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Committee on Customs Valuation

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NOTIFICATION UNDER ARTICLE 22 OF THE AGREEMENT ON IMPLEMENTATION OF ARTICLE VII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994

SLOVAK REPUBLIC

The following communication, dated 31 July 2002, has been received from the Permanent Mission of the Slovak Republic.

With respect to the obligation of the WTO Members concerning submissions of any new legislation, please find enclosed the relevant sections of the new Customs Act of the Slovak Republic¹. This Customs Act entered into force on 22 May 2001.

¹ In English only.

CUSTOMS VALUE

Introductory Provisions

Article 55

The customs value of the goods is the value, which is determined according to Article 56 to 63 for the purpose of use of customs tariffs and other tariff and non-tariff measures.

Article 56

(1) For the purposes of determination of the customs value of goods the terms used shall have following meaning

- a) produced goods are the goods bred, processed or extracted,
- b) the same goods are the goods produced in the same country, which are the same in all their aspects, including their typical features, quality and marking; minor differences in appearance do not exclude the possibility that the same goods corresponding to the definition, is considered to be the same,
- c) similar goods are goods produced in the same country, even if they are not the same in all their aspects, but have similar features and composition, which enables these goods to meet the same function and be interchangeable in trade, while similarity to the quality of goods, their designation and existence of the trade mark is taken into account,
- d) goods of the same category or the same goods, or similar goods, are goods belonging to the same group or to the same order of goods produced by a special branch of production, or by a special industry and include the same or similar goods,
- e) purchasing provisions are charges paid by the importer to its intermediary for services of representing the importer at purchase of goods, whose value is to be determined,
- f) generally recognized accounting rules are rules specifying the property and obligations to be presented as assets and liabilities, what changes will be presented and the method of their evaluation, what information about them is to be published and in what way, and which financial reports are produced irrespective of the fact, if these rules are of a general binding nature, or if their nature is that of practical procedures recognized in a specific country at a specific time.

(2) Goods cannot be considered to be the same or similar, if they are not produced in the same country as the good, which will have its customs value determined.

(3) The same goods or similar goods are the same goods or similar goods produced by a different person as a good, which will have its customs value determined.

(4) Goods pursuant to paragraph 1 letter b) and c) are not the same or similar, if their production requires technology, development, artistic work, design, projects, plans or drawings and if the goods are not altered in any way pursuant to Article 60 paragraph 1 letter b) of the point four, as these works have been accomplished in the customs territory.

(5) For the purpose of determination of the customs value the purchaser and the seller are considered to be the related persons if

- a) one of them is a member of the statutory body or of the supervisory body of the other,
- b) they are partners in the same business company,
- c) their relationship is that of the employer and the employee, or a similar legal relationship,
- d) any person directly or indirectly owns or controls 5 per cent or more shares with the voting right of the other person,
- e) one of them controls the other directly or indirectly
- f) both are directly or indirectly controlled by a third person,
- g) both together, directly or indirectly control a third person, or
- h) they are close persons to each other,²⁶⁾

²⁶⁾ Article 116 of the Civic Code.

- i) the person is, in relationship to the other person, the exclusive distributor, exclusive licensee, or the person with similar standing, if conditions in letter a) to h) are met.

Methods of Determination of Customs Value

Article 57

(1) The customs value of the imported goods is their transfer value, which is the actually paid price or the price, which is to be paid for the goods sold for exports in the Slovak Republic regulated pursuant to Article 60 and 61 provided that

- a) there are no restrictions concerning handling of goods or the use of goods as far as the buyer is concerned, except those restrictions which
 - 1. are legally specified,
 - 2. restrict geographical area, in which the goods may be further sold, or
 - 3. do not influence the value of goods substantially,
- b) their sale or price does not fall under some conditions or provisions, on the basis of which their value could not be established in relationship to the goods subject to customs value determination,
- c) no part of the gain of any additional sale, handling of goods, or use of goods by the buyer is accrued directly or indirectly by the buyer, unless a suitable alteration can be made according to Article 60 and
- d) the buyer and the seller are not related, or the buyer and the seller are related, but the transfer value can be used for customs purposes subject to paragraphs 2 to 4.

(2) The customs office shall accept for the purposes of customs value determination the transfer value of the imported goods also in case of related persons, if this relationship did not influence the price of goods. If the customs office has reasons to consider the price as influenced by a relationship, then it will submit these reasons to the declarant and shall provide it with a reasonable period of time for explanation. The declarant may give reasons in writing, if the declarant asks so.

