

CHAPTER 29 CUSTOMS UNION

Priority 29.1 Aligning legislation on free zones with the relevant acquis, particularly for rules concerning customs controls and tax auditing

1 Schedule of legislative alignment

Table 29.1.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Council Regulations No. 2913/92, 2700/2000, 1383/2003 and 648/2005	Law Amending Customs Law and Certain Laws and Decree Laws ¹	Increasing the effectiveness and efficiency of customs activities; entitling customs administration for granting authorisations regarding customs procedures with economic impact; clear identification of activities subject to penalties; harmonization of security and safety measures and arrangements for authorized economic operators; making customs controls based on risk identification and assessment and using computerised risk analysis techniques; establishing risk management framework of Undersecretariat of Customs and identification of risk criteria and priority control areas; submission of summary declaration within a certain period before arrival of the goods brought into Turkish Customs Territory; submission of customs declaration, or in case this declaration is not required, submission of pre-departure summary declaration for goods exit from the Turkish Customs Territory; simplification of the procedures for amending customs declarations; filling the gap in the customs legislation regarding identification of the boundaries and entry and exit points of free zones.	Undersecretariat of Customs	2009

¹ It is also mentioned under “Priority 7.1 Improving the capacity of police, customs and the judiciary to enforce intellectual property rights, including strengthening coordination between these bodies” “Priority 29.2 Strengthening the enforcement capacity of the customs administration, particularly regarding the fight against illegal trade and counterfeit. Continuing the preparations for interconnectivity of the IT systems with the EU” and “Priority 29.4 Completing alignment of customs legislation on dual-use goods and technologies, precursors and counterfeit and pirated goods”

Table 29.1.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
2	Regulations No. 2913/92 and 2454/93	Amendment to the Legislation on Free Zones		Undersecretariat for Foreign Trade Undersecretariat of Customs	To be enacted within the framework of full membership perspective

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

No institutional capacity building requirement is envisaged under this priority at this stage.

3 Financial requirements and resources

No financial requirement is envisaged under this priority at this stage.

Priority 29.2 Strengthening the enforcement capacity of the customs administration, particularly regarding the fight against illegal trade and counterfeit. Continuing the preparations for interconnectivity of the IT systems with the EU

1 Schedule of legislative alignment

Table 29.2.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Council Regulations No. 2913/92, 2700/2000, 1383/2003 and 648/2005	Law Amending Customs Law and Certain Laws and Decree Laws ²	Increasing the effectiveness and efficiency of customs activities; entitling customs administration for granting authorisations regarding customs procedures with economic impact; clear identification of activities subject to penalties; harmonization of security and safety measures and arrangements for authorized economic operators; making customs controls based on risk identification and assessment and using computerised risk analysis techniques; establishing risk management framework of Undersecretariat of Customs and identification of risk criteria and priority control areas; submission of summary declaration within a certain period before arrival of the goods brought into Turkish Customs Territory; submission of customs declaration, or in case this declaration is not required, submission of pre-departure summary declaration for goods exit from the Turkish Customs Territory; simplification of the procedures for amending customs declarations; filling the gap in the customs legislation regarding identification of the boundaries and entry and exit points of free zones.	Undersecretariat of Customs	2009

² It is also mentioned under “Priority 7.1 Improving the capacity of police, customs and the judiciary to enforce intellectual property rights, including strengthening coordination between these bodies”, Priority 29.1 Aligning legislation on free zones with the relevant acquis, particularly for rules concerning customs controls and tax auditing” and “Priority 29.4 Completing alignment of customs legislation on dual-use goods and technologies, precursors and counterfeit and pirated goods”

Table 29.2.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
2		Law on Amendment to and Adoption of the Decree Law No. 485 on the Organization and Functions of the Undersecretariat of Customs	Strengthening the administrative capacity of Undersecretariat of Customs, and thus, improvement of the effectiveness and efficiency of customs services.	Undersecretariat of Customs	2009-2010
3	Regulations No. 1383/2003, 2454/93 and 1891/2004.	Implementing Regulation Amending the Implementing Regulation on Customs ³	Improvement of the effectiveness and efficiency of the customs activities.	Undersecretariat of Customs	2009
4	Council Regulation No. 2658/87	Legislation Necessary for the Harmonization of the Current BILGE System with the TARIC System	Harmonization with EU legislation.	Undersecretariat of Customs Undersecretariat for Foreign Trade	After 2011

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation**Table 29.2.2**

No	Requirements	Year
(Undersecretariat of Customs)		
1	Centralization of customs implementation for protecting the Intellectual Property Rights and establishment of a computer database accessible by the local customs administrations	2009
2	Establishment of a central risk analysis unit	2009
3	Re-structuring of the post-control system ⁴	2009
4	Establishment of the regional risk analysis departments ⁵	2010-2013
5	Employment of personnel in order to enhance the human resources capacity of the customs administration ⁶	2009

