

Date: 3/4/2008

## Customs Policy

## Customs Code: DCP (17)

### Policy Name: Customs Broker policy

### Article (1)

### Customs broker:

A customs broker is any legal person having obtained a license from the Customs office and engaged in the preparation of the customs declarations, signing them, submitting them to the customs office and completing the customs procedures relating to the clearance of the goods for the others' account.

## Article (2)

#### Licensing Conditions:

The requirements for a customs broker can be outlined as the following:

1. Be registered with the Department of the Economic Development or any similar agency in the country.
2. Submit a banking guarantee equivalent to AED (50,000) for coverage of contingent liabilities that the Administration may sustain. This guarantee cannot be refunded unless a complete calendar year from non-renewal of his license or leaving the profession is elapsed except for cases that to be decided by the Director General.
3. Where the customs broker is a person operating in one of the GCC States, he must have obtained the licensing of the respective GCC State.
4. Produce a proof of having a customs clearance office.

### Article (3)

1. The customs broker, upon his own needs, may demand to be allowed to employ a representative or more to act on his behalf in the area of activity decided to him. The representative intended to be employed must obtain a license of the same from the Administration.
2. The Administration office may issue a license to the customs broker representative in accordance with the following requirements:
  - a. Must be of 21 years old at the time of submitting the application.
  - b. Should be of a good conduct and behavior.
  - c. Not an employee with one of the country's ministries, authorities or organizations.
  - d. Must successfully complete the profession test to be decided by the Administration.
  - e. Produce a proof of fluency in either Arabic or English language.
  - f. Must have a residence registered in the name of the legal person.
  - g. To be provided by the owner of the customs clearance office with a stamp accredited to the customs office bearing the names of both the customs broker and the representative to be affixed onto all transactions, which the representatives clears and signs with his accredited signature.

### Article (4)

1. **The goods owner representative:** Any natural person having obtained a license from the Administration and engaged in declaring for the customs office and completing the customs procedures only for the benefit of the goods owner for whom he works.
2. Ministries, public organizations and establishments, companies and traders and individuals bearing commercial licenses may authorize persons to clear their goods providing that the person in question shall:
  - a. Have obtained a residence in the name of the agency for which he wishes to clear its transactions.
  - b. Satisfy the requirements specified in the sub-Paras (a, b, c, d, e, and f) to Para (2) of Article (3) herein.

- c. Produce an authorization approved by the owner of the goods containing an undertaking to bear the legal liability arranged by the Customs law or other relevant laws as a result of his acts.
- d. The responsibilities and duties applicable to the customs broker and his representatives shall also apply to the representative of the owner of goods representative.

#### Article (5)

##### Customs broker responsibilities and duties:

- 1. The customs broker shall be held responsible for his acts and those of his employees vis-avis the importers, exporters and the customs office under the provisions of the law.
- 2. The customs broker shall be responsible to the Administration for the accuracy of the details contained in the goods declaration.
- 3. The customs broker shall fully be held responsible for the offences and smuggling crimes he commits in connection with the customs declaration and for those committed by those authorized by him.
- 4. The customs broker shall be responsible to the Administration for submitting all his addresses and telephone numbers.
- 5. The customs broker shall keep a register wherein he records a summary of the customs transactions he has completed for the account of others according to the conditions stipulated by the customs office. This register shall contain the amount of duties paid to the customs office, the fees paid to the broker and any other expenses relating to the transactions. The Director or his authorized representative shall have absolute power to have access at any time to these registers without objection by the broker.

#### Article (6)

Without prejudice to any obligations prescribed by the provisions of customs law and this policy or arranged by other laws, the customs brokers shall abide by:

- 1. Preparing, reviewing and documenting the customs transaction and ensuring that the documents submitted by declarants are true and complete.
- 2. Affixing his stamp and signature accredited to the Administration onto the customs transaction and documentations thereof, which he solely prepares.
- 3. Not to loan his name, signature or name or signature of his office or the owner by all means.