(3) The customs office shall accept the transfer price according to paragraph 1 in case of sale between the related persons, if the declarant can prove that this value is very close to any of the following values from the same period or comparable period:

- a) transfer value from the sale of the same goods or similar goods specified for exports in the Slovak Republic between the seller and the buyer, who are not related,
- b) customs value of the same goods or similar goods determined according to Article 58 paragraph 2 letter c),
- c) customs value of the same goods or similar goods determined according to Article 58 paragraph 2 letter d).

(4) When determining the customs value according to paragraph 3 the following evidenced differences are taken into account: trade margin, quantity, additive items according to Article 60 and the sales costs paid by the seller, if the seller and the buyer are not related and the sales costs, which the seller does not cover, if the seller and the buyer are related.

1. (5) Procedures pursuant to paragraphs 3 and 4 are used when proposed by the declarant for the purpose of comparison of the declared transfer value with the values according to paragraph 3. Alternative values according to paragraphs 3 and 4 cannot be determined.

(6) The actually paid price, or the price which should be paid for the goods exported in the Slovak Republic, is the total payment of the buyer to the account of the seller for the imported goods. It includes all payments, which have been made, or should be made as a precondition for sale of the imported goods by the buyer to the seller or by the buyer to the third party in order to meet the obligation of the seller. Payment means also a payment made in a different form than cash payment or bank transfer. Payment may be made on the basis of a letter of credit or by a transferable security either directly or indirectly.

(7) Marketing activities, or other activities implemented by the buyer at buyer's costs not included in Article 60 are not considered to be direct or indirect payment of the buyer to the seller

according to paragraph 6, even if they can be assumed to be of benefit to the seller. The costs of these activities are not included in the customs value of the imported goods.

(8) For the purpose of determination of the customs value pursuant to paragraphs 1 to 7 in case of goods, for which the price has not been actually paid at the time of customs value determination, the price, which should have been paid, shall be used as the base for the customs value determination.

(9) If the goods proposed for the release in the regime of free circulation are a part of a larger quantity of the same goods purchased in one business operation, then for the purposes of the paragraph 1 the price actually paid or the price, which should be paid, shall be the price determined as a ratio between the quantity of the goods proposed for the release in the regime of free circulation and the total quantity of the purchased goods.

(10) The proportionate division of the actually paid price, or of the price, which is to be paid, shall be used in case of loss of a part of the consignment, or if the goods subject to customs value determination have been damaged before their release in the regime of free circulation.

(11) If, for the purpose of the paragraph 1 the price actually paid, or the price which is to be paid includes the tax applied in the country of origin or in the exporting country, then this tax shall not be included in the customs value, if the evidence is presented to the customs office that the price of these goods has been, or shall be reduced by the amount of this tax for the benefit of the buyer.

(12) For the purposes of paragraphs 1 to 7 the fact that goods to be sold are proposed for the release in the regime of free circulation, is considered to be a sufficient evidence of the fact that the goods were sold for the importation in the Slovak Republic. In case of several sales following one another before the customs value is determined, this evidence is the last sale of goods entering the Slovak Republic, or the sale in the Slovak Republic prior to its release for free circulation.

2. (13) If the goods are used in a different country during the period between its sale and its release for free circulation, then the transfer value need not be the customs value.

3. (14) If the application of the paragraph 1 letter b) shows that the sale or the price of the imported goods is subject to the conditions, or provisions, and that their value can be determined in relationship to the goods subject to customs value determination, then this value is considered to be an indirect payment of the buyer to the seller and a part of the price actually paid, or the price, which is to be paid for the goods, unless the conditions or provision relates to

- a) activity pursuant to paragraph 7, or
- b) factor, subject to which the actually paid price or the price to be paid for the goods is to be added to the additive items according to Article 60.

(15) For the purposes of paragraph 7, the marketing activities are activities related to the advertisement and sales promotion and the activities related to the guarantees. These activities of the buyer are considered to go at the account of the buyer, even if they are performed in connection with the obligations of the buyer on the basis of the contract with the seller.

Article 58

4. (1) If the customs value of the imported goods cannot be determined according to Article 57, then the customs value shall be determined according to paragraph 2 in the sequence of letter a) to d). If the customs value is not determined according to paragraph 2 letter a) or b), the sequence of application of paragraph 2 letter c) and d) may be changed at the request of the declarant.

(2) The customs value for the purpose of the paragraph 1 is

- a) the transfer value of the same goods sold for exports in the Slovak Republic and exported at the same time, or at the comparable time as the goods, whose customs value is to be determined,
- b) the transfer value of similar goods sold for exports in the Slovak Republic and exported at the same time, or at the comparable time as the goods, whose customs value is to be determined,

- c) the value based on the unit price, at which the goods imported in the Slovak Republic, the same imported goods, or similar imported goods are sold in the largest total volume to persons, who are not related to the sellers,
- d) the value calculated as the total
 - 1. of the price, or of the value of the material and costs, or of a different working process used for production of the imported goods,
 - 2. of the profit and of general expenditures in the amount usually included in the sale of goods of the same category or kind, as the goods subject to evaluation, whose customs value is determined and which is applied by the producers in the country exporting in the Slovak Republic,
 - 3. the costs included in Article 60 paragraph 1 letter e).

