by the system.

- The Principal submits the transit declaration electronically to the Customs office of departure using the registered guarantee to cover the transit operation.
- ACTS validates that the guarantee covers the highest duties and taxes at risk in the transit movement.
- Customs affixes seals to the means of transport or if using the Simplified Procedure, the seals are affixed by the Authorised Transit Trader.
- If validation of the declaration and guarantee by ACTS is successful, the transit declaration is given a unique ACTS Reference Number (ARN) to identify the transit movement.
- The transit accompanying document (TAD) is printed out and accompanies the goods from departure to destination. The TAD is shown in paragraph 7 below.
- The Anticipated Transit Record (ATR) and the Anticipated Arrival Record (AAR) messages are sent electronically by the office of departure to the declared offices of transit and destination respectively.
- A notification of crossing frontier (NCF) message is sent from the office of transit to the office of departure. Upon receipt of the NCF, the office of departure sends the NCF to other transit offices and office of destination.
- An 'arrival advice' message is sent by the office of destination to the office of departure when the goods arrive.
- The office of destination sends the 'control result' message to the office of departure after the goods have been checked.
- The system provides for both normal and simplified Customs transit procedures.
- Fallback procedures apply for when the electronic ACTS is unavailable.

The following diagram gives a pictorial view of ACTS procedures



TAD - Transit Accompanying Document (Printed), ATR – Anticipated Transit Record,
 AAR – Anticipated Arrival Record, GRN – Guarantee Reference Number
 NCF – Notification of Crossing Frontier

4. ACTS CLIENT TRADER USER

4.1 Using ACTS as a transport operator (Principal)

This part of the manual explains the operation of the ASEAN Customs Transit System (ACTS) for transport operator users.

4.2 The person, or authorised representative of that person, who places goods under the ACTS transit procedure is called the 'Principal'. The ACTS System User Manual gives detailed instructions to a Principal on the workings of ACTS, in how to prepare the electronic transit declaration and to submit the declaration to Customs for validation, acceptance, and release of the movement into the transit regime. Except for properly preparing and submitting the declarations, and any possible need for later amendment, there are no further fixed procedures required of a Principal. However the Principal may need to respond to ACTS messages to progress the Customs release of the goods into transit; for example, request for presentation of the goods and supporting documents for Customs examination before release.

4.3 The following summarizes ACTS for a transit Principal:

4.3.1 ACTS basic prerequisites:

- Have access to suitable ICT equipment
- Register as an ACTS user
- Undertake user training on the ACTS application
- Be aware of the information needed for a valid ACTS transit declaration
 - Declaration data requirements and specifications are within ACTS System User Manual

4.3.2 Preparing for ACTS transit movement

- Be aware of the classes of goods that are restricted and subject to special controls, or prohibited and excluded from ACTS transit; Customs Authorities will inform Principals of these goods.
- Obtain a guarantee from a bank, in a form prescribed by Customs for ACTS and present to your Customs office of guarantee for acceptance.
 - The options are:
 - Single journey guarantee; or
 - Multiple journeys guarantee
 - On acceptance of the guarantee, obtain a GRN (Guarantee Reference Number) from the office of guarantee

- Initiate movement, by preparing and lodging on-line the ACTS transit declaration, according to ACTS User Manual instructions.

4.3.3 Loading limitations

Goods are loaded on to a single means of transport, being: -

- a road vehicle that may be accompanied by its trailer or container; and
- dispatched from the office of departure to the office of destination.

If a consignment is split between two means of transport, a separate transit declaration is needed for each means of transport, even though all the goods are transported between the same office of departure and destination.

4.4 Making a transit declaration

4.4.1 Lodgment and initial check: the transit declaration is lodged electronically through ACTS to the Customs office of departure.

- The declaration is checked by ACTS against the reference data.

Full details of the transit declaration form and data requirements are given in the ACTS System User Manual.

4.4.2 The declarant provides a 'Trader's Reference Number (TRN)' that allows the Principal or the office of departure Officer to reference the data in ACTS.

- ACTS checks that the provided TRN is uniquely identified within the departure AMS.
- Guarantee Reference Number(s) (GRN) quoted within the declaration are verified with Offices of guarantee to ensure that the guarantee(s) are valid and available.

4.4.3 Check Result: If the declaration is completed correctly and the goods are eligible:

- ACTS will automatically validate it as successful.
- If the declaration is incorrect or incomplete:
- ACTS will reject the declaration; and
 - The reason(s) for the rejection is notified to the trader, who can make the necessary changes in the declaration or to submit a new declaration.

Procedures for amending and resubmitting a rejected declaration are described in the ACTS System User Manual

4.4.4 When the transit declaration is accepted, the system sends an electronic message to the trader and allocates an ACTS Reference Number (ARN). This ARN will identify the transit movement at the Customs offices of the ASEAN Member States involved in the transit movement.

4.5 ACTS processes: If the declaration is rejected, possible options for transit approval outside of ACTS and in an alternative national transit regime can be pursued, or the declaration amended/corrected and resubmitted to ACTS

- Note: Amendments may be made after a declaration has been accepted by ACTS, but not after Customs have notified that the transit goods have been selected for examination; to summarise, amendments are not allowed for the following scenarios:
 - The Principal has been informed that the Customs Authorities intend to examine the goods;
 - The Customs Authorities have established that the particulars in question are incorrect;
 - The Customs Authorities have released the goods.
- When the declaration is accepted, wait for a notification of status from the Customs Office of departure:
- If the Customs Office wishes to control the goods, the goods and supporting documents are to be made available for Customs examination
- If the examination is satisfactory, or no control request is made by Customs:
 - ACTS asks for a check of guarantee and if the guarantee is valid ACTS registers the amount of potential Customs debt as guarantee usage and: -
 - Security seals are fixed to the goods/container/vehicle
 - A transit Accompanying Document (TAD) is printed; and
 - Goods released to transit
 - If the guarantee check fails, the Principal is notified and given an opportunity to replace the guarantee
- If the control finds minor discrepancies and they may be mutually resolved with Customs:
 - If agreed ('not opposed'), Customs can allow the trader access to the declaration data so that the declaration can be updated and goods proceed to release, as above.
- If major discrepancies are found and are not satisfactorily resolved, the transit movement may not proceed and sanctions may be applied

A transit declaration may in certain circumstances be cancelled, either by Customs or by the Principal, on furnishing proof of special circumstances and of acceptance of those reasons by Customs

4.6 Route and travel time: Customs may set the expected arrival and expected control times.

For example, when the route and length of time to reach the intended destination is longer than that defaulted by the system due to road closures; otherwise the arrival and control times are set automatically as a default in the system. The system takes into consideration the route and proposes a date of arrival based on this route.

4.7 This is required for monitoring purposes to ensure that any delays are promptly detected by the system and the Customs Officers are informed accordingly in order to start an enquiry procedure, if necessary.

4.8 The transit movement: the goods are dispatched, with the vehicle's driver given clear instructions by the Principal on the presentation of goods and Transit Accompanying Document (TAD) at Customs offices of transit and Customs office of destination. *This includes any special conditions imposed by Customs, such as time allowed for transit and permitted route. The driver should also be instructed on reporting actions to take in the case of unplanned diversions or other incidents en-route.*

- On satisfactory arrival at destination the goods are released from transit with the movement terminated and the guarantee (or amount of guarantee usage) released.

If the transit movement is not received as expected by the intended Office of destination, (within the permitted time interval), the Principal will first be asked to explain.

Diversions en route

4.9 In cases of diversion of the transit movement to an office of destination different than the office originally declared to ACTS, the new office of destination is notified of the arrival of a consignment by the consignee or by the Principal's representative. Notification must also be given for diversion to different transit offices to the ones originally declared. ACTS checks for continuing validity of the transit movement; such as with the nominated offices of transit and destination, the route, and guarantee coverage or restrictions in a new country. If the check fails, the transit operation must be terminated.

4.10 Other Incidents en route

In the cases set out below, the carrier shall make the necessary entries in the Transit Accompanying Document – or have supporting evidence in the form of an official report - and present it for certification with the consignment and any other related transit documents to the competent authorities of the Contracting Party in whose territory the means of transport is located:

- (a) if the itinerary prescribed by the competent authorities is changed;

- (b) if the seals are broken in the course of a transport operation for reasons beyond the carrier's control;
- (c) if goods are transferred to another similar means of transport with an ASEAN Goods Vehicle Cross Border Permit for reasons beyond the carrier's control;
- (d) in the event of imminent danger necessitating immediate partial or total unloading of the means of transport; or
- (e) in the event of any incident or accident capable of affecting the ability of the Principal or the carrier to comply with his obligations.

In the case of accidents and similar incidents, the carrier should seek a report on the circumstances from a Customs or Police officer or other suitable civil official.

4.11 The carrier must report the incident to a Customs office of transit at the first opportunity.

Where it is considered that the transit operation concerned may continue in the normal way, the designated box of the Transit Accompanying Document is endorsed by the competent Customs authority and ACTS updated accordingly.

4.12 Termination or write-off of transit movement: Any discrepancies found at the Customs office of destination will be followed up with the office of departure, and with the Principal if relevant.

4.13 In placing goods under the ACTS procedure, the Principal is first and foremost liable for the payment of any Customs debt that may become due as a result of an irregularity occurring before the termination of the transit operation. This liability applies equally where the goods have been placed under the ACTS procedure by the Principal's authorised representative.

4.14 Fallback procedure: the fall-back procedures apply:

- a) where the computerised systems of the competent authorities are not functioning;
- b) where the computerised systems of the Principal are not functioning; or
- c) where the whole or part of the network between the Principal and the competent authorities is not functioning.

In these cases the Principal should contact the national ACTS Helpdesk of the competent Customs Authority and ask for advice. The national and regional ACTS help desks will give guidance on the expected length of time of system unavailability.

5. AUTHORISED TRADERS AND SIMPLIFICATIONS

5.1 Aims of simplifications

5.1.1 The aim of transit simplifications is to find a balance between Customs control and the facilitation of trade, at a level appropriate to traders who have an established record of transit experience and reliability in transit operations.

5.1.2. Recognition that a trader uses the transit system on a regular basis and has a history of good compliance allows the trader to benefit from simplified procedures, proportional to the lower levels of risk that the trader presents to Customs control responsibilities. This allows Customs to allocate greater resources towards areas of high risk, and the increased facilitation can significantly reduce costs and transit times for traders.

5.1.3. The prerequisite is obtaining approval from Customs Authorities of an applicant for ASEAN Authorised Transit Trader (ATT) status. This gives access to concessions including:-

- Reductions in the guarantee amounts required under multiple journey guarantees;
- Exemption from Presentation of Goods at the Customs Office of Departure: a Principal who has been granted Authorised Transit Trader Status may also be authorised to carry out transit operations without presenting the goods and the corresponding Customs transit declaration at the Customs office of departure. Such exemption shall apply *inter alia* to the means of transport for the goods concerned.
- Ability to fix your own approved seals to vehicles and containers in transit.
- Authorisation to end an ACTS Procedure at a Trader's Premises: traders may be authorised to take delivery of goods placed under a transit operation without the goods and the corresponding Transit Accompanying Document having to be presented at the Customs office of destination.

Appointment as an ASEAN Authorised Transit Trader also brings added responsibilities.

Simplified Procedures are authorised under Article 8 of Protocol 7 to the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and details of the simplified procedures and the responsibilities of such authorised traders are set out in the Technical Appendix to Protocol 7. More details on the ATT conditions, simplifications and ATT application forms are at appendix A to this manual.

6. CUSTOMS OFFICE OF GUARANTEE

6.1. Guarantees

6.1.1 Single journey guarantees

A single journey guarantee is used to cover a single transit movement. Individual guarantees are calculated so they cover the actual (100%) amount of Customs debt that is at risk for the particular transit movement, in addition to any currency fluctuation buffer. The guarantor is an approved financial institution that has agreed to issue the guarantee. A guarantor may be authorised to act as a guarantor for multiple journey guarantees and for a number of different Principals.

6.1.2 Multiple journey guarantees – reference amounts: the reference amount shall be equivalent to the value of the total amount of the Customs debt that may be incurred in respect of the goods that the Principal places under the ACTS procedure for a period of at least seven days. This figure is arrived using two criteria:

- i. The calculated reference amount is based on the Customs debt value of all the declarations made by the Principal over one year; and the average amount for one week, i.e. the total potential duty and tax for one year divided by the number of weeks in a year.

Where a trader does not have a record that can be used to make this calculation, the reference amount can be based on an estimated figure using documents, records and statements provided by the trader which can be adjusted based on actual declarations in collaboration with Customs Authority.