³ It is also mentioned under "Priority 7.1 Improving the capacity of police, customs and the judiciary to enforce intellectual property rights, including strengthening coordination between these bodies" and "Priority 29.4 Completing alignment of customs legislation on dual-use goods and technologies, precursors and counterfeit and pirated goods"

⁴ Financed by the project titled "Modernisation of the Turkish Customs Administration III- TR 06 03 07" under Pre-Accession Financial Assistance 2006 Programme

⁵ To be financed by the project titled "Modernisation of the Turkish Customs Administration VI" under Pre-Accession Financial Assistance 2009 Programme

⁶ Personnel will be recruited in accordance with budget allocations.

3 Financial requirements and resources

Table 29.2.3

(Euro)

Requirements (Undersecretariat of Customs)	Year	National Budget	EU sources	Other	Total
I- Investment					
Customs IT Systems Project (Supply of equipments for the development of Integrated Tariff Management System-ITMS and New Computerized Transit System-NCTS) ⁷	2009	650,000	2,600,000		3,250,000
Supply of the Vehicle Tracking System and other systems in the context of improvement of the Customs Enforcement infra-structure ⁸	2009	875,000	2,625,000		3,500,000
Supply of the railroad cargo inspection system in the context of improvement of the Customs Enforcement infra-structure ⁹	2009	969,285	2,907,854		3,877,139
Construction of the regional customs laboratory in Istanbul	2009	5,965,000			5,965,000
Supply of the modern analysis device and equipment for the regional customs laboratory in Istanbul ¹⁰	2009	1,175,000	3,525,000		4,700,000
Supply of the patrol boats, patrol vehicles and mobile scanning system in the context of improvement of the Customs Enforcement infra-structure ¹¹	2009-2010	3,700,000	11,100,000		14,800,000
Strengthening of the Central Risk Analysis Unit; establishment of the regional risk analyses departments; ensuring of the coordination and data flow between these departments and the Central Risk Analysis Unit; supply of the equipment and vehicles in the context of improvement of the efficiency of the regional risk analyses departments ¹²	2010-2013	1,750,000	5,250,000		7,000,000

⁷ Financed by the project titled "Modernisation of the Turkish Customs Administration III- TR 06 03 07" under Pre-Accession Financial Assistance 2006 Programme

⁸ Financed by the project titled "Modernisation of the Turkish Customs Administration III- TR 06 03 07" under Pre-Accession Financial Assistance 2006 Programme

⁹ Financed by the project titled "Modernisation of the Turkish Customs Administration V- TR 08 02 20" under Pre-Accession Financial Assistance 2008 Programme

¹⁰ Financed by the project titled "Modernisation of the Turkish Customs Administration IV- TR 07 02 03" under Pre-Accession Financial Assistance 2007 Programme

¹¹ To be financed by the project titled "Modernisation of the Turkish Customs Administration VI" under Pre-Accession Financial Assistance 2009 Programme

¹² To be financed by the project titled "Modernisation of the Turkish Customs Administration VI" under Pre-Accession Financial Assistance 2009 Programme

Table 29.2.3 (Continued)

(Euro)

Requirements (Undersecretariat of Customs)	Year	National Budget	EU sources	Other	Total
II- Legislative approximation and implementation					
- Personnel					
- Training					
In service training for customs officers to increase the level of knowledge on prevention of illegal trade and counterfeiting	2008-2011	12,000,000			12,000,000
EU funded (e.g. TAIEX) supported trainings for customs officers to increase the capacity regarding suspicious consignments	2008-2009		5,500		5,500
Training provided by the trademark holders for customs officers to increase the capacity of discernment of the fake and the original goods and the level of knowledge on specifications of the products bearing trademarks	2008-2009			31,500	31,500
Training of customs chemists on the use of the databases of EU customs laboratories and the tariff classification (twinning light) ¹³	2008-2009		250,000		250,000
Training of the Customs Enforcement personnel on sea operations ¹⁴	2010-2013	40,000	360,000		400,000
Training of the personnel of the risk analyses departments on risk techniques ¹⁵	2010-2013	140,000	1,260,000		1,400,000

¹³ Financed by the project titled "Modernisation of the Turkish Customs Administration IV" under Pre-Accession Financial Assistance 2007 Programme

¹⁴ To be financed by the project titled "Modernisation of the Turkish Customs Administration VI" under Pre-Accession Financial Assistance 2009 Programme

¹⁵ To be financed by the project titled "Modernisation of the Turkish Customs Administration VI" under Pre-Accession Financial Assistance 2009 Programme

Table 29.2.3 (Continued)

(Euro)