(3) In case of application of the paragraph 2 letter a) the customs value is determined on the basis of the transfer value of the same goods sold on the same commercial level and in the same quantity, as in case of goods subject to customs value determination. If this sale is not established, then the transfer value of the same goods sold on a different commercial level in different quantities, if this adaptation can be made on the basis of presented evidence, which confirms substantiation and correctness of this adaptation, irrespective of the fact, whether this adaptation brings increase or reduction in the customs value.

5. (4) The adaptation shall be made, if the transfer value according to paragraph 3 includes costs and expenditures according to Article 60 paragraph 1 letter e), so that account is taken of the substantial differences in these costs and expenditures between the imported goods and the same goods from the point of view of the differences in the distance and the mean of transportation.

6. (5) If application of the paragraph 3 shows more than one transfer value of the same goods, then the lowest of these values shall be used for determination of the customs value of the imported goods. The transfer value of the goods presented by a different person will be taken into account only if the transfer value for the same goods presented by the same person cannot be established. For the purposes of the paragraph 3, the transfer value of the same imported goods is the customs value determined according to Article 57 and adapted according to paragraphs 3 and 4.

- (a) (6) If paragraph 2 letter b) is used, then the customs value is determined on the basis of the transfer value of similar product sold on the same commercial level and in the same quantity as in case of goods subject to customs value determination. If no sale of this sort is established, then the transfer value of similar goods sold on a different commercial level in different quantities will be used after adaptation, so that the differences of the commercial level or of the quantity are taken into account. This adaptation should be made on the basis of presented evidence, which confirms the substantiation and correctness of the adaptation irrespective of the fact whether the adaptation increases or decreases the customs value.

7. (7) If the transfer value includes the costs and expenditures according to Article 60 paragraph 1 letter e), the adaptation shall be made so as to take into account substantial differences in costs and expenditures between the imported goods and similar goods due to the differences in the distance and the mean of transportation.

8. (8) If on application of the paragraph 6 more than one transfer value of similar goods are established, then the lowest of these values shall be used to determine the customs value of the imported goods. The transfer value of the goods presented by a different person shall be taken into account only if the transfer value of similar goods presented by the same person cannot be established.

For the purposes of the paragraph 6, the transfer value of the similar imported goods is the customs value determined according to Article 57, and adapted according to paragraphs 6 and 7.

9. (9) If the imported good, the same imported good, or similar imported goods are sold in the Slovak Republic in the same condition under which it has been imported, then the customs value of the imported goods determined according to paragraph 2 letter c) is based on the unit price, for which the imported good, the same imported good, or similar imported goods are sold in the largest total quantity at the time of the importation of goods, whose customs value is determined, or in the comparable time, to the persons, who are not related to the persons from which these goods are purchased. Following items are deducted from this unit price:

- a) usually paid provisions or the agreed provisions, if they were paid out, or the usual profit margins and general expenditures, including the direct and indirect costs of marketing activities related to the sale of imported goods of the same category or type in the Slovak Republic,
- b) the customary costs of transportation and insurance and the related costs accrued in the Slovak Republic,
- c) import charges and other charges to be paid in the Slovak Republic on sale of goods.

10. (10) If the imported goods, the same imported good, or similar imported goods are not sold at the time of its importation subject to customs value determination, or in a comparable time, then unless otherwise stipulated, the customs value of the imported goods determined according to paragraph 9 is based on the unit price for which the imported goods, the same imported goods, or similar imported goods are sold in the Slovak Republic in the imported state at the earliest time after the importation of goods subject to customs value determination, but not later than before 90 days from the date of such importation. The earliest time is the time, in which the sale of the imported goods, the same imported good, or similar imported goods are sold in sufficient quantity for the customs value determination.

11. (11) If the imported goods, the same imported goods or similar imported goods are not sold in the Slovak Republic in the imported state, then the customs value, at the request of the importer, is based on the unit price, for which the imported goods are sold after its further processing in the highest total quantity to persons in the Slovak Republic, who are not related to the persons, from which the goods are bought, after the customs value added by this processing and the deductions according to paragraph 9 letter a) to c) have been taken into account.

12. (12) For the purposes of paragraphs 9 to 11, the unit price, for which the imported goods are sold is the price, for which the goods are sold in the highest quantity to persons, who are not related to persons selling these goods on the first commercial level after the imports.