- ii. The status of the trader in terms of experience, resources and reliability – i.e., does the trader have a good compliance history. *This is evaluated from the trader's application form to use the simplified procedures.*

For example:

If the annual Customs debt value of declarations by Trader A is US\$ 312,000 then the weekly reference amount will be \$6,000. This is the amount of guarantee the trader is required to furnish and maintain at all times. If the trader is an authorised transit trader under the simplified procedure and has a good compliance history, they may qualify for a reduction in the guarantee amount, for example 50% or 25% of the reference amount (3,000 and 1,500 US\$ respectively in the above example) **whenever applicable in accordance with domestic laws**. In some cases, the guarantee can be completely waived for very reliable and compliant traders¹.

¹ Not applicable to Malaysia

6.1.3 Review of reference amounts: the office of guarantee shall review the reference amount at least once a year, using the information received from the Customs offices of departure, and shall make adjustment if it deemed necessary. The Principal shall inform the office of guarantee if the reference amount falls below a level sufficient to cover his current or anticipated transit operations.

6.2 ACTS management of guarantee

6.2.1 Registration and validation

The Principal produces a guarantee to the office of guarantee to be registered in the Guarantee Management System (GMS). The Principal is notified if the guarantee submitted is valid or not valid. The valid guarantee details are then entered by the Customs Authorities into the GMS, which generates a Guarantee Reference Number (GRN). The number is communicated to the Principal.

6.2.3 Validate guarantee usage: on preparation by a Principal and initial submission of an ACTS transit declaration, an automated check is made with the office of guarantee to confirm that the GRN quoted within the declaration is a valid and available guarantee. If so, the declaration passes the initial guarantee validation.

6.2.4 Usage of guarantee

Following acceptance or verification of declaration details at the office of departure, the process *'Prepare Guarantee Registration Usage'* calculates the potential Customs debt, and so the amount of guarantee required, and ACTS sends a request for a *'Check of Guarantee'*. Offices of guarantee receive the information of the guarantees which are to be checked and registered. If the checks of all the received guarantees are satisfactory, the usage is registered. The results of the guarantee checks are then forwarded to the office of departure and the guarantee usage recorded in ACTS. If the guarantee checks are not satisfactory, the guarantee usage is cancelled, and the Principal is notified by ACTS, and the Principal has an option to amend or replace the guarantee.

6.2.5 Guarantee usage release

On completion of the transit movement the office of destination notifies the office of departure, through ACTS, by an *'Arrival Advice'*. This is followed up with a further message, which, depending on the outcome of the transit movement – control or no control, *'satisfactory'* or *'not satisfactory'* – determines action on termination or write-off of the movement and release of any guarantee. If *'not satisfactory'* the guarantee is held until any discrepancies are resolved or any enquires satisfactorily concluded. In the case of multiple journey guarantees, the reference amount for the particular transit movement is credited and is recorded in the guarantee management subsystem. Upon receipt of an Arrival Advice for movements covered by a multiple guarantee, ACTS informs the office of departure and the guarantee is updated accordingly.

7. TRANSIT ACCOMPANYING DOCUMENT (TAD)

ACTS - ASEAN CUSTOMS TRANSIT SYSTEM		1 DECLARATION		ARN 000000000089678145		
TRANSIT ACCOMPANYING DOCUMENT (TAD)	2 Consignor		TIN		Type	
	6 Consignee		TIN		3 Forms	
	10 Trader reference/Contact details		7 Total gross weight (Kg)		4 Total Items	
	13 Identification of means of transport		14 Container		5 Total packages	
	16 Nationality of means of transport		17 Mode of Transport		8 Proposed date of departure	
	17 Mode of Transport		18 place of loading		9 Date of release for transit	
	19 Office of Exit		20 Location of goods		11 Proposed countries of transit	
	21 Container identifier, marks and number of packages, number and type of packages and description of goods		22 Item No		23 Commodity Code	
	31 Other information covering the liability of goods to specific requirements		25 Invoice value		24 Currency code	
	32 Change of conveyance / container		26 Gross weight (kg)		27 Net weight (kg)	
33 CERTIFICATION BY COMPETENT AUTHORITY		28 Supplementary Unit		29 Country of origin		
34 Principal		35 Other incidents during carriage; details and measures taken:		30 Country of origin code		
37 Intended Customs offices of transit		36 CERTIFICATION BY COMPETENT AUTHORITIES		38 Guarantee details		
41 CONTROL BY CUSTOMS OFFICE OF DEPARTURE		42 CONTROL BY CUSTOMS OFFICE OF DESTINATION		43 Receipt registration under No.		

ACTS TRANSIT ACCOMPANYING DOCUMENT

ARN 000000000089678145

LIST OF ITEMS

34 Principal		TIN	3 Forms			
21 Container identifier, marks and number of packages, number and type of packages and description of goods	22 Item No	23 Commodity Code	24 Currency code		25 Invoice value	
					26 Gross weight (kg)	27 Net weight (kg)
					28 Supplementary Unit	
			29 Country of origin	30 Country of origin code		
	31 Other information covering the liability of goods to specific requirements					
21 Container identifier, marks and number of packages, number and type of packages and description of goods	22 Item No	23 Commodity Code	24 Currency code		25 Invoice value	
					26 Gross weight (kg)	27 Net weight (kg)
					28 Supplementary Unit	
			29 Country of origin	30 Country of origin code		
	31 Other information covering the liability of goods to specific requirements					
21 Container identifier, marks and number of packages, number and type of packages and description of goods	22 Item No	23 Commodity Code	24 Currency code		25 Invoice value	
					26 Gross weight (kg)	27 Net weight (kg)
					28 Supplementary Unit	
			29 Country of origin	30 Country of origin code		
	31 Other information covering the liability of goods to specific requirements					
21 Container identifier, marks and number of packages, number and type of packages and description of goods	22 Item No	23 Commodity Code	24 Currency code		25 Invoice value	
					26 Gross weight (kg)	27 Net weight (kg)
					28 Supplementary Unit	
			29 Country of origin	30 Country of origin code		
	31 Other information covering the liability of goods to specific requirements					
21 Container identifier, marks and number of packages, number and type of packages and description of goods	22 Item No	23 Commodity Code	24 Currency code		25 Invoice value	
					26 Gross weight (kg)	27 Net weight (kg)
					28 Supplementary Unit	
			29 Country of origin	30 Country of origin code		
	31 Other information covering the liability of goods to specific requirements					

8. DIVERSION OR NON-DELIVERY

8.1. Diversion to an office of transit or destination other than declared: In cases of diversion of the transit movement to a different office of destination than originally declared to ACTS, the new office of destination is notified by the Authorised Consignee or by the Principal's representative of the arrival of a consignment.

- The arrival is either under simplified procedure at an authorised location or under normal procedure.

When an arrival notification is presented under simplified procedure, ACTS checks that:

- the trader who communicates the arrival is indeed authorised ('Authorised Consignee') to use simplified procedure at that Office of Destination; and
- checks that the location where the consignment can be controlled is at an approved place, as specified in the authorisation.

8.2 Different offices of transit

Diversion may also take place to different transit offices to the ones originally declared. In summary, when diversion occurs the ACTS system will check that the new office of transit or destination is a valid office. This means that the system will check:

- i) If the new office is 'en route', i.e. an alternative transit Customs office in exiting or entering 'en route';
- ii) The Guarantee is valid in the new country, that is, if it is entering a new country not taken into consideration during declaration validation; **(if the guarantee is not valid for the new country of transit or destination, the transit operation must be terminated.)**
- iii) The goods are not prohibited/restricted in the new country (in event of entering a new country not originally declared);
- iv) The status of the declaration is such that it allows for further processing at a transit office (i.e. has not already arrived at destination etc.).
- v) If the new Customs office does indeed support the office of transit Customs office role.

It is then the responsibility of the Customs Officer to validate the passage and decide what will happen next (allow to cross frontier, turn back, stop etc.).

8.3. Other incidents en route: in the cases set out below, the carrier shall make the necessary entries in the Transit Accompanying Document – or have supporting evidence in the form of an official report - and present it with the consignment and any other related

transit documents to the competent authorities of the Contracting Party in whose territory the means of transport is located:

- (a) if the itinerary prescribed by the competent authorities is changed;
- (b) if the seals are broken in the course of a transport operation for reasons beyond the carrier's control;
- (c) if goods are transferred to another similar means of transport for reasons beyond the carrier's control;
- (d) in the event of imminent danger necessitating immediate partial or total unloading of the means of transport; and
- (e) in the event of any incident or accident capable of affecting the ability of the Principal or the carrier to comply with his obligations.

8.4 In the case of accidents and similar incidents, the carrier should seek a report on the circumstances from a Customs or Police officer or other suitable civil official. The carrier must report the incident to a Customs office of transit at the first opportunity. Where it is considered that the transit operation concerned may continue in the normal way, the designated box of the Transit Accompanying Document is endorsed and ACTS updated accordingly.

8.3 Cancellation of transit declarations: The office of departure receives a cancellation request from a Principal or if the Customs Officer decides to revoke the decision to accept the declaration or to release the goods. In both cases the cancellation of a movement will be processed by Customs and entered to the ACTS accordingly.

- The Principal must furnish the proof that goods were declared in error or that, as a result of special circumstances, the placing of the goods under transit is no longer justified.

In cases where Customs has:

- decided to examine the goods; or
- if the goods have already been released and departed from the country of departure (a notification of crossing the border has already been received from the office of transit),

the cancellation request is refused. The Customs Officer communicates this to the office of departure.

9. FALLBACK PROCEDURE

9.1 When fallback procedures apply: fallback procedures are put into operation where the:

- a) computerised systems of the competent authorities are not functioning;
- b) computerised systems of the Principal are not functioning; or
- c) whole or part of the network between the Principal and the competent authorities is not functioning.

In these cases the Principal should contact the national ACTS Helpdesk of the competent Customs Authority and ask for advice. The national and regional ACTS help desks will give guidance on the expected length of time of system unavailability.

9.2 Customs Headquarters, where possible should inform all ACTS Customs offices that the system is unavailable to avoid a high number of persons trying to contact the ACTS help desk reporting an issue.

Furthermore, if it is technically possible, the unavailability of the system should be reported in the ACTS Management Information System (ACTS-MIS - reporting the unscheduled unavailability of the AMS).

9.3. Fallback action at the Customs office of departure: no new declarations are to be accepted into ACTS.

The Principal now has the choice of utilising the current national transit procedures (i.e. not ACTS), or waiting until the ACTS system is back online.

9.4 If a transit declaration has already been submitted, accepted by ACTS and the TAD has been printed, and the system subsequently breaks down prior to the departure of a transit movement, or en route to the office of transit or office of destination:

- the transit movement is allowed to proceed using the printed TAD.

9.5 If the declaration has been accepted but the TAD has not been printed

- the Principal could either wait for ACTS to work again; or
- use national transit procedures.

9.6. Fallback action at the Customs office of transit: the carrier must present the goods along with the TAD to the Customs office of transit. The Customs officer checks the:

- details on the printed TAD and verifies the description of goods against the commercial documents held on the truck;
- seal number affixed to the truck or container to ensure the seal number is the same as the seal number on the TAD; and

- verifies that the seal is intact.

9.7 If satisfied, the Customs officer will:

- endorse the original TAD in manuscript on the reverse with details of the checks carried out; and
- sign and stamp the TAD both on the front and reverse with the Customs office stamp.

Customs should take a photocopy of the TAD and file it in the Customs Office of Transit for possible future audit checks.

The Customs officer will then return the TAD to the carrier and allow the transit movement to proceed.

9.8 If not satisfied the Customs officer may perform a physical examination of the goods. If the physical examination of the goods does not match the description or quantity on the TAD, the Customs officer is to take appropriate action per ASEAN Member State national law.

9.9. Fallback action at the Customs office of destination: if the system is not available while the transit operation is between the office of transit and the office of destination, the goods along with the original TAD must be presented to the office of destination. If the transit movement is under simplified procedure, Customs must inform the Principal that, because of system unavailability:

- simplified procedures at destination are not to be used; and
- normal procedures will be adopted.

In both cases, for both normal and simplified procedures, the carrier must present the goods along with the TAD to the Customs Office of Destination.

9.10 The Customs officer at the Customs office of destination checks the:

- Details on the printed TAD and verifies the description of goods against the commercial documents held on the truck;
- Seal number affixed to the truck or container to ensure the seal number is the same as the seal number on the TAD, and checks to verify that the seal is intact.

