

L.N. 66 of 2000

**IMPORT DUTIES ACT
(CAP. 337)**

**Binding Pre-Entry Classification Information
Regulations, 2000**

IN exercise of the powers conferred by section 35 of the Import Duties Act, the Minister of Finance has made the following regulations: —

Citation.

1. The title of these regulations is the Binding Pre-Entry Classification Information Regulations, 2000.

Issue of Binding
Pre-Entry
Classification
Information.

2. The Comptroller of Customs shall issue Binding Pre-Entry Classification Information in accordance with the procedures and conditions laid down in Schedule I to these regulations on the appropriate form appearing in Schedule II to these regulations.

Application form.

3. Applications for Binding Pre-Entry Classification Information shall be submitted on the appropriate form appearing in Schedule II to these regulations.

SCHEDULE I

(Regulation 2)

1. The Comptroller of Customs shall issue Binding Pre-entry Classification Information on written request submitted by the applicant on the appropriate form. A separate application form shall be used for each product for which a Binding Pre-entry Classification Information is requested.

2. The information shall be communicated in writing to the applicant as soon as possible but not later than three months from the date of the application.

3. Binding Pre-entry Classification Information shall be binding on the Customs authorities with regard to the holder of the information, only in respect of the tariff classification of goods.

4. Binding Pre-entry Classification Information shall be binding on the Customs authorities only for goods on which Customs formalities are completed after the date on which the information was supplied by them. The information thus supplied will not impose any obligations on the Customs authorities with respect to customs formalities completed before the said date.

5. The holder of a Binding Pre-entry Classification Information must prove that the goods imported correspond to those described in the Binding Pre-entry Classification Information in every respect.

6. Binding Pre-entry Classification Information shall be valid for a period of *six years* from the date of issue. It shall be annulled where it is based on inaccurate or incomplete information from the applicant.

7. Binding Pre-entry Classification Information shall cease to be valid:

(a) where it is no longer compatible with the interpretation of the Harmonised Commodity Description and Coding System (HS) or by reason of a classification opinion or an amendment to the Explanatory Notes to the HS adopted by the World Customs Organisation; in that case the date on which Binding Pre-entry Classification Information ceases to be valid shall be the date of publication of the said measures;

(b) where the holder is notified of its withdrawal, revocation and amendment because of further details that have been obtained and which affect such Binding Pre-entry Classification Information.

8. The holder of Binding Pre-entry Classification Information which ceases to be valid pursuant to paragraph 7 may still use that information for a period of six months from the date of the publication or notification provided that he concluded a binding contract for the purchase of the goods in question, on the basis of the Binding Pre-entry Classification Information issued before that tariff classification measure was adopted. The Customs authorities may extend the period of six months whenever it is felt that it is necessary and just to enable the holder to complete binding contracts entered into on the basis of the Binding Pre-entry Classification Information.

9. The classification in a Binding Pre-entry Classification Information may be applied, on the conditions laid down in paragraph 8, only for the purpose of completing import or export documents.

10. Binding Pre-entry Classification Information is provided free of charge. However, where costs are incurred by the Department of Customs in analysis or obtaining expert advice, these costs shall be charged to the applicant.

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SCHEDULE II

(Regulation 3)

FORM BPCI 01

DEPARTMENT OF CUSTOMS
BINDING PRE-ENTRY CLASSIFICATION INFORMATION (BPCI)

1. BPCI Reference:	2. Date of start of validity:
3. Holder (name and address):	4. Classification of goods in the Customs Nomenclature:
	Important Notice The BPCI remains valid for a period six years as from the date of start of validity. The information supplied will be stored in a data-base of the Department of Customs. The holder shall have the right to appeal against this BPCI.
5. Description of the goods:	
6. Commercial denomination and additional information (confidential):	
7. Justification of the classification of the goods:	
8. This BPCI has been issued on the basis of the following material provided by the applicant: Description ☐ Brochures ☐ Photos ☐ Samples ☐ Other ☐	
Date	Signature
	Stamp

FORM BPCI 02

**APPLICATION TO THE DEPARTMENT OF CUSTOMS FOR
BINDING PRE-ENTRY CLASSIFICATION INFORMATION (BPCI)**

(please read notes overleaf before completing)

1. Applicant: (Name and address in full)	2. Designated Holder of the BPCI: (Name and Address in full) (Only if different from Box 1)
3. Description of Goods: (See also Box 4)	4. Composition of Goods: (See note overleaf)
5. Enclosures being submitted to assist with tariff classification of the goods: (tick "✓")* Samples ☐ Photographs ☐ Diagrams ☐ Brochures ☐ Other ☐ *Indicate any particulars in respect of which confidentiality is being sought	
6. Classification envisaged by applicant: Nomenclature Code No.: _____	
7. Have you previously imported/exported identical or similar goods? Yes ☐ No ☐ (tick "✓") If yes, please give details _____	
I declare that the information provided in this application is true and complete to the best of my knowledge. I agree to supply a translation of any document if so requested, and I accept that the information supplied, save for those particulars indicated as being confidential, may be stored on a data-base of the Department of Customs and used for the purposes of the Binding Pre-Entry Classification Information Regulations, 2000.. Name: _____ Signature: _____ Date: _____ (BLOCK CAPITALS) Telephone: _____ Fax: _____	

NOTES ON COMPLETION OF APPLICATION FORM

All boxes must be completed in black ink and in block capitals. Applications for Binding Pre-entry Classification Information should be made only in respect of proposed commercial transactions and should contain all the particulars necessary to arrive at a classification decision. An application must be in respect of only one type of goods e.g. goods, products or items relating to a single Customs nomenclature code.

The completed application form together with any accompanying samples, etc., should be sent to the Tariff Classification Committee, Department of Customs, Lascaris Wharf, Valletta CMR 02.

Box 1: The applicant may be the actual importer or exporter or agent. If the applicant is an agent, Box 2 must be completed also in respect of the designated holder.

Box 3: This description should be sufficiently detailed to enable the goods to be identified and classified in the Customs nomenclature. Use continuation sheet if it is necessary to give further details.

Box 4: The Customs nomenclature sometimes shows subdivisions e.g. in the case of agricultural products according to the percentage composition of the goods. In such cases the percentage breakdown should be shown here. This may also apply for goods which need to undergo laboratory analysis.

Use continuation sheet if it is necessary to give further details of composition.

Box 5: Any photographs, samples, literature, etc., which will assist in classifying the product should be enclosed with the application.

Box 6: Nomenclature code means the ten-digit code of the Maltese Customs Tariff and any other nomenclature – e.g. the Combined Nomenclature of the European Union. The applicant is invited to express his view as to the nomenclature classification appropriate to the goods in question.

Box 7: An indication as to whether the applicant or the proposed holder has previously imported or exported identical or similar goods should be given here. Details with regard to that commercial transaction should also be included.

CONFIDENTIALITY: In relation to boxed 3, 4 and 5 in particular, any information supplied which is to be treated as confidential should be clearly indicated.