(13) Determination of the unit price for the purposes of the paragraphs 9 to 12 does not take into account the sale of some of the elements pursuant to Article 60 paragraph 1 letter b) to the person in the Slovak Republic, which provides these goods directly or indirectly free of charge, or at a reduced price for the use in connection with production and sale of the goods to be exported.

(14) In case of application of the paragraph 2 letter d) the customs office shall not request from the foreign person that, for the purposes of the customs value determination, this foreign person presents for verification the book or other records, or that the customs office is permitted access to these books or records. The information provided by the producer of goods for the purpose of the customs value determination can be verified in a different country subject to the approval of the producer only, provided that the respective authorities of this country of verification are notified sufficiently in advance and as long as these authorities do not object such verification.

(15) Price or the value of materials and the costs of production according to paragraph 2 letter d) point one include also additive items according to Article 60 paragraph 1 letter a) of the point two and three. It includes also allocated values of goods and services according to Article 60 paragraph 1 letter b), which have been provided directly or indirectly by the buyer for use in connection with the

production of the imported goods. The value of goods and services according to Article 60 paragraph 1 letter b) point four provided in the Slovak Republic shall be included to the extent charged to the producer.

13. (16) If, for determination of the customs value, other data are used than those provided by the producer, or which have been provided in its name, the customs office shall announce the declarant, on its request, the source of these data, the used data and the calculations made on the basis of these data.

14. (17) The general expenditures according to paragraph 2 letter d) point two include the direct and indirect costs for production and sale of the exported goods, which are not included in the point one of this provision.

Article 59

(1) If the customs value of the imported goods could not be established according to Article 57 or Article 58, then the customs value shall be determined on the basis of the data, which are accessible in the Slovak Republic using suitable means in conformity with the rules specified in the international agreement²⁷⁾ and in conformity with Article 55 to 63.

(2) The customs value according to paragraph 1 cannot be established on the basis of

- a) the sales price of the goods produced in the Slovak Republic on the market of the Slovak Republic,
- b) the system which determines acceptance of the higher value from the two alternatives for customs purposes,
- c) the price of goods on the domestic market of the exporting country,
- d) other values than those calculated according to Article 58 paragraph 2 letter d) for the same goods or similar goods,
- e) prices of goods for exportation into a country other than the Slovak Republic,
- f) the minimal customs values,
- g) any values, or
- h) fictive values.

Article 60

Additive Items

(1) In case of determination of the customs value according to Article 57 the price actually paid or the price, which is to be paid includes

- a) the following sums, if they are paid by the buyer, provided that they are not included in the price:
 - 1. provisions and rewards for mediation except the purchasing provisions,
 - 2. price of the packaging, which for the customs purposes are viewed as one whole with the goods,
 - 3. the cost of packaging including the labour and material,
- b) values allocated in these goods and services, if the buyer provides them directly or indirectly free of charge or for reduced price, which are used for production and sale of imported goods for re-export, unless these values are included in the price already, such as
 - 1. materials, parts and similar objects, which are a part of the imported goods,
 - 2. tools, matrices, foundry moulds and similar objects used for production of the imported goods,

²⁷⁾ The agreement on application of the Article VII of the General Agreement on Tariffs and Trade 1994 pursuant to Annex 1 of the Agreement on Founding of the World Trade Organization (Notification No. 152/2000 Coll.)

3. material consumed for production of the imported goods,
4. costs of development, artistic work, design, technique, projects, plans and drawings produced outside the Slovak Republic, which are necessary for production of the imported goods,
- a) honoraria and licensing fees related to the imported goods, the value of which value is determined and which the buyer must pay directly or indirectly as a condition of sale of these goods, unless they are included in the price already; provision of the paragraph remains unaffected,
- b) revenues from a later sale of the imported goods, revenues from handling of goods, or the revenues from the use of the imported goods, which are accrued directly or indirectly by the seller,
- c) costs of transportation and insurance of the imported goods and of the loading and handling related to the transportation of the imported goods to the location, where the goods enter the territory of the Slovak Republic.

(2) Additive items to the price actually paid or to the price which should be paid for the imported goods shall be added according to the paragraph 1 on the basis of objectively calculable data only.

15. (3) The actually paid price or the price to be paid for the imported goods does not include

- a) payments related to the right to reproduce the imported goods in the Slovak Republic,
- b) payments made by the buyer for the right to distribute or resell the imported goods, unless they are condition for sale of imported goods to be re-exported in the Slovak Republic.

(4) If the packaging according to paragraph 1 letter a) point two is subject to re-imports, then its price, at the request of the declarant, shall be split according to generally recognized accounting principles.