9.11 If satisfied the Customs officer will:

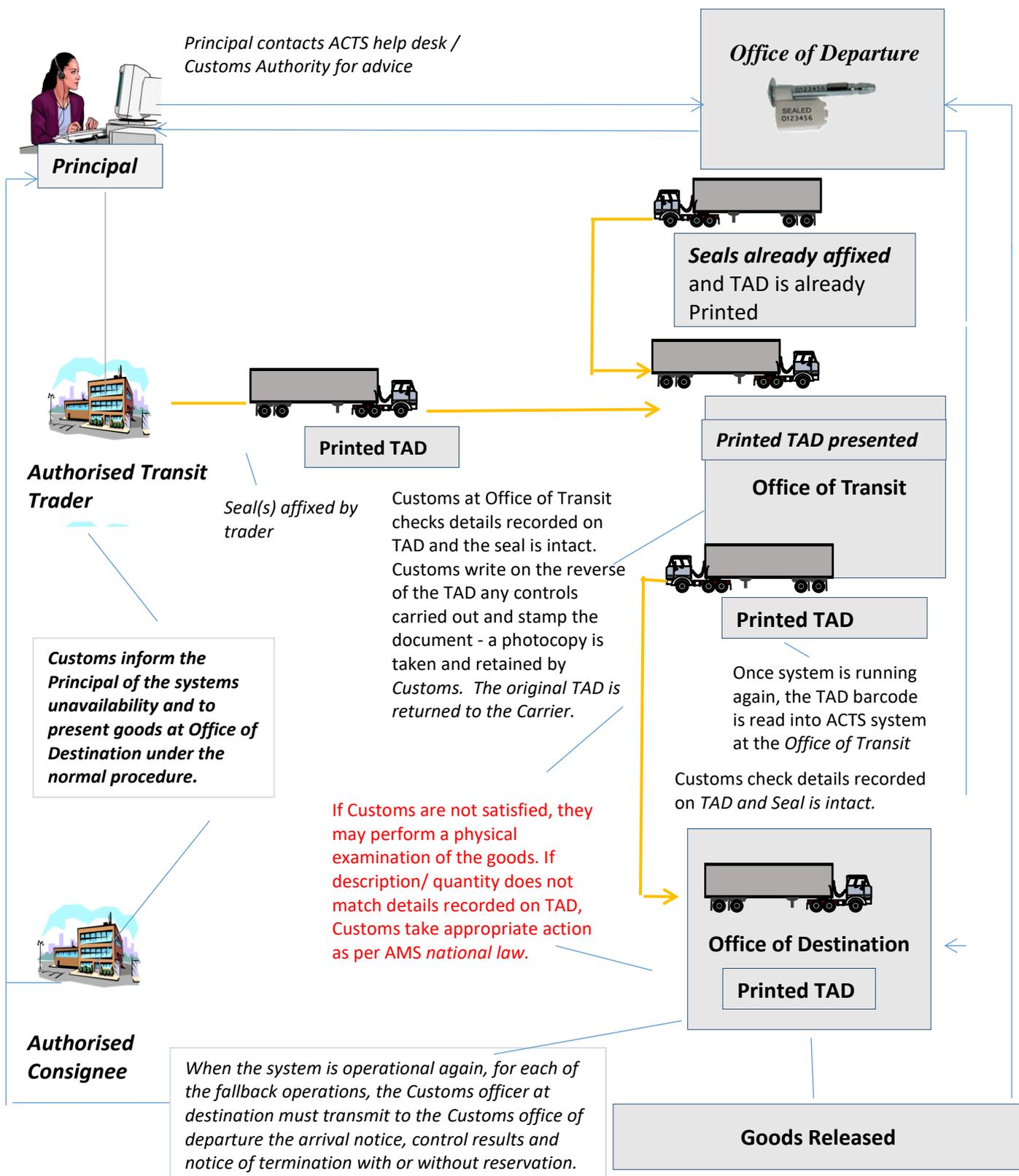
- endorse the original TAD in manuscript on the reverse with details of the checks carried out; and
- sign and stamp the TAD on the reverse with the Customs Office Stamp.

The Customs officer will then return the TAD to the carrier and allow the transit movement to proceed to a subsequent Customs regime, for example whether importation for home consumption, export or entry into a Customs bonded warehouse.

9.12 If not satisfied, the Customs officer may perform a physical examination of the goods. If the physical examination of the goods does not match the description or quantity on the TAD, the Customs officer is to take appropriate action per ASEAN Member State national law.

9.13. Fallback procedure flow chart

*Only for when Transit declaration has already been submitted, accepted and TAD printed. If the declaration is accepted and **TAD is not printed**, the Principal cancels the declaration when the system is back up. **Otherwise the Principal waits for ACTS to be back online or use AMS National procedure.***



10. COMPETENT AUTHORITIES AND CRITERIA FOR ISSUANCE OF ASEAN GOODS VEHICLE CROSS-BORDER PERMIT (AGVCBP)

10.1 The purpose of the ASEAN Goods Vehicle Cross Border Permit is to ensure that only up to 500 trucks are authorised in each participating ASEAN Member State to carry out ASEAN transit operations which comply with AFAFGIT and its implementing Protocols. The national Competent Transport Authority (CA) is responsible for selection of the licensed transport operators that will be issued with ASEAN goods vehicle cross-border permits.

10.2 Depending on national requirements, the CA may take into account a broader set of factors beyond that required for licensing a national transport operator, including:

Efficiency

- Operators able to deploy the most productive loadings
- The number of vehicles the operator will seek transit permits for
- Capacity to implement technology solutions

Security

- Evidence of security compliance e.g. use of RFID seals
- Use of Supply Chain visibility systems

Trade Facilitation

- Authorised Transit Trader (ATT) status
- Strategic goods trade (profile of frequent goods carried; priority trades)
- Demonstrated compliance with Customs, Immigration, Biosecurity/Quarantine procedures e.g. prescribed goods

Equity

- Size of the business (in order to review the performance of SMEs and to provide equity for smaller businesses and owner/operators)
- Location of the business (regional equity considerations)

Sustainability

- Quality of the fleet equipment
- Good performance in managing environmental impacts

Scalability

- Membership of industry representative bodies

10.3 Each CA will determine the criteria for allocation and the supporting documentation to be submitted for allocation of licences and vehicle permits.

10.4 The Competent Authority (CA) / NTTCC manages the issuance and monitors validity of the ASEAN Goods Vehicle Cross -Border Permits, and notifies CA/NTTCC of the other AMS accordingly. When a Transport Operator applies for a Transport Operator Licence or ASEAN Goods Vehicle Cross- Border Permit, all interactions are conducted through the Home Country Competent Authority. This agency is authorised by the Home Country to issue the permit in consultation with the NTTCC.

1) Competent Authority Cambodia

Ministry of Public Works and Transport, National Transit Transport Coordinating Committee

Address: St.598, Sangkat Chrang Chamres, Khan Russey Keo, Phnom Penh

Email Address: nttcc_kh@yahoo.com

Tel: +855 11 567 696

2) Competent Authority Lao PDR

Department of Transport

Ministry of Public Work and Transport, Lanexang Avenue,
Vientiane Capital, Laos

Tel: +85621412273

Email: phanthaphap_ph@gmail.com

3) Competent Authority Malaysia

Road Based Licensing Division

Land Public Transport Commission (LPTC or SPAD) Block D, Platinum Sentral
Jalan Stesen Sentral 2, Kuala Lumpur Sentral, 50470 Kuala Lumpur MALAYSIA
rhazes@spad.gov.mymyhafizah@spad.gov.my

4) Competent Authority Singapore

Land Transport Authority (Singapore)
International Relations, Policy & Planning Group
National Transit Transport Coordinating Committee (NTTCC) Secretariat
No. 1 Hampshire Road
Singapore 219428

Tel: (+65) 6225 5582

Please contact us via the online feedback form
<https://www.lta.gov.sg/feedback/>

5) Competent Authority Thailand

Department of Land Transport, 1032 Phaholyothin Road,
Lardyao, Chatuchak, Bangkok 10900
International Transport Affairs Division, Department of Land Transport
e-mail : international.dlt@gmail.com

6) Competent Authority Vietnam
Hanoi, Vietnam (contact details to be confirmed)

11. THE LICENSED TRANSPORT OPERATOR

11.1 All Transport Operators wishing to participate in ACTS implementation will be required to become Licensed Transport Operators depending on the requirements in their Home Country, or, in the case of Singapore, registered as a business carrying out transport operations.

11.2 AFAFGIT Protocol 3 Article 1 defines Licensed Transport Operators as owners, drivers and/or agents of road transport vehicles who:

- a) have the appropriate national permit or licence to operate transport services and who have a proven compliance record to the rules and procedures under the said permit of licence;² and
- b) are duly registered as transit transport operators by the respective National Transit Transport Coordinating Committee (NTTCC).

11.3 The CA may take into account a broader set of factors beyond that required for licensing a national transport operator, including:

- 1) Substantial ownership by national citizens;
- 2) Reliability;
- 3) Professional competence; and
- 4) Financial solvency.

“Substantial ownership by national citizens”

- More than 50 percent of ownership of the capital of a transport service entity is held by national citizens of the Home Country; and
- The enterprise must be directed by a majority of national citizens of the Home Country.

“Reliability”

- The transport operator must not have been convicted of serious breaches of relevant laws or regulations in the Home Country;
- Must not have been divested of a licence to operate in the Home Country; or
- Must not be currently declared bankrupt.

“Professional Competence”

- The Home Country NTTCC must verify that each transport operator issued with a licence is competent in relation to:
 - legal matters (contracts, carrier liability, company law, accounting law, labour law, taxation law)

² For Singapore, the transport operator must be registered with Accounting and Corporate Regulatory Authority (ACRA) with the business activities related to transport

- business systems (costing and pricing, accounts, insurance, subcontracting, marketing and general management)
- professional standards (competition, professional association, record keeping)
- transport operations (fleet management, dangerous goods, cool chain management, environmental performance, vehicle specifications)
- road safety requirements (road rules, road safety systems eg loading).

“Financial solvency”

- Having sufficient means/funds to guarantee the proper functioning of the transport operation
- Proof using financial reports such as balance sheet, assets; funds in bank; loan approvals, bank guarantees, liability insurance coverage
- Current insurance covering contractual liability.
- Each jurisdiction will determine what the level of proof and the related documents that will be prescribed as a threshold for the licensing of Transport Operators.

12. THE ASEAN GOODS VEHICLE CROSS-BORDER PERMIT

12.1. The ASEAN Goods Vehicle Cross-Border Permit enables Licensed Transport Operators to transport goods from one country across a second country into a third country or more with minimum impediment, and without moving the goods from one truck to another at border posts. ASEAN Goods Vehicle Cross-Border Permit holders are permitted to start ACTS transit operations in any participating ASEAN Member State, provided the Customs conditions at departure are respected. Transporters are however prohibited from uploading goods in a Transit/Host Country and distributing goods within the same Transit/Host Country (i.e. cabotage). Transporters are also currently prohibited from picking up goods in one country and depositing them in a neighbouring country.

12.2. The ASEAN Goods Vehicle Cross-Border Permit is valid for one road vehicle only. This vehicle may be a rigid or articulated vehicle including trailer equipment as specified in the permit application.

12.3. The Competent Authority will verify that the trucks that will be granted ASEAN goods vehicle cross-border permits should conform to the vehicle specifications set out in Protocols 3 and 4 of AFAFGIT, which include vehicle weights and dimensions, and the secure nature of the load compartment. In addition, the load compartment must be able to be sealed with a Customs or commercial seal in such a way that goods cannot be extracted from it or inserted into it without breaking the seal. These conditions are described in more detail later in this report, and are set out in annex 1 of Protocol 3 of AFAFGIT.

12.4. The Permit may be used for multiple journeys by the vehicle under ACTS, using the approved routes as specified in Protocol 1 of AFAFGIT.

13. APPLYING FOR A ASEAN GOODS VEHICLE CROSS BORDER PERMIT

13.1. Applicants must be a registered Licensed Transport Operator and must apply in person to register the vehicle for the permit. If they are a representative of a company they must have completed the Representative Authority section of the application form.