Requirements (Undersecretariat of Customs)	Year	National Budget	EU sources	Other	Total
- Consultancy					
Consultancy service for the establishment of the infra-structure of Integrated Tariff Management System-ITMS and New Computerized Transit System-NCTS ¹⁶	2008-2009		4,400,000		4,400,000
Twinning projects for the implementation of Integrated Tariff Management System-ITMS and New Computerized Transit System-NCTS ¹⁷	2008-2009		2,000,000		2,000,000
Twinning project on training and restructuring of post-control system under EU Pre-Accession Financial Assistance 2006 Programming ¹⁸	2008-2009		2,000,000		2,000,000
- Translation					
- Other					
Total		27,264,285	38,283,354		65,579,139

¹⁶ Financed by the project titled "Modernisation of the Turkish Customs Administration III- TR 06 03 07" under Pre-Accession Financial Assistance 2006 Programme

¹⁷ Financed by the project titled "Modernisation of the Turkish Customs Administration III- TR 06 03 07" under Pre-Accession Financial Assistance 2006 Programme

¹⁸ Financed by the project titled "Modernisation of the Turkish Customs Administration III- TR 06 03 07" under Pre-Accession Financial Assistance 2006 Programme

Priority 29.3 Eliminating customs duty relief for goods covered by the Customs Union and which are sold in duty-free shops to travellers entering in Turkey

1 Schedule of legislative alignment

Table 29.3.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1		Ministerial Decree Amending the Annex Decision on “Reliefs and Derogations from the Customs Duties” of the Ministerial Decree No. 2000/53 of 13/1/2000	Aligning the provisions of Ministerial Decree No. 2000/53 in relation to the importation of goods sold at shops at arrival points with EU acquis.	Undersecretariat of Customs	2009-2011

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

No institutional capacity building requirement is envisaged under this priority at this stage.

3 Financial requirements and resources

No financial requirement is envisaged under this priority at this stage

Priority 29.4 Completing alignment of customs legislation on dual-use goods and technologies, precursors and counterfeit and pirated goods

1 Schedule of legislative alignment

Table 29.4.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Council Regulations No. 2913/92, 2700/2000, 1383/2003 and 648/2005	Law Amending Customs Law and Certain Laws and Decree Laws ¹⁹	Increasing the effectiveness and efficiency of customs activities; entitling customs administration for granting authorisations regarding customs procedures with economic impact; clear identification of activities subject to penalties; harmonization of security and safety measures and arrangements for authorized economic operators; making customs controls based on risk identification and assessment and using computerised risk analysis techniques; establishing risk management framework of Undersecretariat of Customs and identification of risk criteria and priority control areas; submission of summary declaration within a certain period before arrival of the goods brought into Turkish Customs Territory; submission of customs declaration, or in case this declaration is not required, submission of pre-departure summary declaration for goods exit from the Turkish Customs Territory; simplification of the procedures for amending customs declarations; filling the gap in the customs legislation regarding identification of the boundaries and entry and exit points of free zones.	Undersecretariat of Customs	2009
2	Regulations No. 1383/2003 2454/93 and 1891/2004.	Implementing Regulation Amending the Implementing Regulation on Customs ²⁰	Improvement of the effectiveness and efficiency of the customs activities.	Undersecretariat of Customs	2009

¹⁹ It is also mentioned under “Priority 7.1 Improving the capacity of police, customs and the judiciary to enforce intellectual property rights, including strengthening coordination between these bodies”, “Priority 29.1 Aligning legislation on free zones with the relevant acquis, particularly for rules concerning customs controls and tax auditing” and “Priority 29.2 Strengthening the enforcement capacity of the customs administration, particularly regarding the fight against illegal trade and counterfeit. Continuing the preparations for interconnectivity of the IT systems with the EU”

²⁰ It is also mentioned under “Priority 7.1 Improving the capacity of police, customs and the judiciary to enforce intellectual property rights, including strengthening coordination between these bodies”, and “Priority 29.2 Strengthening the enforcement capacity of the customs administration, particularly regarding the fight against illegal trade and counterfeit. Continuing the preparations for interconnectivity of the IT systems with the EU”

Table 29.4.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
3	Regulation No. 1334/2000	Law on Export Controls of Dual-Use Items	Activation of the coordination between the institutions and agencies taking part in export controls of dual-use items and fulfilment of the commitments within the scope of the international arrangements, to which Turkey is a party, that provide for subjection of dual-use items to export controls in order to prevent the proliferation of mass destruction weapons	Undersecretariat for Foreign Trade	2009-2010

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation**Table 29.4.2**

No	Requirements	Year
(Undersecretariat of Customs)		
1	Centralization of customs implementations for protecting the Intellectual Property Rights and establishment of a computer database accessible by the local customs administrations	2009

3 Financial requirements and resources

Financial requirements regarding this institutional capacity building measure is mentioned in Table 29.2.3.