(5) For the purposes of the paragraph 1 letter b) point four the costs of research and preliminary design drawings are not included in the customs value. The provision of Article 61 paragraph 1 letter c) shall be reasonably used if the customs value is determined by use of a different method than the transfer value.

16. (6) At the request of the competent person and on the basis of suitable and special criteria the customs office may exceptionally permit the determination of

- a) some items, which are to be added to the price actually paid or the price, which is to be paid, even if it is not possible to calculate them at the time the customs duty becomes effective,
- b) some payments, which should not be included in the customs value in cases when at the time the customs duty becomes effective these payments are not distinguished from the price of the actually paid, or the price, which is to be paid for imported goods.

(7) If paragraph 6 is used then the given customs value is not considered to be preliminary.

(8) The permit according to paragraph 6 shall be issued if

- a) the proceedings pursuant to Article 137 would under the given circumstances represent unreasonable administrative costs,
- b) the application of Article 58 and 59 is under certain circumstances not appropriate,
- c) there are grounds for doubt that the sum of the imported payments to be collected within the period subject to the license would not be lower than the sum, which would have been collected without the license,
- d) the conditions for economic competition between its parties are not disturbed.

(9) For the purposes of the paragraph 1 letter c), the honoraria and the licensing fees include especially the payments for use of rights of

- a) production of imported goods, especially of the patents, projects, models and production know-how, or of sale of imported goods for re-export, especially of trade marks, registered designs or
- b) use or further sale of the imported goods, especially of copyrights, production processes, which are indelibly connected to the imported goods.

17. (10) If the customs value of the imported goods is determined according to Article 57, the honorarium or the licensing fee is added to the price actually paid or the price to be paid, only if this payment

- a) relates to goods subject to customs value determination and
- b) is condition for sale of these goods.

Provisions of the paragraph 3 remain not affected.

18. (11) If the imported goods are only a part or a component of the goods produced in the Slovak Republic, then modification of the price actually paid, or the price to be paid for the imported goods shall be made only if this honorarium or licensing fee relates to these goods.

19. (12) If the goods are imported in disassembled state, or must undergo a small processing before its further sale, such as dilution or packaging, then this honorarium or licensing fee can be looked upon as that related to the imported goods.

20. (13) If this honorarium or licensing fee relate partially to the imported goods, or partially to other components, or parts added to the goods after its importation, or to the activities, or services provided after the importation, then the suitable apportionment shall be made on the basis of objectively calculable data subject to the Annex No. 2 only.

21. (14) The honorarium or licensing fee for use of the trade mark shall be added to the actually paid price, or to the price to be paid for the imported goods only if

- a) this honorarium or the licensing fee relates to goods, which is resold under the same condition, or which after the imports undergoes only a small processing,
- b) the goods are sold under the trade mark attached before the importation or after the importation subject to the honorarium or licensing fee and
- c) the buyer cannot acquire these goods from other suppliers, who are not related to the seller.

(15) If the buyer pays honoraria or licensing fees to a different person, then the conditions according to paragraph 10 are not considered to be met if the seller, or the person not related to it, does not request from the buyer such payment.

22. (16) If the method of calculation of the honorarium or of the licensing fee is derived from the price of the imported goods, it is assumed that the honorarium or the licensing fee relates to the goods subject to customs value determination. If the honorarium or the licensing fee is calculated irrespective of the price of the imported goods, their payment may be considered to be the payment for the honorarium or for the licensing fee related to the goods subject to the customs value determination.

(a) (17) On application of the paragraph 1 letter c) the country of permanent address or of the seat of the recipient of the honorarium or of the licensing fee is not looked upon as the decisive circumstance.

Article 61

Deductable Items

(1) The customs value does not include

- a) the costs of transportation of goods after its arrival to the point at which the goods enter the territory of the Slovak Republic,
- b) the costs of construction, erection, assembly, maintenance, or technical aid, which have been accrued on the imported goods after their importation,

- c) the interest to be paid subject to a funding agreement concluded by the buyer and related to the purchase of the imported goods, if the funding agreement has been concluded in writing and the buyer can prove, at the request of the customs office that

1. the goods were actually sold for the price, which has been declared as the price actually paid or to be paid for the goods, and

2. the agreed interest rate does not exceed the usual level for this kind of financial operations in the country, in which the funding has been obtained and at the time they were obtained,

- d) the payments for the right to reproduce the imported goods in the Slovak Republic,

- e) purchasing provisions,

- f) import payments and the payments which are to be paid in the Slovak Republic at the sale of goods.

(2) The costs according to paragraph 1 shall not be included in the customs value provided that they are differentiated from the actually paid price, or the price, which is to be paid for the imported goods.