13.2. Applicants must provide the documents as requested by the Competent Authority such as, but not limited to, the following:

- a) Completed **Application for the ASEAN Goods Vehicle Cross-Border Permit**
- b) Completed **Description of Heavy Vehicle/Trailer** form
- c) **Vehicle Inspection Report** proving that the vehicle is suitable for safe use
- d) Insurance Certificates for the vehicle

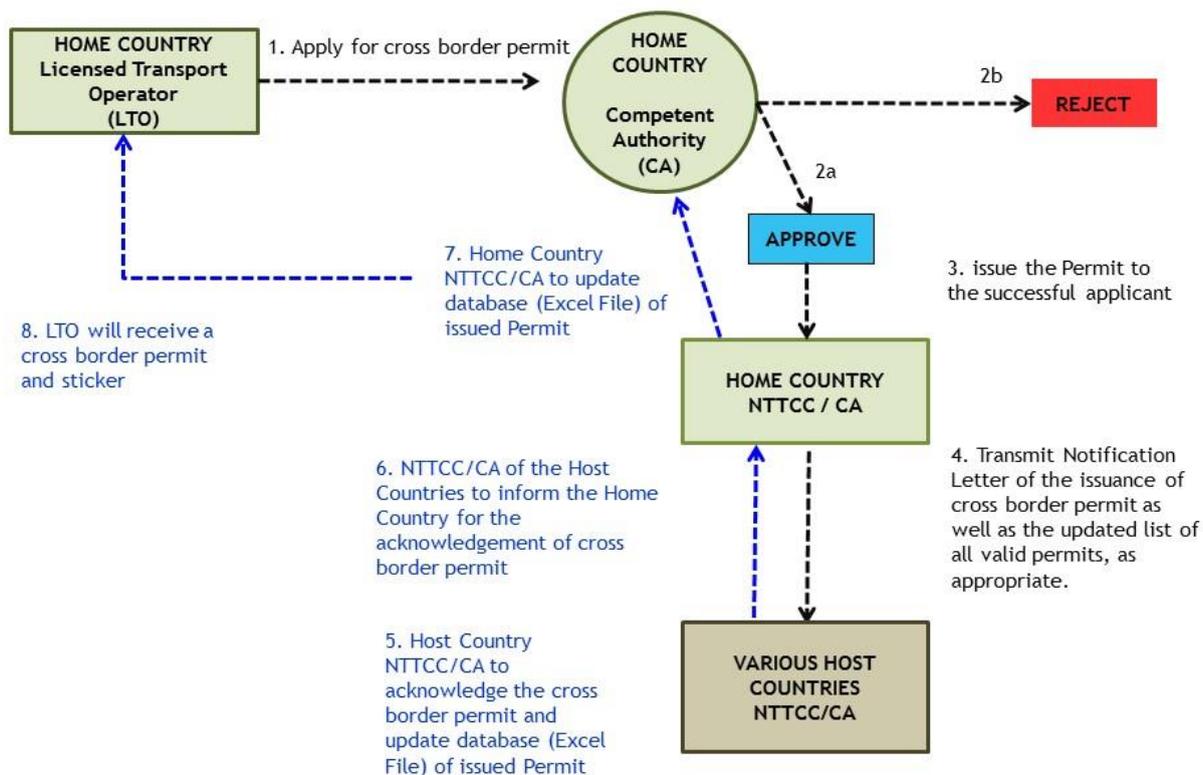
14. ASEAN GOODS VEHICLE CROSS-BORDER PERMIT – ISSUING AND NOTIFICATION PROCEDURES

14.1 The Issuing Process

14.1.1. The process for issuance of an ASEAN Goods Vehicle Cross-Border Permit is recommended to take between 14 and 30 days from the date of submission of the application by the Transport Operator to the Competent Authority with all required documentation, although the timescales are at national discretion. The process is as follows:

SOP - Permit Application Process Flow

As of Transport Coordination Meeting, 19 April 2016



14.1.2 Permit Costs

Licensed Transport Operators participating in ACTS are subject to permit application and vehicle inspection fees, as determined by the Home Country. It is recommended that these fees are kept to a minimum, covering only recovery of the actual processing costs.

14.1.3 Duration of the Permit

For ACTS, it is recommended that the ASEAN Goods Vehicle Cross-Border Permit be issued at least for a period of 12 months and to be extended as necessary.

15. THE ASEAN GOODS VEHICLE CROSS BORDER PERMIT STICKER

15.1. The ASEAN Goods Vehicle Cross Border permit will be issued in two parts, the permit itself and an ASEAN Goods Vehicle Permit sticker to be displayed on the vehicle windscreen, as follows:



The permit number consists of the two-digit ISO country code followed by a ten-digit carrier's licence number followed by a serial number up to 500, for example: SG-0987354689-345

Size and dimension of the Permit Sticker:
Horizontal diameter \pm 11.5 cm
Vertical diameter \pm 11.8 cm

15.2. The identifier of this permit and the sticker enables the permit to be checked by the relevant authorities at the border against the record of valid permits which is kept by each of Competent Authority. The code/barcode details the unique permit number and can be linked to other details, such as the operator's licence and vehicle registration plate.

16. HOME COUNTRY DISTINGUISHING MARK STICKER & REGISTRATION PLATES

16.1 Each vehicle is required to display a “distinguishing mark” of the Home Country where the vehicle is registered. The configuration is of 1 to 3 capital Latin letters, of 8 cm height and with each letter of 1 cm thickness minimum, in black colour, on a white background. The sticker must be of elliptical shape and bear the correct distinguishing mark of the Home Country. The sticker must be affixed on the rear of the vehicle and be clearly viewable from 35 metres distance.

16.2 The AMS distinguishing mark lettering is as below:

Country	Distinguishing Mark³
Brunei	BRU
Cambodia	K
Indonesia	RI
Lao PDR	LAO
Malaysia	MAL
Myanmar	MYA
Philippines	RP
Singapore	SGP
Thailand	T
Viet Nam	VN

16.3 Vehicle Registration Plates

The vehicle is required to display Vehicle Registration Plates on the front and rear of the vehicle which include only Latin alphabetic characters and Arabic numerals. The registration plate showing national characters will be permitted to be displayed on the truck, if required, in addition.

16.4 Revoking an ASEAN Goods Vehicle Cross-Border Permit

³ In accordance with the Vienna Convention on Road Traffic 1968

16.4.1. It is not expected that permits issued under ACTS will be revoked. However, national provisions on revocation may apply in the case of a serious infringement of the laws in a Home or Host country.

16.4.2. Depending on the seriousness and frequency of occurrence of any infringements in the Host Country, the Host Country would notify the Home Country Competent Authority, who would determine one of the following options:

- a) Issue a written warning with a suggestion that the permit may be suspended or revoked, or that the LTO may be barred from being granted further permits;
- b) Suspend or revoke the Permit issued;
- c) Prohibit the LTO from getting additional Permits, either for a set period or permanently.

16.4.3. Once the Competent Authority has made a recommendation on one of these options to the Home Country NTTCC/CA and a decision is made, the Permit holder will be notified by the Home Country Competent Authority in writing of the action taken. The record of the ASEAN Goods Vehicle Cross-Border Permit kept by the Home Country will be updated, and the Home Country CA/NTTCC should send notification letter annexing the revoked/suspended Permit(s) to the Host Country CA/NTTCC.

17. DOCUMENTS TO BE CARRIED ON THE VEHICLE

17.1 In addition to the ASEAN Goods Vehicle Cross-Border Permit sticker and distinguishing mark affixed to the rear of the vehicle, the following documents are required to be carried in the vehicle for inspection in all ASEAN countries, in English, or if the documents are not in English, they should be accompanied by certification translation in English issued by relevant competent authority. The driver must present these to the border officials at the border, whether Transport or Customs Officers, upon demand:

- I. Vehicle Registration Certificate (original or printout for Singapore)
- II. Vehicle Inspection Certificate (original)
- III. 3rd Party Liability Insurance Certificate for Vehicle (original)
- IV. Consignment Note/Waybill (original)
- V. Customs Transit Document for the Goods (TAD) (printout)
- VI. Home Country Transport Operator Licence/Carrier's License / Business Registration Certificate (certified copy)
- VII. ASEAN Goods Vehicle Cross-Border Permit and Sticker (original)

17.2. 3rd Party Liability Insurance

17.2.1. Protocol 5 of AFAFGIT describes the agreed ASEAN Scheme of Compulsory Motor Vehicle Insurance. Proof of the validity of the insurance policy shall be presented on request to the competent authority. No additional third party liability insurance is required in any ASEAN host or transit country.

17.3 Lost or stolen documents

17.3.1. The transport operator must report to the Competent Authority of the Home Country of any lost or stolen documents. In these cases a report should also be made to the Police. Subject to satisfactory account of the reason for the lost or stolen documents, the Competent Authority will reissue the documents / permit via Home Country NTTCC/CA. The details of revoked permit and issuance of a replacement permit with new number shall be advised to the host and transit countries.

17.3.2 Interim arrangements to enable a vehicle to proceed on its transit journey will need to be in place in the case of lost or stolen documentation. The Home Country ASEAN Goods Vehicle Cross-Border Permit records should be available for access through the internet, or through a mobile device or via contact with the Home Country Competent Authority/NTTCC, to enable the physical movement pending re-issue of a new permit.

18. OPERATIONAL TRANSPORT PROCEDURES AT BORDERS

18.1 Inspection and Validation of transport documents

18.1.1 Home and Host/Transit Country Customs, Immigration, Biosecurity/Quarantine, Police and NTTCC Competent Authorities personnel are authorised to inspect documents at borders.

18.1.2. For ACTS, the exclusion of prohibited or dangerous goods and use of sealed cargo will reduce the inspection requirements and should remove the need for unsealing the load compartment for physical inspection.

18.1.3 The driver of the vehicle must carry the necessary immigration documents including a passport, and, if required, a visa. The driver must also have a driving licence that permits him to drive that class of truck.

18.1.4 If all documents are in order, the vehicle is free to proceed once Customs, transport and immigration clearances are completed.

18.1.5 Singapore transport requirements

In addition to carrying the prescribed documents related to the ASEAN Goods Vehicle Cross-Border Permit, the Singapore Land Transport Authority requires an Autopass card and ASEAN Goods Vehicle Permit (GVP). Information on requirements for foreign vehicles to enter Singapore is available on <https://www.onemotoring.com.sg>.

19. VEHICLE SPECIFICATIONS

19.1. An ASEAN Goods Transit Vehicle is defined in Article 1 of the AFAFGIT Protocol 3 as being –

“The type of road vehicle specified in Article 3 Annex 1 are used to carry goods across the territory of a member country, where the origin AND the destination of the journey is beyond the frontier of one or more countries the vehicle crosses. The journey does not include transshipment, warehousing, breaking bulk or a change in the mode of transport.”

19.2. The vehicle specifications in AFAFGIT Protocol 4 are detailed as follows –

Vehicle classification	Rigid 3 axle	Rigid 4 axle	Articulated 4 axle	Articulated 5 axle	Articulated 6 axle
Length (m)	12.2	12.2	16.0	16.0	16.0
Width (m)	2.5	2.5	2.5	2.5	2.5
Height (m)	4.2	4.2	4.2	4.2	4.2
Rear Overhang (ROH)	60% of wheel base				
Gross Vehicle Weight (Tons)	21.0	25.0	32.0	36.0	38.0
Emission Standards	Exhaust Smoke – 50% Opacity or Bosch unit or 50 Hartridge Smoke Units (HSU)	Exhaust Smoke – 50% Opacity or Bosch unit or 50 Hartridge Smoke Units (HSU)	Exhaust Smoke – 50% Opacity or Bosch unit or 50 Hartridge Smoke Units (HSU)	Exhaust Smoke – 50% Opacity or Bosch unit or 50 Hartridge Smoke Units (HSU)	Exhaust Smoke – 50% Opacity or Bosch unit or 50 Hartridge Smoke Units (HSU)
Brake Efficiency	50% of axle weight				
Side Slips	Plus (+) or Minus (-) 5 millimetres per metre	Plus (+) or Minus (-) 5 millimetres per metre	Plus (+) or Minus (-) 5 millimetres per metre	Plus (+) or Minus (-) 5 millimetres per metre	Plus (+) or Minus (-) 5 millimetres per metre

20. SEALED LOAD COMPARTMENT OR CONTAINERS

20.1. Under ACTS all ASEAN goods vehicles must carry sealed loads. This means that either the load compartment of the truck must be sealed by Customs or approved private sector seals, or the truck must carry a sea-container.

20.2 The vehicle load compartment or container must be constructed and equipped in such a manner that:

- (a) No goods can be removed from, or introduced into, the sealed part of the container without leaving visible traces of tampering or without breaking the Customs or private sector seal;
- (b) Customs or private sector seals can be simply and effectively affixed to them;
- (c) They contain no concealed spaces where goods may be hidden;
- (d) All spaces capable of holding goods are readily accessible for Customs inspection.”⁴

20.2. Under ACTS only vehicles complying with Protocols 3 & 4 of AFAFGIT will be issued with ASEAN Goods Vehicle Cross Border Permit.

⁴ UNECE, 1972, *UN/IMO Container Convention*, ANNEX 4 Article 1 Regulations on technical conditions applicable to containers which may be accepted for international transport under Customs seal; and Protocol 3 annex 1 of AFAFGIT

21. ROAD TRAFFIC RULES

21.1. Under ACTS the following rules will apply:

- i) Road transit transport vehicles shall comply with the road traffic rules and regulations of the Host Countries.
- ii) The relevant authority of the Host Country may prohibit the entry or exit of vehicle to/from Host Country if the LTO/ Driver/Transport Agent has infringed the national laws and regulations of the respective Host Country.
- iii) The relevant authority of the Host Country shall immediately notify the NTTCC/Ministry of Transport of the Host Country the details of offences committed by the LTO.
- iv) The NTTCC/Ministry of Transport of the Host Country shall transmit the details of the offences committed by the LTO to the NTTCC/Ministry of Transport of the Home Country for their CA further action, which may include revoking the Permit.

