

of fishing boats registered in, and raising the said country's flag.

g- Goods produced or procured aboard manufacturing ships from amongst the goods listed in item (f) of this Article, and whose origin is the aforementioned country, provided such ships are registered in, and raise the said country's flag.

h- Products taken from the sea-bed or the subsoil thereof outside territorial waters provided that the country has special rights to exploit the sea - bed or its subsoil.

i- Items produced from the wastes of manufacturing processes and raw materials used therein, provided the wastes are collected there, and are fit only to be recovered as raw materials.

j- Goods produced in the said country exclusively from goods referred to in items (a to i) or from the derivatives thereof, and at any production stage.

Article 25:

A- The origin of goods produced in more than one country shall be the country of the last manufacturing stage, provided production there is carried out within a purpose build project set up for the manufacture of a new product.

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

C- Goods which undergo additional manufacturing in other than the country of origin, shall be subject either to the tariffs applicable to goods from the country of origin or the tariffs applicable to the country of manufacture, depending on the extent of additional manufacturing, and according to the criteria provided in paragraph (A) of this Article.

Article 26:

A- Imported goods shall be subject to proof of origin.
Conditions for proof of origins and for exemptions therefrom

shall be stipulated by a Minister's decision upon the Director's recommendation.

B- The Department may require additional evidence about origin if the authenticity of the certificate of origin presented is put into doubt.

Preferential Origin

Article 27: Rules of preferential origin shall apply pursuant to the treaties between the Kingdom and other parties which provide for preferential treatment.

Section 2 Customs Value

Article 28:

A- The custom value to be declared for goods which enter the Kingdom shall be the transaction value, namely, the actual price paid or the price payable upon purchase, but subject to the following terms:-

1- The use or disposal of the goods shall not be subject to restrictions, other than those provided for in this or any other Law, or which specify the geographical areas in which the goods may be resold, or which do not substantially affect the value of the goods.

2- The sale or price shall not be contingent upon a special condition or a consideration whose value is indeterminate with respect to the goods being valued .

3- No part of the proceeds of a subsequent resale, or disposal or use of the goods by the buyer shall accrue directly or indirectly to the seller, unless it is possible to readjust the value of the transaction, according to the provisions of paragraph (F) of this Article.

4- The buyer and seller shall not be related..

B- Natural or juridical persons are considered to be related only if:-

- 1- they are officers or directors of one another;
- 2- they are legally recognized business partners ;
- 3- they are employer and employee;
- 4- one of them holds directly or indirectly no less than 5 percent of the other persons outstanding voting stocks or shares;.
- 5- one of them supervises the other directly or indirectly;.
- 6- both of them are directly or indirectly supervised by a third person;
- 7- they jointly supervise a third person directly or indirectly ;
- 8- they are members of the same family up to the third degree .

C- The fact that the buyer and seller are related within the meaning of paragraph (B) of this Article is not sufficient grounds for rejecting the transaction value, unless the Department finds that the value was biased as a result of the relationship.

D- The value of a sale transaction between related persons shall be accepted, and the goods shall be valued according to the provisions of paragraph A, if the importer proves that the [declared] value closely approximates one of the following test (standard) values for goods which are imported before or after 90 days from the date of importation [of the said good]:

- 1- The transaction value of identical or similar goods sold for exportation to the Kingdom, and to buyers who are not related to the sellers.

2- The customs value of identical or similar goods, determined according to the provisions of paragraph © or paragraph (D) of Article (30).

E- In applying the test (standard) values mentioned in paragraph (D) of this Article, account shall be taken of differences in commercial levels, and in the costs provided for in paragraph (F) of this Article.

F- The following costs shall be incorporated in the transaction value to the extent that they are not included in the paid or payable price of the imported goods:-

1- Commission and brokerage fees, excluding buying commission fees.

2- Cost of the containers which are considered an integral part of the goods for customs purposes.

3- Material and labor filling costs.