4. Tracking processing of the transaction, which he documents until all customs formalities are completed and shall not cease to do so unless an excuse acceptable to customs office is submitted.
5. Clearing all kinds of customs transactions without itemizing any specific one thereof.
6. Not to trade in customs declarations forms and other formats issued by the Administration.
7. Maintaining transactional secrets of his clients or employers and not to disclose them to a third party or using them for his personal interest.
8. Not to use by himself or through mediation any of the physical or moral practices influencing the behavior of the customs officers.
9. Observing the instructions on customs zones, which the customs office allows him to visit frequently.
10. Fully complying with all terms and conditions provided for in connection with the facilitations offered to the customs broker whether electronic or non-electronic.
11. Be responsible for the accuracy and completeness of all electronic communications sent via Integration System and that all data entered shall be complete, true and correct in all respects.
12. Keeping in safe custody and confidence all data sent and received via the Integration System and all downloaded and scanned forms relating to electronic clearing of cargos for a period not less than five (5) years from each such dispatch or receipt and that no unauthorized person shall have access to or get possession of any such documentation, data or forms.
13. Allowing the Customs officials at any time and without prior notice to check and verify any documentation, data and downloaded and scanned forms relating to clearing of cargos and / or test the Integration System or any part thereof and shall be bound to any reasonable Customs security procedures.
14. Use a system for safety and security of information, and bear the responsibility for information and for protecting the stored information from any unauthorized use;  
Use its best endeavors to ensure data and forms sent via the Integrations System are free and clear from computer viruses and anything affecting or causing damage to entry of information and the electronic clearing system.
15. Notifying the Administration in the event of any defect or failure of the Integration System of such failure and provide details to it.

16. Not to remove any goods or cargo from its location or deliver it to any person unless an electronic notification from the Administration authorizing clearing or delivery of such goods is received.

### Article (7)

#### Customs representative duties:

Without prejudice to any obligations prescribed by the provisions of customs law and this policy or arranged by other laws, the customs brokers shall abide by:

1. Tracking the customs transactions that solely assigned to him by the customs broker.
2. Maintain the documents in his possession and not to tamper in the information therein.
3. Not to disclose or use for his own interest the owner or the customs broker transactions secrets.
4. Not to use by himself or through mediation any of the physical or moral practices influencing the behavior of the customs officers.
5. The instructions on customs zones, which the customs office allows him to visit frequently.

### Article (8)

#### **General provisions**

#### Licensing procedures:

1. The applications for obtaining a license for exercising the profession of customs clearance (customs broker and owners of goods representatives) or the business of customs broker representative shall be submitted to the Administration. The Administration shall decide upon such applications, issue and renew them and may delete the issued ones or suspend them in accordance with the provisions herein.
2. The validity of the license for exercising the profession of customs clearance, the business of the customs representative and the owner of the goods representative shall be for one calendar year and renewable each year.
3. The Administration shall issue the license for exercising the profession against payment of the prescribed fee for such purpose after successfully completing the appropriate test.

4. The Administration shall issue the customs broker or customs representative card for exercising the profession against payment of the prescribed fee, showing all information relating to the customs broker or the customs representative and bearing his personal photograph. Where the card is lost during the license validity, a duplicate shall be issued upon producing a letter of loss from the Police Department and payment of the prescribed fee. The duplicate shall expire upon the expiry of the lost card.

5. The administration shall maintain a record containing names of licensed customs brokers, customs representatives and owners of goods representatives and the information thereof.

#### Article (9)

##### Lay off, transfer or withdrawal procedures:

1. The customs broker, when dispensing with a representative, shall notify the Administration in writing accordingly attaching the representative license without prejudice to the administration right of recourse to the customs broker or the authorizing owner of goods in respect to the customs representative or the owner of goods representative period of service with him.

2. Upon the consent of the Administration, the customs broker representatives and the owner of goods representatives may transfer from a customs broker or a goods owner to another providing that the transfer fee is paid after obtaining a consent in writing from the first customs broker or the first owner of goods to lay off him and from the new owner to admit him.

3. Where the customs broker license is withdrawn, his representatives shall be suspended from exercising the profession during the period of withdrawal and may transfer to work with another customs broker after satisfying the requirements provided for in Para (2).

#### Article (10)

##### **Penalties**

1. Subject to the provision of Article (141) of the customs law and without prejudice to any civil or penal liability set forth in the law or any other law, the Administration shall have the jurisdiction over the offences committed by the customs broker against the customs law and the instructions thereof.

2. The Director General may impose on the customs broker or his representative after initiating an investigation with him by the competent agency at the Administration the following penalties commensurable with the offence committed:

- a. Notice (warning).
- b. A fine not to exceed AED 5000.

- c. Suspension of activity for a period not to exceed two years.
- d. Cancellation of the license and final prevention from exercising the profession.

#### Article (11)

##### Cases of deleting broker's record from the register:

Subject to the provisions herein, the Administration may delete the customs broker or his representative record in the register in the following cases:

1. Upon a request from the customs broker or his representative.
2. The customs broker found to be unable to exercise the profession for six running months without a valid excuse.
3. Death or permanent disability to carry out the profession.
4. Disciplinary deletion.

#### Article (12)

The name of the customer broker registered with the Department of Economic development or any other government agency shall not be amended or altered unless the Administration consent in writing is obtained.

This policy shall come into force as from 1 / 6 /2008.

Ahmed Butti Ahmed  
Director General