21.2 For the specific requirements in each jurisdiction, please refer to:

a) Singapore

Road Traffic Act 2004

<http://driving-in-singapore.spf.gov.sg/>

Singapore publishes speed limits for all roads and tunnels – <http://www.onemotoring.com.sg/>

b). Malaysia

Road Transport Act 1987

Road Transport Regulation 1959 Customs Act

LPTC Act 2010

c). Thailand

Land Traffic Act 1979

21.3. Under ACTS implementation, transporters should be made aware that the national driver and traffic regulations include the following:

a) Driving age

In Malaysia and Singapore, the minimum age for a heavy goods vehicle driver's licence is 21 years of age. However in Thailand, "own account" heavy goods vehicle drivers must be a minimum age of 20 and "for hire" heavy goods drivers must be a minimum of 25 years old. Singapore has recently extended the maximum driving age for Class 4 and 5 HGV driver licences to 75 years.

b) Driving and break times

Thailand's driving time specified in *R10B Road Traffic Rules 1959* prohibits drivers of Goods Vehicles or Public Vehicles exceeding 4 consecutive hours driving or a distance of 300 kilometres without a break. A driver is limited to 8 hours driving within 24 hours.

22. TRANSIT TRANSPORT ROUTES

22.1. **It is not permitted for a vehicle travelling through a transit country to travel outside the designated ASEAN transit transport routes**, unless in exceptional circumstances such as flooding blocking the route, or destruction of bridges, in which case the transporters must seek official permission for diversion from Customs and the Competent Transport Authorities or police services.

22.2. ASEAN Transit Transport Routes

22.2.1 These are set out in Protocol 1 of the AFAFGIT.

22.2.2 Transit transport checkpoints at borders are set out in Protocol 2 of AFAFGIT.

APPENDIX A AUTHORISED TRANSIT TRADERS – CONDITIONS, SIMPLIFICATIONS AND APPLICATION FORMS

What is an Authorised Transit Trader?

Under the ASEAN Customs Transit System (ACTS) an Authorised Transit Trader (ATT) is a trader who has been granted certain concessions (also called 'simplifications') to facilitate their transit operations.

As a minimum, traders must satisfy the competent authorities that they have sufficient experience and resources to qualify for the basic benefit, open to all Authorised Transit Traders, which permits them to use:

- a multiple journey guarantee based on 100% of a reference amount rather than having to put up a full individual guarantee for each consignment.

Authorised Transit Traders can also apply for a number of other simplified procedures including:

- Further reductions in the amount of guarantee required or a waiver from having to provide a guarantee.
- Authorisation to commence a transit operation without physically presenting the goods and means of transport to the customs office of departure.
- The use of company seals on the vehicle and packages,
- An exemption from having to follow prescribed itineraries.

To qualify for ATT status you will need to be able to connect electronically with the customs office of departure to make declarations. Applicants will also need to show that they have the experience, risk management standards, financial resources and internal computerised management systems appropriate to the level of authorisation.

Who can apply for ATT status?

Anyone involved in regional transit can apply for ATT status irrespective of the size of your business. This includes logistics operators, carriers, freight forwarders and Customs agents. You may apply if you fall into one or more than one of the following categories:

- Manufacturers / Exporters
- Freight forwarders - organising the transport of goods on behalf of an exporter, importer or other party
- Customs agents - a Customs representative acting on behalf of a person who is involved in Customs related business activities (direct representative) or in his own name (indirect representative).

- Carriers - person who actually transports the goods or is in charge of or responsible for the operation of the means of transport.
- Importers - an operator on whose behalf an import declaration is made and who at the time the declaration was accepted is the owner/consignee of non-community goods or if not the owner is responsible for the control of the goods. This list is not exhaustive.

Compliance

This section tells you about the conditions you must meet and the tests that your Customs authorities will carry out to ensure that you comply with the compliance criteria of ATT.

How will Customs decide whether or not I have an appropriate level of compliance?

Customs will examine your record of compliance with Customs and tax requirements, including:

- Customs duty
- Excise duty
- VAT / sales tax / GST
- Corporation Tax

over the last five years preceding the date of your application.

If you have been established for less than five years, your compliance will be judged on the basis of records and information that are available.

Customs will assess whether a serious infringement or repeated infringements of Customs rules have been committed by any of the following persons:

- the applicant, and,
- any other responsible person involved in the running of the business

Customs will take into account any Customs authorisations that have been withdrawn or revoked and the reasons for that withdrawal/revocation.

You will also need to demonstrate that you have:

- procedures in place to identify and disclose any irregularities or errors to Customs or, where appropriate, other regulatory bodies; and
- taken the appropriate remedial action when irregularities or errors are identified.

Will all errors count against my application?

No. Customs recognise that all businesses can make errors. If you have made errors over the past five years in your Customs or tax affairs and Customs consider those errors to be of a technical nature being of negligible importance and having no significant impact on the operation of Customs rules, your record of compliance with Customs matters or tax requirements can be considered satisfactory.

In making this assessment, Customs will take into account the frequency of any errors, whether they are material in relation to the size of the business, whether they were made in good faith and whether any intent or negligence is involved.

What types of errors would be seen as having 'no significant impact'?

It is not possible to give definitive information on what types of errors would be considered as having no significant impact on the Customs rules as circumstances differ from case to case but the following examples would not normally count against an application:

- any errors that have been voluntarily disclosed
- any decisions which have been overturned by tribunal or departmental review
- any decisions currently under review
- one-off debts incurred for non-compliance with a condition or obligation of authorisation, or,
- Where a civil penalty has been issued for a minor irregularity.

What if repeated errors have been made?

Once an error has been identified, you will have been expected to take steps to ensure that they do not happen again or, at least, to ensure that they are immediately remedied if they do arise. Failure to take such steps could count against your application.

Who are the responsible persons involved in the running of the business?

Besides assessing the compliance of the business itself, Customs may also look at the previous compliance records of the following persons:

- company directors
- the company secretary
- solicitors and lawyers directly employed by the applicant, and,
- those directly responsible for the import/export of goods

Will errors made by agents be taken into account?

Yes. Any errors made by third parties acting on your behalf reflect upon you.

It is important that any third parties that do act on your behalf are aware of the standards that you operate to, that they are given clear instructions and that systems are in place so that any problems are immediately identified.

Managing commercial and transport records

This section tells you about the conditions you must meet and the tests that Customs will carry out to ensure that you comply with the record keeping criteria of ATT.

How will Customs decide whether my management and record keeping systems are satisfactory?

Customs will look at your business and, having taken into account various factors (such as size and complexity of the business, what simplifications are being applied for and if any Customs authorisations are currently held), establish if you have a satisfactory system of managing commercial and, where appropriate, transport records.

What kind of records will Customs be expecting to see?

In order to satisfy Customs that you have a satisfactory system, you will need to:

- maintain an accounting system which is consistent with generally accepted accounting principles and which provides a full audit trail of your Customs activities which facilitate audit-based Customs control
- allow Customs physical or electronic access to your Customs and, where appropriate, transport records
- have an administrative organisation which corresponds to the type and size of business and documented procedures to control and manage the flow of goods
- have internal controls capable of detecting illegal or irregular transactions
- have satisfactory procedures in place to archive and retrieve your records and information, and also for protection against the loss of information
- ensure that employees are made aware of the need to inform the Customs authorities whenever compliance difficulties are discovered and establish suitable contacts to inform the Customs authorities of such occurrences
- where appropriate, have satisfactory procedures for verifying the accuracy of Customs declarations submitted on your behalf by third parties
- have appropriate information technology security measures in place to protect your computer system from unauthorised intrusion and to secure your documentation.

Financial solvency

This section tells you about the conditions you must meet and the tests that Customs will carry out to ensure that you comply with the financial solvency criteria of ATT.

What are the ATT solvency requirements?

The solvency requirements can be met if you can prove you have been solvent for the five years preceding the date of application.

In the context of ATT, solvency is defined as good financial standing which is sufficient to fulfil the commitments of the applicant with due regard to the characteristics of the type of business involved.

How will Customs decide whether I satisfy the requirement for financial solvency?

Solvency will be assessed by analysing your ability to pay your legal debts. This includes any debts you owe to Customs or any other third party. This will be done by checking:

- you are not listed currently as in insolvency, administration, liquidation, bankruptcy or receivership
- Customs have not taken legal proceedings against you to recover Customs debts in the last five years

- you have not had a claim against your Customs guarantees (if any) in the last five years
- whether you are late in paying money that is legally due to Customs in the last five years. This does not include amounts that are not yet legally due or are under appeal

What records will Customs look at?

Customs will rely on your full sets of annual accounts due in the last five years to establish whether you are able to pay your legal debts to third parties. In particular Customs will take into account:

- where required by company law, that the accounts have been filed with national authorities within the time limits laid down within the law
- if you are a company, any audit qualifications or comments in the filed annual accounts about the continuation of the business as a going concern by, for example, the auditors or directors
- any contingent liabilities or provisions
- the net current assets are positive
- the net assets position and the extent of intangible assets are included

Customs recognise in some circumstances it may be normal practice for a company to have negative net assets. For example, a company may be set up by a parent company for research and development purposes when the liabilities are funded by a loan from the parent or from a financial institution. In these circumstances, negative net assets will not necessarily be seen as an indicator that a business is unable to pay their legal debts but further evidence of solvency will be required such as:

- a letter of undertaking from the lender
- a bank facilities letter
- if you are a sole proprietor or partnership, a list of any personal assets that are used to support the solvency of the business

How will I prove my solvency if I am a new business?

If you are a newly established business or have just started trading, your financial solvency will be judged on the basis of records and information that are available at the time of application. This will include the latest:

- cash flow figures
- balance sheet
- profit and loss forecasts approved by the directors/partners/sole proprietor

If your business is financed by a loan from another company or by a financial institution, Customs will require a copy of your business case and the bank facilities letter and evidence that you are operating within your approved overdraft facility.

What kind of records will Customs be expecting to see?

In order to satisfy Customs that you have a satisfactory system, you will need to:

- maintain an accounting system which is consistent with generally accepted accounting principles and which provides a full audit trail of your Customs activities which facilitate audit-based Customs control
- allow Customs physical or electronic access to your Customs and, where appropriate, transport records
- have an administrative organisation which corresponds to the type and size of business and documented procedures to control and manage the flow of goods
- have internal controls capable of detecting illegal or irregular transactions
- have satisfactory procedures in place to archive and retrieve your records and information, and also for protection against the loss of information
- ensure that employees are made aware of the need to inform the Customs authorities whenever compliance difficulties are discovered and establish suitable contacts to inform the Customs authorities of such occurrences
- where appropriate, have satisfactory procedures for verifying the accuracy of Customs declarations submitted on your behalf by third parties
- have appropriate information technology security measures in place to protect your computer system from unauthorised intrusion and to secure your documentation.

How will Customs decide whether I am compliant in respect of security and safety standards?

Customs will consider your internal controls and measures to secure the safety of your business and your supply chain. These controls and measures are in addition to legal health and safety requirements as well as any specific legal requirements that may be applicable to your business.

What controls/measures should be in place?

In order to satisfy the requirements of ATT certification, you will need to show that:

- you or a qualified third party have carried out a safety and security assessment of your business
- the external boundaries (walls, fences, etc.) of your business are appropriately secure and you have documented procedures to control access to your premises for authorised persons while at the same time having procedures for dealing with unauthorised access
- measures are in place to protect your cargo units and to prevent the introduction, exchange or loss of any material or tampering with those units
- appropriate access controls are in place to prevent unauthorised access to shipping areas, loading docks and cargo areas both on arrival and despatch
- you have appropriate procedures to secure the safety of your goods during storage or manufacture
- there are appropriate procedures in place to ensure the safety and security of your goods during transport, including where transport is sub-contracted to a third party
- you have agreed appropriate safety and security measures with your suppliers
- procedures are in place to carry out security screening on prospective employees working in security sensitive positions and appropriate security procedures are in place for any contracted parties that have access to your premises

- you provide your staff with training on safety and security requirements

How can I show that these controls/measures are in place?

You must be able to produce documentation showing the measures and controls put in place and this documentation will be verified during the course of the Customs ATT audit. This should include a risk and safety and security assessment which should be available and understood by all relevant staff. In addition to documentary evidence, the visiting audit officer will need to see practical examples of the systems working.

Who should carry out a safety and security self-assessment review?

A self-assessment should be carried out by a person with extensive knowledge of the risks and threats applicable to your type of business. This may be an independent third party or someone within the business but they must be considered competent to carry out the assessment.