(3) For the purpose of the paragraph 1 letter a) and Article 60 paragraph 1 letter e), the place of entry of the goods on the territory of the Slovak Republic is

- a) in case of railway transportation, water transportation or road transportation the location of the first frontier customs office,

- b) in case of other means of transportation the location, where the goods cross the customs frontier.

(4) In case of application of the paragraph 1 letter a) and Article 60 paragraph 1 letter e),

- a) if the goods are transported by the same mean of transportation to the point of entry of the goods on the territory of the Slovak Republic, the costs of transportation are calculated as a proportion to the distance covered abroad and in the Slovak Republic, unless the customs office is provided the evidence showing the costs, which would have been accrued in case of use of transportation tariffs for the transportation of goods to the point of entry on the territory of the Slovak Republic;

- b) if the goods are invoiced for the price under the condition of payment at the place of permanent residence or at the seat, which corresponds to the price until the entry of the goods on the territory of the Slovak Republic, then the costs of transportation on the territory of the Slovak Republic are not deducted from this price. This deduction is possible, if the customs office is submitted the evidence that the price to be paid up to the customs frontier is lower than the price to be paid until the place of permanent residence or the seat;

- c) if the transportation is free, or it is provided by the buyer, the customs value shall include the costs of transportation up to the point of entry of goods on the territory of the Slovak Republic calculated according to transportation tariffs customarily used for the same mean of transportation.

(5) Additional postal fees charged in the country of importation are not included in the customs value. The customs value, however, includes postal charges for goods sent by mail to the place of destination.

(6) Determination of the customs value of consignments of goods of non-commercial nature does not include the adjustment of the declared customs value in relation to the tariffs specified in paragraph 5.

(7) Provisions of the paragraph 5 shall not be used for goods transported by express postal services.

(8) Determination of the customs value of the imported material data carriers containing the data or instruction for use in the data processing equipment does not involve the price or value of these data or instruction, if it is differentiated from the price, or from the value of the relevant material data carrier.

(9) For the purposes of the paragraph 8

- a) the material data carrier does not include integrated circuits, semiconductors and similar equipment or goods, containing these circuits or equipment,
- b) data or instructions do not include audio recordings, cinema recordings or video recordings.

Article 62

Calculation of the customs value in foreign currency

(1) If the sums in foreign currency are used for determination of the customs value, then the transfer to the Slovak currency is made subject to the rate of exchange of the National Bank of Slovakia, as specified on the penultimate Wednesday of the month preceding the month the customs debt has been charged. If the National Bank of Slovakia does not specify the rate of exchange of the Slovak currency against the foreign currency on this day, then the previous valid rate of exchange shall apply.

23. (2) The rate of exchange announced according to paragraph 1 is used during the following month, unless it is changed by the rate of exchange according to paragraph 4.

(3) For the purposes of the calculation of the customs value from the foreign exchange

- a) the announced rate of exchange of the Slovak Crowns against the foreign currencies is the exchange rate announced by the National Bank of Slovakia,
- b) the currency is the currency unit used as the mean of payment between the financial institutions or on the international market.

(4) If the latest announced exchange rate of the last Wednesday of the month differs by 5 per cent or more from the rate of exchange according to the paragraph 1 valid in the following month, then the rate of exchange according to paragraph 1 shall be replaced by the specified rate of exchange from the last Wednesday of that month. This rate of exchange shall be used from the first Wednesday of the following month for application of paragraphs 1 and 2.

(5) If, during the validity of the rate of exchange the rate of exchange from Wednesday differs from the rate of exchange used according to provisions of paragraph 1 to 4 by 5 per cent or more, then it will be replaced by the specified rate of exchange from Wednesday and shall be used from the following Wednesday for the purpose of application of paragraphs 1 and 2. The alternative rate of exchange shall be used for the rest of the relevant month, unless it is replaced according to the provisions of the first sentence.

(6) If the customs office permits the declarant to provide or submit later some data concerning the customs declaration of the regime of free circulation in the form of a periodic declaration (Article 118), then this permit can be used, at the request of the declarant, for use of one rate of exchange for calculation of elements forming the customs value. In this case the rate of exchange is used pursuant to paragraphs 1 and 2, which is valid on the first day of the period for the relevant periodic customs declaration.

Article 63

Customs Value Data Declaration

24. (1) The declarant is obliged to give in the declaration concerning customs value the data on the basis of which the customs value is determined.

25. (2) If, for the purpose of Article 55 to 62, the customs value is determined, the declaration of data on customs value is added to the customs declaration for the release of the imported goods in the proposed regime. The declaration of data on customs value is presented on a

specified form according to the specimen in the Annex No. 3 supplemented, depending on the need, by one or more supplementary forms according to specimen in the Annex No. 4.

26. (3) The declaration of data on customs value according to paragraph 1 can be made only by the Slovak person according to Article 2 letter a), who has relevant data at its disposal. The provision of Article 84 paragraph 3 is used as applicable.

