

"Informal Translation" (ترجمة بتصريف/ غير رسمية)

Transit Cargo Transport Regulations

Law No. (23) of 1984 on Customs regulates the transit transport of foreign-origin goods through designated transit points, whether these goods enter from a specific border point to exit from another point or are sent from one customs office to another using various means of transportation. The contractor and guarantor are responsible for the transit, and transit operations are only allowed in licensed customs offices, subject to declaration and inspection provisions. Failure to provide the documents specified by the Customs Administration for clearing commitments and guarantees taken for the declaration of suspended duties constitutes smuggling.

First: General Conditions

1. There must be a designated route for transit trucks at border crossings.
2. The transiting goods must be of the same type or various types per shipment.
3. Opening transit shipments after completing customs procedures at the entry office and until the exit office is prohibited. In case of reporting a violation in the truck or goods, the customs administration of the border office from which the goods exit is notified for verification.
4. In case the truck or goods are involved in an accident or force majeure, the nearest investigating judge must be informed, and the customs administration must be notified to take customs procedures.
5. The carrier is responsible for any loss, shortage, alteration in goods, or tampering with customs seals without affecting the responsibility of the goods' owner.
6. Goods entering Iraqi territories through customs offices are subject to electronic monitoring by the Electronic Tracking System through monitoring and control rooms, shared with the General Authority of Customs, and electronically exchanging data and information.
7. These regulations are subject to modification according to work requirements, actual practices, and original contexts.

Second: Conditions Required for Transport Means

1. It must be licensed with a valid operating license.
2. It must be equipped for easy and effective marking and customs sealing.
3. It should not allow the removal of any goods from the sealed part or the entry of goods into it without leaving clear evidence of tampering or without breaking it.
4. There must be a barrier between the driver's cabin and the cargo box.
5. It should not contain hidden compartments where any goods can be concealed, and all compartments should be inspectable by customs officers.
6. Only transport means (flatbeds without sides) registered in their countries are allowed to transport containers and exceptional or specialized loads.
7. Uncovered transport units must be securely covered with tied covers and surrounded by an external wire for affixing customs seals or lead seals to ensure the integrity of their cargo.
8. A signboard must be installed at the front and rear of the truck with the word "Transit."

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Open Transport Means (Flatbeds) must be equipped with covers (Shaders) that meet the following conditions:

1. The cover must be intact, not torn, and made of strong fabric, plastic-coated fabric, or reinforced rubber, consisting of one piece.
2. The load (shader) must completely cover the entire load, draping over the sides of the cargo box being wrapped.
3. It must be equipped with metal rings secured inside the fabric along its perimeter, with equal dimensions, to prevent leakage of goods.

The straps must meet the following conditions:

1. It must be a single piece ending with a metal piece at both ends, and the metal piece must be hollow to accommodate the customs lead seal.
2. It must be long enough to allow both ends to be gathered after passing through the cover's eyelets and all the box rings.
3. It must be fastened in a way that prevents access to any part of the cargo box or the cargo itself without cutting or damaging it.

The lead seals and customs stamps must meet the following conditions:

1. They must be made of strong metal or plastic material to prevent breakage or damage from natural factors.
2. They must have a shape and size that allows for easy visibility.
3. They must be difficult to duplicate or counterfeit (and electronic sides may be added).
4. They must bear the word "Customs" and the name of the country.
5. They must bear serial numbers.
6. They must be designed for single-use only.

The container must meet the following conditions:

1. Its components (sides, roof, columns, partitions) must be designed in a way that they cannot be removed or replaced from the outside without leaving clear traces.
2. The doors and locking systems must be designed in a way that allows for easy affixing of lead seals or customs seals.
3. The locking device must be installed in a way that cannot be removed or replaced from the outside.

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4. The door must be designed in a way that it cannot be opened without removing the seal and customs stamps.

5. The ventilation openings must be designed in a way that prevents them from being opened from the outside, and it must be difficult to remove goods through them.