The assessment itself will have resulted in a detailed report with all risks and threats highlighted. The content of the report will vary from business to business but it will be expected to contain details of the appropriate areas identified in paragraph 7.2 and the measures taken to address the identified risks.

What screening should I carry out on prospective staff?

All staff that work in sensitive areas within a business should be subject to some form of pre-employment screening to provide assurance as to their trustworthiness, integrity and reliability.

The methods of screening may vary according to the level of risk but they should as a minimum:

- verify identity
- confirm the right to work in ASEAN
- Confirm the employee has declared any unspent criminal records
- check previous employment history.

All ATT applicants should have a documented employment history of their staff. It is suggested that this history should cover the previous five years but this period is not mandatory.

How will I get the certificate?

The central site will officially inform you of the outcome of your application. This decision should be with you within 90 days of the date on which your application was submitted but, in certain circumstances, this period may have to be extended.

Maintaining your ATT status

This section tells you what you must do, once you have obtained ATT status, to ensure that you maintain your eligibility to ATT certification.

It is your responsibility to ensure that you maintain the appropriate standards.

Notification of changes to business details

You must notify us of all changes that may affect your ATT status. This includes:

- changes to your legal entity
- change of business name
- your business address
- the nature and structure of your business
- changes to the senior personnel responsible for Customs matters listed in your application/questionnaire
- changes to your accounting or computer systems
- additions or deletions of locations or branches involved in the international supply chain
- additions or deletions to the categories you have been approved for, that is, manufacturer/exporter etc

You should notify Customs as soon as the change is known or, at the latest, within 14 calendar days of the change taking place.

If your legal entity changes, you may need to reapply for ATT status in the name of the new legal entity. Customs will advise you if a new application and questionnaire are required.

Notification of errors to Customs

If you make Customs errors, they must be reported to your local supervising office or, if you do not hold a Customs authorisation, errors should be notified to Customs.

Errors that are voluntarily disclosed will not impact on your ATT certificate provided you have:

- examined the reasons for the errors
- taken the appropriate remedial action to prevent a recurrence

Will Customs review my authorisation?

Customs will review your ATT status periodically to ensure you continue to meet the conditions and standards of the ATT status. Although your certificate has no expiry date, it will only remain valid for as long as you meet the conditions of certification. It is recommended that you continue to self-assess your compliance with the conditions of certification and action any identified problems as soon as they arise.

Customs will also review your status if there are major changes to the relevant Community Customs legislation.

Can Customs suspend my ATT status?

Yes. Customs (or the issuing Customs authority in another Member State) may suspend your ATT certificate in any of the following cases:

- Where Customs have sufficient reason to believe that an act liable to give rise to criminal court proceedings and linked to an infringement of Customs rules has been perpetrated.
- Where non-compliance with the conditions or criteria for the certificate has been detected and no remedial steps have been taken within 30 days of the non-compliance arising. In certain circumstances, this period can be extended provided that Customs are satisfied that the difficulties can be overcome within a reasonable period.

You will be contacted prior to any decision to suspend your authorisation being made. Any decision taken will be subject to your right of appeal.

You can also request that your certificate is suspended if you discover irregularities and need time to correct the situation. Customs will agree a period of suspension with you in order to address the problem. If necessary, this period can be extended provided that Customs are satisfied that the difficulties can be overcome within a reasonable period.

When Customs are satisfied that the problems affecting your certification have been satisfactorily resolved, Customs will write to you advising that the suspension has been withdrawn.

If your certificate is suspended part-way through a Customs procedure, that procedure will be allowed to continue to its conclusion but no new procedure can be started after the suspension has been notified.

Can Customs revoke my ATT status?

Yes. In the following circumstances, your certificate will be revoked:

- where your certificate has already been suspended and you fail to take the necessary remedial action to have the suspension withdrawn
- where you have committed serious infringements relating to Customs rules and you do not have any further right of appeal
- where you requested that your certificate is suspended and you fail to take the necessary remedial action to have the suspension withdrawn
- where you request that the certificate is revoked

The decision to revoke your ATT status will be notified to other ASEAN member States. You will be contacted prior to any decision to revoke your authorisation being made. Any decision taken will be subject to your right of appeal. Revocation will apply from the day following you being notified.

What happens to my other Customs authorisations if my ATT certificate is suspended or revoked?

If your ATT certificate is withdrawn, you will not automatically lose any authorisation(s) (for example, Customs warehousing) that you hold at that time. However, the Customs office supervising any authorisations you may hold will be informed of the withdrawal of your ATT certificate. The supervising office will look at the reason(s) for the withdrawal of the

certificate and consider whether or not the non-compliance impacts upon your ability to continue to hold the authorisation(s).

What do I do if I don't agree with a Customs decision?

If you do not agree with any decision issued to you there are two options available. Within 30 days of the date of the decision you can either:

- send new information or arguments to the decision maker;
- request a review of the decision by someone not involved in making the disputed decision.

Simplified Procedures: The following instructions and explanation of simplified procedures is intended for guidance of users, however the formal and legal basis for the authorisations and the conditions applied to Simplified Procedures are found in the Technical Appendix to Protocol 7.

1. Authorised Transit Trader (ATT)

1.1. To be eligible for Authorised Transit Trader status and the use of simplified procedures, the following general conditions must be fulfilled.

1.2. The applicant:

- a) shall be established with a registered office, central headquarters or permanent business establishment in the territory of the Contracting Party where the application for authorisation is made; and
- b) must regularly use the ACTS procedure or, in the case of a first application for authorisation, demonstrate an intention to do so.

1.3. To ensure proper management of the simplified procedures, authorisations may only be granted where the person concerned keeps records which enable the competent authorities to supervise the procedure and carry out effective controls.

1.4 In considering applications the competent authorities must take account of any convictions under Customs or tax legislation in the past five years.

1.5. Applications for ATT status

1.5.1. An application for Authorised Transit Trader status is made to Customs, as the competent authority, using the forms, and taking account of the explanatory notes for applicants; as in the appendix of this Manual.

1.5.2. A person applying for Authorised Transit Trader status and related simplified procedures is responsible for the:

- a) accuracy of the information given; and
- b) the authenticity of the accompanying documents.

1.5.3. Authorisations found to have been granted on the basis of false or misrepresented information shall be revoked with immediate effect.

Applications are lodged with the competent authorities of the Contracting Parties in which the applicant is established. Where an applicant is established in the territories of more than one Contracting Parties, nothing shall prevent him lodging applications in the territories of each of those Contracting Parties if he so wishes.

1.6. Approving authority

1.6.1. On receiving and evaluating an ATT application:

- The approving authority shall take reasonable steps to verify the accuracy of an application, such as a visit to applicant's premises to confirm physical security measures and the details of management controls and records kept.
- Decisions rejecting applications in total, or one or more of the simplified procedures applied for, shall be in writing and state the reasons for the rejection.
- Decisions on applications, provided such applications contain sufficient information, shall be given within ninety days from the date of receipt by the competent authorities.
- Decisions shall be communicated to the other Contracting Parties. Such decisions shall be subject to review by the other Contracting Parties, with comments to be received within a period not exceeding thirty days from the date of receipt of the communication, based on which the decisions may be modified or retained.

1.7. On ATT Authorisation

1.7.1. The authorisation is valid from the date of issue and specifies the conditions relating to the use of any granted simplified procedures.

1.7.2. An Authorised Transit Trader shall inform the competent authorities of any factor arising after the authorisation was granted which may influence its validity or content.

1.7.3. The competent authorities shall revoke or amend an authorisation where:

- the holder indicates a wish to relinquish his authorisation;
- one or more of the statements made at the time of issue were not, or are no longer, valid;
- a factor arising after the authorisation was granted influences its continuation or content; or
- the holder fails to fulfil his obligations as an Authorised Transit Trader.

1.7.4. Other than where it has been surrendered voluntarily, the holder shall be advised in writing of the reasons for any decision amending or revoking the authorisation.

1.7.5. The revocation or amendment of an authorisation shall take effect from the date indicated in the written notification.

2. Simplified procedures

2.1 Exemption from presentation of goods at the Customs office of departure

2.1.1. A Principal who has been granted Authorised Transit Trader Status including the right to use a multiple journey guarantee may also be authorised to carry out transit operations without presenting the goods and the corresponding Customs transit declaration at the Customs office of departure. Such exemption shall apply *inter alia* to the means of transport for the goods concerned.

2.1.2. The Customs electronic transit declaration must be lodged with the Customs office of departure before release of the goods.

2.1.3. The authorisation shall include the time limit within which the Customs office of departure shall indicate an intention to carry out checks, after the expiry of which the goods shall be automatically released.

2.1.4. Such an authorisation shall specify:

- a) the Customs office or offices of departure that will be responsible for forthcoming transit operations;
- b) how, and by when, the Principal is to inform the Customs office of departure in order that the office may carry out any necessary controls before the departure of the goods; and
- c) the measures to be taken to ensure the goods can be readily identified including the use of any special seals to be affixed by the Principal.

2.2 Use of approved special seals. The seals shall have at least the following characteristics and comply with the following technical specifications; the seals must:

- a. remain secure in normal use;
- b. be easily checkable and recognisable;
- c. be so manufactured that any breakage or removal leaves traces visible to the naked eye;
- d. be designed for single use or, if intended for multiple use, be so designed that they can be given a clear, individual identification mark each time they are re-used; and
- e. bear identification marks.

Technical specifications:

- a. The form and dimensions of seals may vary with the sealing method used but the dimensions must be such as to ensure that identification marks are easy to read.

- b. The identification marks of seals must be impossible to falsify and difficult to reproduce.
- c. The material used must be resistant to accidental breakage and such as to prevent undetectable falsification or re-use.

2.2.1. The competent authorities may authorise a Principal to use special types of seals on means of transport or packages provided the competent authorities approve the seals as complying with the features to be agreed by the Contracting Parties.

2.2.2. The Principal shall enter the seal number in the prescribed field in the Customs transit declaration.

2.2.3. The Principal shall affix seals no later than when the goods are released.

2.3 Multiple Journey Guarantee

2.3.1. The Principal may use a multiple journey guarantee based on a reference amount.

2.3.2. The reference amount is equivalent to the value of the total amount of the Customs debt which may be incurred in respect of the goods which the Principal places under the ACTS procedure for a period of at least seven days.

For an explanation of the means of calculating a reference amount see later in this manual

Reduced amounts of guarantee

2.3.3. A Principal that satisfies criteria regarding his experience, reliability and financial standing may be authorised to provide a guarantee for a reduced amount or to have a guarantee waiver, subject to the agreement of the Contracting Parties involved in the transit operations.

2.3.4. The amount of guarantee required may be reduced to:

- 50% of the reference amount where the Principal demonstrates he has sufficient experience of Customs procedures; or
- 25% of the reference amount where the Principal demonstrates he has sufficient experience of Customs procedures and cooperates very closely with the competent authorities.

2.3.5. A guarantee waiver may be granted where an ATT Principal demonstrates he is in command of transport operations and has sufficient financial resources to meet his obligations⁵.

⁵ Not applicable to Malaysia

2.3.6. In applying reductions to reference amounts, account is taken of:

- information provided by the Principal in the standard application forms; and
- any comment received from other Contracting Parties as regards suitability

2.4 Authorisation to end a procedure at a trader's premises

2.4.1. Traders may be authorised to take delivery of goods placed under a transit operation without the goods and the corresponding Transit Accompanying Document having to be presented at the Customs office of destination.

2.4.2. Such authorisation shall only be granted where the trader:

- a) is a Principal who has been granted Authorised Transit Trader status; or
- b) is not a Principal as defined in subparagraph (a) but can meet such criteria as determined by the Contracting Party in whose territory he is established.

2.4.3. The authorisation shall specify in particular:

- the Customs office(s) of destination responsible for the goods received by the authorised consignee;
- how, and by when, the authorised consignee is to inform the Customs office of destination of the arrival of the goods in order that the office may carry out any necessary controls;
- any goods to which the authorisation does not apply and which must be presented at the Customs office of destination; and
- the arrangements for the trader to receive the "Anticipated Arrival Record" message from the Customs office of destination.

2.4.4. The competent authorities shall specify in the authorisation whether any action is required by the Customs office of destination before the trader may dispose of the goods.

2.4.5. When the goods arrive at his premises or at places specified in the authorisation, the trader shall immediately:

- inform the Customs office of destination of any excess quantities, deficits, substitutions or other irregularities such as broken seals; and
- before unloading, send the Customs office of destination an electronic "Arrival Advice" message.

2.4.6. The transit operation shall be deemed to have ended when the documents which accompanied the consignment, together with the intact goods, have been delivered within the prescribed time to the authorised trader's premises.

