



STANDARD INTERPRETATION GUIDELINE 2020-37

CUSTOMS TARIFF ACT 1986 - CONCESSION CODE 223A - FIJI AIRWAYS AVIATION ACADEMY

This Standard Interpretation Guideline ('SIG') sets out Fiji Revenue and Customs Service's ("FRCS") policy and operational practice in relation to the Customs Concession code 223A granted to Fiji Airways Aviation Academy on the importation of educational materials, spare parts and any other goods solely used for the education at their academy.

It is issued with the authority of the Comptroller, who is also the Chief Executive Officer ("CEO") of FRCS.

All legislative references in this SIG are to the *Customs Tariff Act ("CTA") 1986* (unless otherwise stated).

This SIG is in effect from 18 July 2020 and may need to be reviewed in the event of any relevant legislative amendments.

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Purpose

1. The purpose of this SIG is to provide clarity and certainty on the application of the Concession Code 223A of Part 3 of the Customs Tariff Act 1986.

Introduction

2. Concession Code 223A relates to concessions that can be availed by the Fiji Airways Aviation Academy.
3. This SIG will discuss in detail the governing conditions which must be satisfied in order to qualify for this code.
4. This SIG may also serve as a checklist to the applicant to self-assess their eligibility.
5. Furthermore, this SIG is binding on all FRCS Customs Officers to ensure that there is a uniformed approach to the processing of applications under this concession code.

Legislative Analysis

6. Concession Code 223A provides the legislative basis for making concession available to Fiji Airways Aviation Academy (hereinafter referred to as the “Academy”).
7. The concession is applicable on the importation of training and educational materials, spare parts and other items **solely used** for the education of trainees at the Academy.
8. Below is an extract of the concession code table relating to Code 223A.

Code	Owner	Goods Eligible	Fiscal	Import Excise	VAT	Condition	Authority
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
223A	Fiji Airways Aviation Academy	Training and educational materials, spare parts and other items specifically for the education of trainees	Free	Free	9%	a) That the goods are solely to be used by the Fiji Airways Aviation Academy for the purposes of the Fiji Airways Aviation Academy; b) That the goods are not to be used for other purposes; c) That the disposal of the goods imported under this concession shall be subject to section 17 of the Customs Tariff Act 1986; d) That the concession be subject to such other conditions as the Comptroller may impose.	The person approved by the Comptroller

9. In addition to the above, the Comptroller of Customs provides that the application of the concessionary rates of import duty under Concession Code 223A is governed by the following:
- a. that the concession is claimed *at the time of importation or at the time of clearance from bonded warehouses* by the Academy;
 - b. that, where applicable, the goods are of a kind answering to a name or description specified in Column (3), Fiji Airways Aviation Academy;
 - c. that any condition in Column (7) specifying the use of the goods, shall be taken, inter alia, to limit such goods to the type, kind or quantity suitable for such uses;
 - d. that all conditions specified in Column (7) and any additional conditions that may be specified by the Comptroller of Customs are fulfilled, provided that:
 - i. when any condition affecting the goods is not fulfilled after the goods leave Customs control, the Comptroller of Customs may disallow the concession and collect the rate of duty applicable under Part 1; and
 - ii. such collection shall not affect the powers under any other law for the time being in force.

QUALIFYING CRITERIA AND CONDITIONS

10. Fiji Airways Aviation Academy is eligible for this concession as providing a training environment for the teaching of their trainees.
11. The code is applicable for training and educational materials, spare parts and other items used specifically for the education of trainees.
12. Pre-recorded educational materials are cassettes, CD's or any recordings that containing educational material that will be used in teaching.
13. Computers imported under this concession will need to be used specifically for the education of trainees.
14. Flight Simulators and parts thereof, and flight simulator software for use by the Academy will qualify under this code.
15. Multimedia equipment refers to electronic devices used to capture and store a variety of content forms such as text, images, audio and video must be for use in the training.
16. The Comptroller of Customs may approve "any other goods" to be used by the Academy under Code 223A provided that:
- a) the goods are used by the Academy; and
 - b) the goods are for educational purpose.
17. The disposal or use of approved goods in column (3) for the purposes other than that for which the concession is granted are subject to the conditions as provided for in Section 17 of the Customs Tariff Act 1986. Under Section 17, goods are liable for duty at any time within five years

from the date of importation if the goods under concession are disposed of or used for any purpose other than that for which the concession is granted.

18. For any other clarifications you may contact the FRCS TIPU team on tipu.techs@frcs.org.fj