4- The value of the goods and services provided directly or indirectly by the buyer for free, or at reduced cost and for use in the production of the imported goods, including:

- Materials, components, and parts of the imported goods.

- Tools, dyes and molds used in the production of the imported goods,

- Materials consumed in the production of the imported goods.

- Engineering, design, and development work, as well as artwork, plans, and sketches implemented outside the Kingdom and which are essential to the production of the imported goods.

5- License fees and royalties applicable to the goods being valued and which, as a condition of the sale, are payable directly or indirectly by the buyer.

6- The value of any part of the proceeds of any subsequent resale, or disposal or use of the imported goods to which the seller is directly or indirectly entitled,

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

8- Loading, unloading, handling and insurance costs associated with transporting the imported goods to the border entry point,

G- The transaction may not be valued at higher than the price paid or payable except in accordance with the provisions of paragraph (F) of this Article. Increments to the value over and above the price shall be based upon objective and quantifiable data. Otherwise, the value of the transaction shall be considered indeterminable according to the provisions of this Article.

H- If the Customs Department entertains reasonable doubt about the authenticity of the produced documents, notwithstanding the provisions of this Article, it shall inform the importer about its doubts, in writing and upon the importer's request, and shall give the importer a reasonable opportunity to respond. If the importer fails to present evidence acceptable to the Department within the given period, the provisions of Articles (29,30 31) shall be applied successively.

Article 29: If the customs value is indeterminable according to the provisions of Article (28), it shall be determined by successively applying the methods stated in paragraphs (A-D) of Article 30 until obtaining the first result. However, paragraph (D) of Article (30) may be applied before paragraph C thereof, upon the importer's request and subject to the Department's approval.

Article 30: The customs value shall be:-

A- the transaction value of identical goods sold for exportation to the Kingdom at or about the same time the goods being valued are exported, with due account, however, to differences in the commercial levels, quantity,

distance and means of transport. If according to the provisions of this paragraph, more than one transaction value is established for identical goods, the lowest value shall be adopted.

B- The transaction value of similar goods sold for exportation to the Kingdom at or about the same time the goods being valued are exported, with due account, however, to differences in commercial levels, quantity, distance and means of transport. If, according to the provisions of this Article, more than one transaction value is found for similar goods, the lowest value shall be adopted.

C:1- The unit price at which the imported goods, or identical or similar goods are sold in the largest aggregate quantity in the Kingdom at the conditions of their importation, to persons not related to the seller, and at or about the same time the goods being valued are imported, but before the lapse of 90 days from the date of importation. However, deductions shall be made for commissions, and for additions that are usually paid in the Kingdom, or are agreed to be paid for profits and general expenses on goods of the same class or kind, regardless of origin, and for the usual internal transport and insurance costs, customs tariffs and other fees and taxes, and other taxes imposed internally but which are related to the importation or sale of the goods within the Kingdom.

2- If the goods provided for in item (1) of paragraph C of this Article are sold in other than the state of their import, the customs value shall be based on the unit price of the processed goods sold, less the amount of the value added and the other deductions provided for in the previous item.

D- The customs value of goods imported according to the provisions of this paragraph shall be based upon the computed sum of the following:

1- The cost or value of the materials, fabrication, and other processes that entered into the manufacturing of the imported goods.

2- The amount of profit and of general expenses normally incorporated in sold goods which are of the same kind or class as the goods being valued, and are manufactured in the origin purposely for being exported to the Kingdom.

3- The Wages, costs, and expenses provided for in items 7 & 8 and in paragraph (F) of Article 28.

Article 31:

A- If the customs value is not determinable according to the provisions of Articles (28, 29, 30), it shall be determined according to Minister's instructions published in the Official Gazette.

B- Upon request thereof, the importer shall be advised in writing about the methods used in customs valuations.

C- Every declaration shall have enclosed therein an original itemized invoice certified by the chamber of commerce of the city of export or any entity recognized by the Department and attesting to the authenticity of the prices and the origin. The documents must also be certified by the Jordanian Consulate Mission where available.