2.4.7. At the carrier's request, the consignee as authorised under paragraph 1 of this Article shall issue a receipt for each consignment delivered.

2.4.8. Upon receiving the “Arrival Advice” message, the Customs office of destination shall determine whether inspection is required and perform the termination of the transit operation in accordance with Article 30 of the Technical Appendix to Protocol 7.

2.5 Authorised locations

Are those places specifically named and authorised within an approval under ‘Simplified Procedures’ for the commencement or completion of an ACTS transit movement.

Authorised Transit Trader application

ASEAN CUSTOMS TRANSIT SYSTEM

APPLICATION TO ACT AS A PRINCIPAL WITH AUTHORISED TRANSIT TRADER STATUS AND RELATED SIMPLIFIED PROCEDURES

NB These application procedures are for general guidance only in cases where they may be needed. Each Customs Authority will have their own internal procedures on how to register ATTs.

EXPLANATORY NOTES FOR APPLICANTS

It is strongly recommended that you read the following before completing the form.

When you have completed the form please sign and date it and submit to....[Name and contact details of competent authority]

If you already hold a Customs authorisation such as AEO (Authorised Economic Operator) in relation to the import or export of goods you may not need to complete all sections of this form. If this is the case please contactfor further information⁶.

A. General Information

Whilst all traders may act as Principals and use ASEAN Customs Transit System to move goods internationally between the Member States, the main benefits are only available to those who hold the status of an **ASEAN Authorised Transit Trader (ATT)**.

As a minimum requirement, traders must satisfy the competent authorities that they have sufficient experience and resources to qualify for the benefits of ATT status. ATT can apply for a number of simplified procedures including:

- (a) Reductions in the amount of guarantee required, if applicable in accordance with domestic laws and regulation.
- (b) Authorisation to commence a transit operation without physically presenting the goods and means of transport to the Customs office of departure.
- (c) The use of approved company seals on the vehicle and packages; these seals must fulfil the criteria and characteristics specified by the Customs Authority.
- (d) An exemption from having to follow prescribed itineraries, for example when loading goods at the premises of the ATT, which may be distant from the approved transit route.

⁶ Insert name and address etc. of appropriate contact in the national Customs Administration.

To qualify for ATT status the traders will need to fulfil ASEAN and national requirements by the Customs authority with regards to experience, risk management standards, financial resources and internal computerised management systems appropriate to the level of authorisation.

Form 1 Part A should be used to apply for basic Authorised Transit Trader status and must be completed by **all applicants**. **The information you give is also used to calculate the standard amount of guarantee and "reference amount"** you will need to provide if your application is successful.

Form 1 Part B is only required if you are applying to have the amount of your guarantee reduced.

Form 2 is only required if you are applying for one or more simplified procedures (other than a reduction of the guarantee).

You can apply for basic Transit Trader Authorisation, a guarantee reduction **and** for additional specific simplifications (Form 1 A & B + Form 2) all **at the same time**.

There is a separate **Form 3** if you are already an ATT and you now wish to **apply for additional or enhanced simplification** procedures.

B. Guarantor

Unless you are applying to have all guarantee requirements reduced you must supply the name of a guarantor authorised by the competent authorities. If your application for a reduction is refused you will be advised of the amount of guarantee required and will need to provide the name of a guarantor before your application can be determined.

C. Multiple Journey Guarantee

This covers an unlimited number of transit operations carried out over a given period time, usually one year. The amount of guarantee you will need to provide is calculated to cover the maximum amount of duties and other charges accumulated as result of transit declarations made during the period of one week,

In the application form you will be asked for the information required to calculate this figure and it is essential that you provide sufficient information for the reference amount to be set at a level that reflects your actual business needs.

The amount of potential Customs debt on your transit movements, including those that have not yet ended, **must not exceed** the reference amount. You must also provide details on how you intend to monitor the reference amount to ensure that your outstanding Customs debt on transit declarations does not exceed this figure. The reference amount will be reviewed annually but if at any time you find that it may be insufficient to cover your transit operations you must contact the competent authorities immediately to agree a revised figure.

Applications must be lodged with the competent authorities at the address given above and again at the end of the form. You must be established in each country where you lodge an

application. To be "established" means that in the case of a legal person, there is a permanent business establishment in the country.

FORM 1 – PART A

APPLICATION FORM – AUTHORISED TRANSIT TRADER (ATT)

General Conditions for Authorisation

1. Applicant's name

.....
.....

2. Address

.....
.....

3. Company registration number.....

4. Customs/Tax registration number

5. Date company established.....

6. Principal Contact name and TIN

7. Tel no.....

8. Fax.....

9. Mobile no.....

10. E mail address.....

11. Web site (if applicable).....

12. Full names of responsible company Officers

Name	Date of Birth */ National Identification Number	Position in company

*Date of birth only required where Officers names are similar.

13. Address of the applicant's registered office (if different from above)

.....

14. Address where transit records will be held (if different from above)

.....
.....

15. Use of ASEAN Customs Transit system (ACTS).

i. How often do you *use / plan to use* the ACTS? Please give details e.g. number of consignments daily/ weekly/ monthly (delete as applicable)

.....

ii. Approximately how many transit movements do/will you have each year

16. Existing authorisations (e.g. AEO)

Please give details including authorisation number(s) and date of authorisation and issuing office

.....
.....

17. Offences

Have you been convicted of any offences against Customs or tax legislation during the past 5 years in this or any other country? YES / NO

If you have answered yes, please give details including dates and name of convicting court(s)

.....
.....

18. Records

Please give details of the records you intend to keep to ensure a complete and accurate audit trail of all you transit operations (type of records, means and length of storage etc)

.....
.....
.....

19. Offices of Departure

Give the address(es) of the Customs offices that you wish to use as your office(s) of departure.....

.....
.....
.....

20. Authorised premises and locations⁷

Give the address(es) of the places you wish to use as Authorised Location(s)

.....
.....
.....

21. Information for calculation of the reference amount.

Give details of goods moved/which you anticipate moving under the ASEAN transit procedure for a fully representative period of 7 days. This information should be based on goods carried under transit procedures during the past 12 months and intended consignments over the **next** 12 months taking into account any anticipated increase in trade over the period. In particular please show:

AHTN code (8 digits)	Number (of consignments)	Value of the goods	Duties and other charges applicable *

* Break down into individual elements

22. High value transactions

i. What is the likely highest total amount of duty and other charges applicable to any single ASEAN transit operation you anticipate carrying out as a Principal during the next 12 months?⁸

.....

ii. Please give the AHTN code or full description of the goods.

.....

⁷ In the case of an authorisation to enable departure from ATT premises without always presenting the goods for inspection (subject to Customs Risk Management requirements)

⁸ This should be based on the highest rate of duty in any of the countries involved in the transit movement.

.....

23. Managing the reference amount

Please provide details of how you intend to monitor your reference amount⁹.

.....
.....
.....

24. Guarantor

Guarantor's name and address ¹⁰

.....
.....
.....

Telephone number.....

Contact name.....

Email Address

⁹ In particular say whether this will be managed by an IT system and the methodology

¹⁰ This need not be completed if you are applying for a guarantee waiver by completing Form 1 Part B

Form 1 Part A Declaration

To the best of my knowledge and belief the statements made and information provided in this document is accurate and any accompanying documents submitted in support of this application are authentic.

If my application is accepted I will inform the competent authorities of any factor arising after the authorisation has been granted that may influence its terms, conditions or validity.

I understand that a successful application under **Form 1 Part A** will only authorise me to use a multiple journey guarantee set at 100% of the reference amount. For a reduction in the guarantee amount I need to make a further application using **Form 1 Part B** below. To apply for other simplified procedures I need to complete Form 2.

Signature..... Position.....

Name in Block Capitals.....

Date.....

Form 1 – PART B

Application Form – Authorised Transit Trader

To use a REDUCED amount multiple journey transit guarantee

Please note this form can only be submitted in conjunction with Form 1 Part A

1. Reduced level of guarantee

What level of guarantee do you wish to be authorised for? Please tick appropriate box and answer the remaining questions as indicated.

50% of the reference amount

Please respond to questions 2 and 3 below.

25% of the reference amount

Please respond to questions 2, 3, 4 and 5 below.

2. Business Finances

You will need to demonstrate that your businesses finances are sound and you have resources to meet your potential obligations from using the ASEAN Customs Transit System (ACTS)

Please provide a copy of your latest audited accounts or other financial information in support of your application.

3. Experience of international transit operations

The business has years' experience in the consignment of goods internationally.

4. Management methods

I will be applying the following management methods designed to facilitate checks by the Authorities on my transit operations.¹¹

.....
.....
.....

5. Management of Transport Operations (complete as necessary)

I carry out my own transport operations and apply high standards of security¹²

¹¹ Give details in particular of IT systems in operation

¹² Give details, for example if satellite tracking systems used on vehicles and load compartments,

.....

- *I use a carrier with whom I have a long – standing contractual relationship that meets high standards of security*

Name and address of carrier

.....
.....
.....

Details of security measures

.....
.....
.....

- *I use a carrier who is an Authorised Transit Trader in his own right.*

Name and address of carrier

.....
.....

Authorisation number.....

- *I use an intermediary contractually bound to a carrier who provides a service that meets high standards of security.*

Name and address of intermediary

.....
.....
.....

Authorisation number.....

Name and address of carrier

.....
.....
.....

Authorisation number.....

Details of security measures provided by carrier

.....
.....
.....

Form 1 Part B Declaration

The statements made and information provided in this document are accurate and any accompanying documents submitted in support of this application are authentic.

If my application is accepted I will inform the competent authorities of any factor arising after the authorisation has been granted that may influence its terms, conditions or validity.

Signature..... Position.....

Name

(Block Capitals) Date.....

FORM 2
Application Form – Authorised Transit Trader

Application for Additional Simplified Procedures

Please note this form can only be submitted in conjunction with Form 1 Part A

1. Type of simplification sought

Please tick the box if you are applying for an exemption from the requirement to present goods and means of transport at the Customs office of departure

2. Use of seals of special type (complete only if applying for this simplification)

Give details of the trader seal(s) that you wish to use (make, name and list of sequential numbers)

.....
.....
.....
.....

Give details of the measures in place for management of your trader seals

.....
.....
.....
.....

3. Exemption from prescribed itinerary (complete only if applying for this simplification)

Please provide information on the steps you will take to ensure that the Customs authorities will be able to know the location of your transit consignments at all times.

.....
.....
.....

Form 2 Declaration

To the best of my knowledge and belief the statements made and information provided in this document is accurate and any accompanying documents submitted in support of this application are authentic.

If my application is accepted I will inform the competent authorities of any factor arising after the authorisation has been granted that may influence its terms, conditions or validity.

Signature..... Position.....

Name

(Block Capitals) Date.....

APPENDIX B – ACTS REGISTRATION FORMS -PERSON TO REGISTER AS A PRINCIPAL IN ACTS

Trader Application - Legal		
Applicant Information		
Name: and Company Registration Number		
ORGANIZATION INFORMATION		
Parent		
Organization name:		
Branch		
Organization name:		
Addresses		
Primary		
Street & Number:		Postal Code:
City:	Country:	
Secondary		
Street & Number:		Postal Code:
City:	Country:	
CONTACT DETAILS		
Contact Person (Name and ID Number):		
Phone:	Fax:	E-mail:
Contact Person (Name and ID Number):		
Phone:	Fax:	E-mail:
Web Address:		
IDENTIFIERS		
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
GST/ VAT number <input type="checkbox"/>	Previous TIN <input type="checkbox"/>	
Signatures		
I authorize the verification of the information provided on this form as to my credit. I have received a copy of this application.		
Signature of applicant:		Date:

Trader Application - Physical		
PERSON INFORMATION		
First Name:		Last Name:
Personal ID:		Male <input type="checkbox"/> Female <input type="checkbox"/>
Father Name:		
Addresses		
Primary		
Street & Number:		Postal Code:
City:	Country:	
Secondary		
Street & Number:		Postal Code:
City:	Country:	
CONTACT DETAILS		
Contact Person (Name and ID Number):		
Phone:	Fax:	E-mail:
Web Address:		
IDENTIFIERS		
GST/ VAT number <input type="checkbox"/> Effective Date:		Passport Number <input type="checkbox"/> Effective Date:
GST/ VAT number <input type="checkbox"/> Effective Date:		Passport Number <input type="checkbox"/> Effective Date:
GST/ VAT number <input type="checkbox"/> Effective Date:		Passport Number <input type="checkbox"/> Effective Date:
GST/ VAT number <input type="checkbox"/> Effective Date:		Passport Number <input type="checkbox"/> Effective Date:
GST/ VAT number <input type="checkbox"/> Effective Date:		Passport Number <input type="checkbox"/> Effective Date:
GST/ VAT number <input type="checkbox"/> Effective Date:		Passport Number <input type="checkbox"/> Effective Date:
GST/ VAT number <input type="checkbox"/> Effective Date:		Passport Number <input type="checkbox"/> Effective Date:
GST/ VAT number <input type="checkbox"/> Effective Date:		Passport Number <input type="checkbox"/> Effective Date:
Signatures		
I authorize the verification of the information provided on this form as to my credit. I have received a copy of this application.		
Signature of applicant:		Date:

TRADER RELATIONSHIP AUTHORISATION – PRINCIPAL AND BROKER

PRINCIPAL INFORMATION

Name:

ORGANIZATION INFORMATION

Parent

Organization name:

Branch

Organization name:

ADDRESSES

Primary

Street & Number:

Postal Code:

City:

Country:

Secondary

Street & Number:

Postal Code:

City:

Country:

CONTACT DETAILS

Contact Person (Name & ID number):

Phone:

Fax:

E-mail:

Web Address:

I AUTHORISE THE FOLLOWING COMPANIES / BROKERS TO SUBMIT ACTS DECLARATIONS ON OUR BEHALF

Name, address and GST/ VAT number

TIN

SIGNATURE OF PRINCIPAL

I certify that I am authorised to sign this form. Name and ID number:

Signature of authorised representative of Principal:

Date:

TRADER AUTHORISATION FOR EMPLOYEE(S) TO SUBMIT ACTS DECLARATIONS

TRADER INFORMATION

Name:

ORGANIZATION INFORMATION

Parent

Organization name:

Branch

Organization name:

ADDRESSES

Primary

Street & Number:

Postal Code:

City:

Country:

Secondary

Street & Number:

Postal Code:

City:

Country:

CONTACT DETAILS

Contact Person (Name & ID number):

Phone:

Fax:

E-mail:

Web Address:

I AUTHORISE THE FOLLOWING EMPLOYEES TO SUBMIT ACTS DECLARATIONS ON MY BEHALF

Signature, name, ID number and job title

SIGNATURE BY TRADER

I certify that I am authorised to sign this document. Name and ID number:

Signature of trader:

Date:

APPENDIX C – CLAIMS AND RECOVERY PROCEDURES

Enquiry and recovery

1. ACTS Enquiry procedure

1.2 Initiate enquiry procedure

If there is no confirmation that the goods have been presented at destination:

- the transit must be deemed to be the subject of a potential claim; and
- the Principal will be advised that he must produce evidence within 30 days, to show the transit was completed correctly.

Such evidence will need to be verified with the authorities at destination.

1.3 Evidence provided by Principal

Where the Principal provides satisfactory evidence that the transit operation was terminated correctly at a different office of destination than the one declared, the original office of destination is to be informed within six days.

Evidence can include verifiable documentation that the goods have been taken into a national procedure – such as import or warehousing – in the destination country.

2. ACTS Recovery procedure

The purpose of the recovery procedure is to identify the situation in which debt has arisen during the transit operation, to identify the debtors and countries that are competent to perform recovery of the debt from debtors and guarantees.

The recovery procedure is initiated to obtain the information necessary to discharge the transit operation, or where this is not possible to:

- Establish whether a Customs debt has been incurred;
- Identify the debtor; and
- Determine the competent authorities responsible for recovery.

2.1 Taking recovery action

ACTS Recovery action commences if:

- (a) If the ACTS 'Recovery recommended' time has expired;
- (b) Request for recovery has been received from the office of destination or the office of transit;
or
- (c) If there is no information or insufficient information on the status of the transit movement.

A Customs Officer can also start the recovery procedure manually at any time after the release of the movement.

The Customs authority at departure investigates if the place of the irregularity has taken place in its territory, and if so, it commences the recovery process for the recovery of the debt.

If the irregularity did not take place in the country of departure, the Customs authority transmits a recovery request to either the country of transit and destination.

- The Customs authority in the country of transit and destination decide if the irregularity occurred in their territory and if so the respective Customs authority calculates the amount of duties and tax to be recovered and commences the debt recovery process.

The recovery procedure seeks to recover the duties and taxes first from the Principal or from any identified debtor; if this is not possible, from the Guarantor.

Upon completion of the recovery procedure, with the successful recovery of duties and taxes from Principal or Guarantor:

- the movement is written-off;
- the release of the guarantee is recorded into ACTS; and
- the status of the transit operation is set to 'Movement written off'.

The Customs authority that conducted the recovery (if other than departure) must inform the Customs authority of departure when they have completed the recovery.

The office of departure will in turn inform everybody else that the recovery is complete and then proceed to write-off the movement and release the guarantees.

Enquiry recovery and claims procedures

1. Introduction

This Annex sets standard procedures designed to resolve queries easily and avoid unnecessary claims, but they are not proscriptive.

It is recognised that the competent authorities must have the flexibility to by-pass the enquiry steps when it is known that an irregularity - creating a Customs debt - has occurred and this is provided for in the Technical Appendix of Protocol 7 Article 36, paragraphs 10 & 11.

2. Common activity list

Task	Issue	Action
1	Customs Office of Departure has not received arrival advice message from Customs Office of Destination within 2 days of prescribed time limit	Customs Office of Departure contacts Customs Office of Destination for confirmation that transit movement ended satisfactorily using standard electronic message
2	Customs Office of Departure has received Arrival Advice but not Control results message from the Customs Office of Destination within 6 days thereafter	Customs Office of Departure contacts Customs Office of Destination by standard electronic message for confirmation that transit movement was terminated satisfactorily and may be discharged
3	Customs Office of Destination does not confirm receipt of goods	Customs Office of Departure: Checks electronic record to identify country in which transit movement was last under Customs control. Contacts competent authorities in that country for confirmation for status and that the transit movement was correctly terminated. Requests evidence from the Principal with 30 day deadline that the transit movement was correctly terminated under Customs control or other information relating to location and status of the goods. Discharges movement if evidence is satisfactory

4	Evidence of termination is not provided to Customs Office of Departure within 30 days	<p>Customs Office of Departure – initiates recovery process</p> <p>Addresses claim for payment to the Principal at his stated address by registered post or equivalent.</p> <p>Notifies guarantor (or his agent) of his potential liability through a copy of the letter to the Principal</p> <p>Notifies the Customs Authority in which the Principal is based (if not his own)</p>
5	The Principal does not settle the claim within the specified period and has not lodged an appeal in the claiming country. ¹³	<p>Customs Office of Departure or the Other Designated Office escalates the case to:</p> <p>A formal claim against the guarantor if the case occurred on its own territory; or, if not</p> <p>The Mutual Assistance Procedure for recovery</p>

¹³ which has the effect of suspending the requirement to pay

Transit termination enquiry

Model letter from Applicant Customs Authority to Principal

Name and contact details of the competent authority of the country of departure

.....
.....

Place and Date.....

Name and contact details of Principal.....

.....

Dear XXX

Based on our records you are the Principal for the following ASEAN Customs Transit System declarations under ACTS Reference Number(s) (ARN) and Guarantee reference Number(s) (GRN):

i).....

ii).....

from the office of departure of *[name of the office of departure]*

In accordance with ASEAN Customs Transit Legislation we hereby advise you that we do not have proof of the termination of the transit procedure for the above mentioned declaration(s) from the Office of Destination (*name and address*).

You are required to send full details and documentation that will prove that the procedure was correctly terminated. In particular, you should also provide information on any changes in the office of destination and/or the offices of transit that occurred during the transit.

If you are unable to prove that the transit procedure in question has ended under Customs control, please supply any information you have, with supporting documentary evidence, in particular of the place (country) in which the transit movement (s) ended.

Please provide this information within 30 days of the date of this letter and if it is not possible for you to provide any proof that the above declaration(s) were correctly terminated, you will be liable for the Customs debt relating to the goods that were declared under these declaration(s).

(Formal ending and name and address of the Customs Administration)

cc *The Guarantor (or his agent)*

NB: This is not a claim, so no payment for Customs debt should be made yet

Mutual assistance for the recovery of claims

1. Introduction

The enquiry procedure will resolve questions over non-arrival and non-discharge of transit movements in the majority of cases and that the Principal will usually be able to provide the information required and demonstrate that the Office of Departure may discharge the movement that is the subject of any enquiry.

Equally, the procedure outlined above can be used even where an irregularity is suspected or identified by a National Customs Administration that is different from that of the Office of Departure.

Where, in the latter case, the Principal does not provide the information required and payment is not forthcoming, then the Customs Administration where an irregularity is discovered, referred to as the Applicant Customs Authority, as stated in table of the common activity list, may use the Mutual Assistance provisions of the ACTS legislation in pursuance of their claim(s) against any Principal with the active cooperation of the Customs Administration in which the Principal and the Guarantor are situated, usually country of departure, called the Requested Customs Authority.

It should be noted that:

- 1) the Customs Administrations shall not proceed to claim the amount of Customs debt from the Guarantor until all proper and customary steps have been taken to obtain the amount of the claim from the Principal; and that
- 2) when investigating and resolving an irregularity, the Customs Administrations should at all times keep under review the levels of authorisations, simplifications and reference amount and guarantee that has been accorded to a trader that may default.

3) Common activity list

Task	Issue	Action
1	An AMS determines that a transit movement has not been properly completed and that an irregularity may have occurred on its territory; and The Principal is in another AMS and no information and/or no payment has been received as a result of the enquiry procedure And, above all <i>Providing the Applicant Customs Authority has exhausted all normal</i>	Applicant Customs Authority contacts Requested Customs Authority in writing for assistance to confirm that a transit movement ended satisfactorily and, if not, for recovery of the amount claimed. Applicant Customs Authority informs Guarantor or his agent by registered post that a claim may be forthcoming if the Principal does not provide proof of termination or pay. This is copied to Requested Customs Authority Requested Customs Authority: contacts Principal,

	<i>channels of investigation within its own territory to establish the facts and assign responsibilities</i>	determines the facts of the case; establishes the person, or persons, responsible; and Remits amount of claim if successful.
2	If Principal does not produce proof, or pay, or is unable to pay (for example in the case of bankruptcy)	The Requested Customs Authority advises the Applicant Customs Authority which invokes payment of the debt through the agent ¹⁴ for the Guarantor in the territory of the Applicant Customs Authority.

¹⁴ Alternatively, the Applicant Customs Authority may make a claim directly to the guarantor bank.

Transit termination enquiry (to Guarantor)

Model letter from Applicant Customs Authority to Guarantor

Name and contact details of the competent authority of the Applicant Customs Authority.....
.....

Place and Date.....

Name and contact details of Guarantor (or his agent).....
.....

Dear XXX

In accordance with ASEAN Customs Transit Legislation we hereby advise you that we do not have proof of the termination of the transit procedure for following declaration(s).

- Principal (name and address)
- The ACTS Reference Number (ARN) and date
- Guarantee Reference Number (GRN)
- Goods Description
- Amount of claim

For your information, attached herewith is a letter that was addressed to the Principal to which we have received no reply/the reply to which was unsatisfactory for the following reasons:

Please be informed that my Administration is currently in formal contact with the XXXXX Customs Administration, in whose territory the Principal resides, to assist us with our enquiries.

Notwithstanding, this letter is to formally advise you that, as the Guarantor to the ASEAN Customs Administrations in this case, failure of the Principal to provide proof that the Transit movement has ended properly or to pay the debt due to this Customs Administration will result in a claim being made forthwith against you as the Guarantor.

NB: This is not a claim for Customs debt, so no payment should be made yet.

(Formal ending and name and address of the Customs Administration)

Claim for recovery of Customs debt

Model claim form from the Applicant Customs Authority to the Guarantor¹⁵

TO BE SUBMITTED VIA THE CORRESPONDENT BANK TO THE GUARANTOR¹⁶

Name and contact details of the competent authority of the Applicant Customs Authority
.....
.....

Place and Date.....

Name and contact details of Guarantor (or his agent).....
.....

Dear XXX

In accordance with ASEAN Customs Transit Legislation we hereby advise you that we do not have proof of the termination of the transit procedure for following declaration(s).

Principal (*name and address*)

The Transit ACTS Reference Number (ARN) and date

Guarantee Reference Number (GRN)

Goods Description

Amount of claim in currency of Applicant Customs Authority

Amount of claim in currency of guarantee undertaking - to be converted at current date

I attach for your information a letter that was addressed to the Principal. The Customs debt has not been paid by the Principal.

This is a formal claim against you for the above amount, as the Guarantor to the ASEAN Customs Administrations.

Please submit the payment to the following bank within 30 days from the date of this claim:

Name of bank:

Address of bank:

Bank account number:

SWIFT Code / IBAN:

(Formal ending and name and address of the Customs Administration)

¹⁵ This claim may be made in the form of SWIFT

¹⁶ Alternatively, the Applicant Customs Authority may make a claim directly to the guarantor bank