27. (4) The customs office may refrain from the request to submit the declaration of data on customs value on forms according to paragraph 2, if the customs value cannot be determined according to Article 57. In such case the person specified in the paragraph 3 shall provide or secure provision of other data to the customs office, so that the custom value can be determined according to the following regulations of this act in the form and in accordance with the request of the customs office.

28. (5) The persons specified in the paragraph 3 submitting the declaration of data concerning the customs value takes over the responsibility for

- a) correctness and completeness of data specified in the declaration of data concerning the customs value,
- b) authenticity of data pursuant to letter a),
- c) provision of further documents or data, which are necessary for determination of the customs value of the imported goods.

29. (6) The customs office shall not require the whole declaration of data concerning the customs value or its part pursuant to paragraphs 2 to 5, if

- a) the customs value of the imported goods in the consignment does not exceed the value of EUR 5,000, unless the partial consignments or multiple consignments from the same sender to the same recipient are involved,
- b) the goods are of non-commercial nature, or
- c) presentation of the relevant data is not necessary for application of customs tariffs, or if the customs duty in the customs tariff book is not specified.

(7) Provisions of the paragraph 6 do not apply if the submission of declaration of data concerning the customs value is necessary for a correct application of import charges.

(8) In case of repetitive consignments of goods sent of by the same seller to the same buyer under the same commercial conditions the customs office may relinquish the request that the data pursuant to paragraph 2 are demonstrated by the documentation for the needs of every customs declaration. The customs authority is obliged to request the data according to paragraph 2 at least once in three years, or always if the circumstances change.

30. (9) The customs office may request presentation of the declaration of data on customs value according to paragraph 2 if it is established that the condition necessary for permission of the procedure pursuant to paragraphs 6 to 8 has not been met or is not being met.

(10) The customs office may permit a different form of presentation of data requested for determination of the customs value if a technical equipment for processing and transmission of data is used, or if the imported goods are supported by a supplementary customs declaration of general, periodic or of aggregate nature (Article 118).

(11) The persons specified in the paragraph 3 is obliged to submit to the customs office a copy of a document concerning the price used for declaration of the value of the imported goods.

Release of Goods

Article 93

31. (1) If the conditions for releasing goods to a relevant regime are fulfilled and if the goods are not subject to restrictions and limitations, the customs office shall release the goods immediately after verifying the data specified in the written customs declaration, or accepting a written customs declaration without their verification; this applies also in case if verification if the data cannot be completed within appropriate period and the goods are no more necessary for the purposes of verification. Provision of Article 88 is hereby not affected.

32. (2) If, in a written customs declaration, more items of goods are specified, the goods are released together.

Article 94

A customs authority does not release goods to a proposed regime if

- a) customs debt that occurred by accepting a written customs declaration is not fulfilled or secured, with an exception of the regime of temporary release from export payments,
- b) customs debt whose security is required by a customs office, is not secured, or
- c) they have doubts whether imported goods are not subject to restrictions and limitations, and these doubts cannot be removed until results of the performed control are known.

Article 95

33. (1) When releasing goods, the customs office specifies conditions for using the proposed regime with respect to the place where the goods are placed and individual conditions for performing customs supervision over the goods.

34. (2) The customs office shall specify data about releasing and the date of release in the written customs declaration or in an attached accompanying document; one copy shall be returned to a declarant.

Article 96

35. (1) The customs office has the right to take the necessary measures including sale of goods to prohibit illegal handling of goods if the goods

- a) cannot be released because
 - 1. it was not possible to start inspection of goods, or continue in the inspection of goods within the period specified by a customs office due to declarant's reasons,
 - 2. no documents that must be presented when releasing goods to a proposed regime have been presented,
 - 3. payments or securities of customs debt that, regarding import payments or export payments, should have been performed or provided, were not performed nor provided within the period specified by this Act or specified by the customs office,
 - 4. it is subject to acts or restrictions, or

5. the owner of goods is unknown, and thus a written customs declaration was not submitted within the period according to this Act,
- b) have not been removed from the place of presentation within the appropriate period after its release, or
- c) are not supported by a document concerning sale, or another method of acquiring or its import.

(2) If a customs office has taken inevitable measures according to paragraph 1, it is obliged to keep documents attached to a written customs declaration. A customs office may issue these documents to a declarant only after they perform necessary measures to prevent their repeated use, with an exception of data about a number and value of goods.

Article 97

(1) If a customs office has not released the goods due to reasons specified in Article 96 paragraph 1 letter a) second and third point, they state the declarant a period for removing deficiencies, for which the goods cannot be released.