D- Upon the Director's approval, customs clearance formalities may be completed without submission of the certified invoices and required documents, against a cash deposit or a bank guarantee which may not exceed respectively 2% and 4% of the value of the goods, in lieu of each document. The payer shall be refunded if the certified invoices and required documents are submitted within (60) days of payment.

E- The certified invoice requirement and the provisions applicable thereto may be waived partly or entirely on the basis of instructions issued by the Minister upon the Director's recommendation, which instructions shall specify the waiver conditions. The instructions shall be published in the Official Gazette.

F- Values declared in foreign currency shall be converted into the local currency at the rate set by the Central Bank on the date of registration of the declaration.

G- The Department may request the submission of any documents, contracts, correspondences, and other items related to the transaction including documentary credit

H- All invoices issued in a foreign language shall have inscribed thereupon the class of goods in Arabic and in customs terminology.

Article 32: The value to be declared for exports shall be the value of the goods at the time of registration of the customs declaration, including all expenses incurred until the good's arrival at the border, but excluding:

A – export duties and taxes if any,

B – local taxes and other taxes which are refundable upon export.

Section 3

Class of Goods

Article 33:

A- For the purposes of determining the class of goods, decisions regarding the assimilation and classification of goods which are not mentioned in the Customs Tariff Schedules shall be issued by the Minister, upon the Director's recommendation, and in accordance with the procedures outlined in the Schedule, which decisions shall be published in the Official Gazette.

B- Without Prejudice to the provisions of the Commentaries issued by the World Customs Organization, supplementary tariff commentaries and application guides shall be issued by the Director within instructions published in the Official Gazette, in which effective date of the guides shall be indicated.

Title FOUR

Entry and Exit of Goods

Chapter One

Presenting Goods to the Customs Authorities

Article 34: A Cargo declaration must be presented for all goods entering and leaving the Kingdom. Goods shall be submitted without delay to the customs authorities at the nearest customs house as specified by the Department.

chapter Two

Prohibition and Restriction

Article 35: Ships of any load may not anchor at other than the assigned port, except in a maritime emergency or due to a force majeure, in which case the ship master shall notify the customs house or security post without delay.

Article 36: Ships with loads of less than two hundred freight tons, may not within the maritime customs territory, ferry restricted goods, or prohibited goods or goods subject to exorbitant duties, or the ascertained prohibited goods mentioned in Article 2 of this Law.

Article 37: Ships with loads of less than two hundred freight tons, carrying the goods mentioned in Article (36) of this Law, may not enter the maritime customs territory, or sail within, or deviate from their course therein except in a maritime emergency or due to force majeure, in which case, the ship master shall inform the customs house or the security post without delay.

Article 38: Planes shall not take off from, or land, at airports with no custom houses except if due to a force majeure, and in which case, the pilot shall notify the nearest customs house or security post and submit to the Department a report to this effect endorsed by notified entity.

Article 39:

A - Ascertained prohibited goods, even if declared, shall be seized unless licensed in advance for entry or exit.

B - Other prohibited goods which are declared under their real nomenclature shall not be seized, but shall be sent back into the Kingdom or abroad, as dictated by the situation.

C - Customs formalities for goods whose importation or exportation requires a license, certificate, or any other document, shall not be completed before producing the required documents.

Article 40: Foreign goods which carry a mark, name or sign on the goods, the packages, or the wrappings which falsely suggest that the goods are of local origin shall be considered prohibited. This shall also apply to goods subject to suspended duties.

Article 41: Foreign goods which do not conform with requirements of the Laws and regulations for the protection of origin and ownership shall be denied entry unless otherwise approved by the competent authorities.

Article 42: The Minister may stipulate special packaging rules for certain goods for the purposes of facilitating inspection procedures.

Chapter Three

Maritime Transport

Article 43:

A- All goods arriving by sea, including those consigned to the free zone, shall be registered in the cargo manifest.

B- A single declaration only shall be prepared for the entire cargo, and shall be signed by the ship master, or the ship