**Third: Customs Procedures at the Entry Customs Office:**

1. The cargo owner or carrier, with the approval of the customs office director at the entry point (and according to the context for imported goods), submits the transit declaration to the neighboring country along with:

a. Preparing the customs declaration based on the provisions of Article (55) of the effective Customs Law.

b. Origin certificate and authenticated invoice.

c. Detailed packing list.

d. Bill of Lading (sea or air).

e. Delivery order.

f- Authorization of the owner of the goods or the carrier to customs clearance companies for the purpose of organizing customs data and completing customs procedures is done through customs clearance companies receiving the neighboring country's declaration and accompanying documents from the driver of the transport intermediary in preparation for registering the transit declaration at the manifest section in the entry customs office.

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2- The goods are subject to inspection, examination, and weighing according to the provisions of the Customs Law.

3- The data is recorded in the manifest section at the customs center and assigned sequential annual numbers for each center. The data is explained, the goods are revealed, and estimation and audit operations are conducted. Fees are calculated separately and secured by bank guarantees equivalent to the customs fees and other taxes provided by customs clearance companies. Then, the transit fee, service fees, and other legally prescribed fees are collected. The documents are signed by the center manager or their deputy or authorized personnel. The transport means are then issued, stamped with customs seals, and the seal number is recorded in the customs declaration. Copies of all originals are retained at the customs center.

4- The transit time for goods does not exceed 96 hours, using the designated official routes specified by the customs administration to reach the other customs center. Otherwise, the customs administration is notified, and the customs department estimates it according to the circumstances of each case.

5- Marketing of shipments and trucks in the form of convoys from the entry customs office exclusively to the exit customs port.

#### Fourth: Customs Procedures at the Exit Customs Office:

1. The customs clearance company submits the transit declaration attached with the organized driver of the means of transport's number and date of departure on the declaration copy.

2. Inspection and examination are conducted to ensure the integrity of the customs seals, covers, ropes, and rings. If they are intact, the declaration is marked to allow for their exit. If they are not intact, an inspection and examination are conducted to verify the cargo's compliance with the documents and data organized therein, and legal actions are taken if a violation is found.

3. After inspection and compliance verification, the declaration is signed by the center manager or their deputy or authorized personnel, allowing the goods and means of transport to be released, and the customs center retains a copy of the originals.

4. The nearest customs office or police station must be notified in case of breakage or damage to the customs seals, or if the goods or means of transport are destroyed due to force majeure or an unexpected accident during the transit process.

5. All documents supporting the export of goods from the country for the purpose of clearing commitments, guarantees, and securities taken for that purpose must be submitted to the customs.

6. A confirmation letter is prepared to the entry office confirming the shipment's exit, sent via email.

Fifth: The legitimate transit work procedures of the security units and devices are adopted according to the transit warrant prepared for this purpose and issued by the security authorities.

Sixth: Schedule of transit fees and charges collected by the General Authority of Customs.

No.	Fee/ Charge	Amount	Legal Ref.
1	Transit fees	150,000 IQ.	Customs Dec. No.(3 of 2023)
2	Customs seal	15,000 IQ.	Customs Dec. No.(3 of 2023)
3	Customs Declaration	25,000 IQ.	Customs Dec. No.(3 of 2023)
4	Scanner	30,000 IQ.	Customs Dec. No.(4 of 2023)
5	Scale	5,000 IQ.	Council Of Ministers Dec. No.(214 of 2020)

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Seventh: Adoption of fee amounts in the Directorate of Residency Affairs as follows:

A transit traffic emblem fee without stopping of (25) twenty-five dollars only, based on Article (2) of Instruction No. (7) of 2018, and according to Cabinet Decision No. (279) of 2017.

Eighth: Fulfillment of fees for the Iraqi National Insurance Company.

Ninth: In case the transit goods are live animals, the following conditions must be met as stated in the letter from the Ministry of Agriculture numbered 1572 on 25/1/2024:

1. The carrier must follow the specified routes by the General Authority and avoid entering cities, villages, or animal gatherings along the transit route.
2. Animals must be accompanied by a health certificate and an authenticated certificate of origin.
3. The carrier is only allowed to stop for feeding and watering purposes.
4. Animal transportation must be done using vehicles specifically designated for that purpose.
5. The transit period for animals should not exceed 72 hours unless there are extenuating circumstances, in which case the customs administration must be notified as soon as possible.

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