CUSTOMS RULES AND REGULATIONS IMPLEMENTING BOC-PEZA JMO 2-2015 ON THE TRANSFER OF GOODS FROM THE ECOZONE LOGISTICS SERVICE ENTERPRISE (ELSE) TO ITS PARTNER ECOZONE LOCATOR

Read online (full-text search, related cases, audio case brief): https://batas.org/library/d36e511b333f/

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1. Background

1.1 BOC-PEZA Joint Memorandum Order 2-2015 dated 24 July 2015 prescribed the rules and regulations for the transfer of goods by PEZA registered Enterprise to other PEZA Registered Enterprises, utilizing the computer system, Electronic Zone Transfer System (e-ZTS).

1.2 While JMO 2-2015 covers all transfer of goods to include among others; constructive exports, farm-out, farm-in, for sub-contracting, and permanent/temporary transfer of goods and equipment, the initial implementation of e-ZTS shall be for the transfer of goods entered/stored in an Ecozone Logistics Service Enterprise (ELSE) with corresponding Electronic Letter of Authority for the goods to be transferred to a zone locator duly authorized to received such transfers.

1.3 The CMO defines the duties and responsibilities of concerned BOC- Officers/Officials in the conduct of ELSE Transfers. The separate duties and responsibilities of PEZA Officers/Officials for the transfer shall be contained in a separate PEZA Memorandum Order.

2. Objectives

2.1 To further enhance the ease of doing business in the Ecozone through the Implementation of an Electronic System for composing, submitting and processing applications for the transfer of the goods between ELSE Facilities and Partner PEZA Locators.

2.2 To clearly define the duties and responsibilities of Customs Personnel in the transfer of goods from ELSE Facilities to Ecozone Locators.

3. Scope

3.1 The role of the customs officials in the Ecozone for the transfer of goods from an ELSE Facility to a partner Ecozone Locator shall be limited to the following activities:

> a. Approval of the General Transportation and Surety Bond (GSTB) to ensure that there is adequate security for the goods being transferred.
>
> b. Selective examination of the goods covered by the electronic zone transfer document or e-ZTD, both prior to exit from ELSE and upon arrival of the transferred goods to the destination. Ecozone Locator to ensure only duty approved goods are withdrawn/transferred.

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d. Support tracking transfer to identify transfer that may have diverted from the intended destination.

e. Support initiation at the earliest possible recovery operation for the divided transfer and certification of the GTSB.

f. Support the spot-checking of destination warehouse to check if intended transfer successfully delivered at the approved destination.

4. Operational Provisions

4.1 Filing and Approval of the GTSB

a. No ELSE can transfer goods to partner PEZA Locators without having posted at GSTB duly approved as provided for in JMO 2-2015 and in this order.

b. The duly designated ELSE operator shall obtain the GTSB required under in the JMO from any Customs Accredited Surety Companies.

c. The Operator shall submit in 3 copies the GTSB to the Head of the Customs Office based in the Zone for approval. The application must be notarized.
d. Approval of the GTSB Application by concerned customs official must be based on the following:

- Completeness of the Application Form

- Correctness of the arithmetical computation (Declared F.O.B Value to be presumed correct subject to subsequent PEZA verification)

- Verification thru telephone and other means of the GTSB with the issuing surety company

- Compliance of the GTSB with the format and content of the GTSB Template (See Annex B)

e. If in order, GTSB application shall be approved and distributed as follows:

- Original of the application and the GTSB on file with the BOC

- Second Copy of GTSB application with PEZA EAD officer (delivered by ELSE to BOC)

- Third copy file of the ELSE Company

A scan/photo copy of the original GTSB’s application must be taken and attached to an email addressed to the PEZA EAD officer.

4.2 Examination of Goods for Transfer

a. The ELSE Operator must apply for transfer of goods from ELSE Facility to partner locator using the Electronic Zone Transfer Document (eZTD) of the eZTS.

b. The Goods for Transfer must be physically segregated or immediately located to the carrying truck where these may be examined by BOC.

c. BOC Officers must monitor the e ZTS video display unit for submitted eZTD and determined based on Risk Assessment whether or not to physically examine the goods.

d. Thirty-Minute Window. BOC Officers have 30-minute within which to register in the eZTS whether or not

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they wish to examine the goods. Failure to indicate intent to examine will free the goods for transfer.
e. BOC must keep printed copy of the eZTD for spot-checking and other monitoring activities.

4.3 Monitoring of Transfer

a. BOC Officers shall have responsibility for checking that the goods transferred arrives safely at the partner-locator premises and duly received thereat. In general, above shall be performed by:

- Checking Status of the eZTD in the eZTS as Already Delivered/ RECEIVED

- Telephone call with the partner-locator and ELSE operator if transfer has been completed

- On selection basis following Risk Management to actually proceed to the goods destination if goods arrived thereat

b. BOC Officers shall ensure that “view only” access is provided in the eZTS by PEZA-accredited VASPs.

5. Repealing Clause

All rules and regulations inconsistent with this Order are hereby considered repealed, superseded or modified accordingly.

6. Effectivity

This Order shall take effect immediately.

(SGD) ALBERTO D. LINA
Commissioner

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