(2) If a declarant did not pay debt payments or did not secure customs debt within the period specified by a customs office, the customs office is allowed to take necessary measures, including sale of goods, and at the same time to inform the declarant about this fact; provisions of Article 87 paragraph 1 first sentence or Article 386 are not hereby affected.

(3) The customs office may, for the purpose of preventing illegal handling of goods, at the responsibility and costs of a declarant, move goods to individual constructions under the supervision of a customs office.

Article 98

Cancellation of Decision after the Release of Goods

36. (1) The customs office may change or cancel the decision about releasing goods issued on the basis of a written customs declaration, if it found out that the goods was proposed by mistake

- a) to the regime connected with imposing import payments instead of proposal to another regime, and the request for a change or cancellation of the decision shall be submitted by, a competent person within three months from the day of accepting a written customs declaration, and if
 1. goods was not used contrary to conditions for the regime to which it was to be released,
 2. when submitting a written customs declaration, the goods were proposed to another regime, for which all conditions were fulfilled, and
 3. the goods can be immediately released to the regime to which they had to be correctly proposed;
a written customs declaration for releasing goods to another regime is valid from the day of accepting original written customs declaration,
- b) instead of other goods to the regime connected with imposing import payments, and request for the change or cancellation of decision shall be submitted by a competent person within three months from the day of accepting a written customs declaration, and if
 1. goods originally proposed to regime were not otherwise used as it was allowed, when they were in original state and put into original state, and
 2. goods, proposed to the originally meant regime, could be in time of submitting an original written customs declaration presented to the same customs office and proposed to the originally meant regime.

(2) The customs office may, in exceptional cases, adequately prolong the period specified in paragraph 1.

- (a) (3) In case of mailing packets containing ordered goods that are returned, a customs office cancels decision about their release for free circulation if a request for cancellation is submitted within three months from the day of accepting a written customs declaration if goods was exported to the address of an original supplier or to the address of a person stated by them.
37. (4) If goods was proposed to be released to the export procedure or to the outward processing , the customs office cancels the decision if
- a) the goods are subject to export payment or subject of request for returning import payment, compensation or other export payments or individual measures at the export, and a declarant
1. proves the customs office that the goods did not leave customs territory,
 2. returns to the customs office all forms of the written customs declaration together with other documents that were issued when accepting a written customs declaration,
 3. proves the customs office of export that compensations or other sums provided on the basis of a the written customs declaration for export have been returned or that the relevant authority took measures necessary to ensure that they would not be paid, and
 4. in accordance with customs regulations they will satisfy all duties specified by the customs office,
- b) this concerns other goods than goods specified in letter a) and the customs office according to Article 378 paragraph 9 that declared that the goods did not leave the customs territory.

38. (5) Cancelling a decision according to paragraph 4 letter a) results in cancellation of acts performed in connection with the export licence or certificate for providing a fee issued in relation to the written customs declaration. If it is necessary that goods proposed to be released to the regime of export should leave customs territory within a stated period, a non-compliance of this period results in cancellation of the decision.

(6) If in reverse export a written customs declaration is submitted, paragraph 4 and 5 shall apply accordingly.

39. (7) If Slovak goods have been proposed to be released to customs warehousing regime according to Article 304 paragraph 1 letter b), the customs office, based on a request, cancels the decision about releasing goods to this regime under condition that measures in case of non-compliance with conditions for this regime have been adopted. If, after the expiration of the period specified for storing goods in customs warehouse, a request for assigning customs approved statement was not submitted, the customs office shall perform measures in accordance with customs regulations (Article 73 paragraph 9).

A n n e x e s t o W r i t t e n C u s t o m s D e c l a r a t i o n

Article 99

40. (1) To a written customs declaration proposing release goods to free circulation, the following documents shall be enclosed:

- a) invoice, on which base the customs value of goods is declared if so required according to Article 63 paragraph 11,
- b) declaration of data about customs value for defining customs value of goods proposed for release if required according to Article 63 paragraphs from 1 to 5,
- c) documents for granting preferential tariff measures or other measures resulting from legal regulations related to particular goods,

d) other documents required for application of provisions regulating the release of particular goods for free circulation, for example, veterinary or phytosanitary permissions, , certificates, agreement for import, export and reverse export of specimen, confirmation on paying fee to Recycling Fund.

41. (2) When submitting a written customs declaration, the customs office may ask for consignment or document referring to the previous regime to be presented. If one packet is presented in two or more freight pieces, the customs office may ask also for presentation of a list of freight pieces or a similar document, in which the content of each freight piece is stated.

(3) The customs office does not need to ask for documents specified in paragraph 1 letter a) to c) in order to release goods to the regime of free circulation if the conditions for using standard customs fee are fulfilled or when goods are exempted from import duty.
