



## **STANDARD INTERPRETATION GUIDELINE 2020-43**

### **CUSTOMS CONCESSION- CODE 299 - APPROVED COMPANIES IN RELATION TO SUBDIVISION DEVELOPMENT INVESTMENT PACKAGE**

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 299 granted to approved companies in relation to subdivision development investment package.

It is issued with the authority of the Comptroller of Customs, 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. Customs Concession Code 299 under the Customs Tariff Act provides import duty concessions on raw materials, equipment and machineries to approved companies in relation to subdivision development investment package.
2. While the legislative provisions are set out in the Customs Tariff Act 1986, the approved companies need to be very clear in terms of the administration and the application of the law.
3. This SIG therefore, sets out the Comptroller of Customs official position on the application of Concession code 299.
4. The SIG relates to the list of goods, persons and bodies that can qualify for duty concession under Code 299 to Part 3 of the Customs Tariff.

## INTRODUCTION

7. The purpose of this SIG is to provide clarity and certainty on the application of the provisions under Concession Code 299. The pre-requisites to qualify, test rules and the entitlements under the code are discussed.
8. This SIG will also serve as a checklist to the applicants to self-assess their eligibility.
9. Furthermore, it will ensure that there is a uniformed approach by FRCS officers to the processing of applications under this provision.

## LEGISLATIVE ANALYSIS

Code No.	Persons or Bodies	Goods Eligible for Duty Concession	Import Duty			Conditions	Certificate to be signed by
			Fiscal	Excise	VAT		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
299	Approved companies under regulations in relation to a subdivision development investment package under the Income Tax Act 2015	Importation of raw materials , equipment , and machinery	Free	Free	9%	<p>(a) That a provisional approval for the project is issued by the Minister;</p> <p>(b) That the concessions are applicable until the initial development project;</p> <p>(c) That the goods are not to be used for other purposes;</p> <p>(d) That the disposal of the goods imported under this concession shall be subject to section 17 of the Customs Tariff Act 1986;</p> <p>(e) That the concession be subject to such other conditions as the Comptroller may impose.</p>	The person approved by the Comptroller

10. The concessions are to be claimed at the time of importation or at the time of clearance from the bonded warehouses by the approved companies as specified in column (2).
11. The importation of raw materials, equipment and machinery as specified in column (3) by approved companies qualify for this concession.
12. All conditions specified in column (7) and any other conditions that may be specified by the CEO are to be fulfilled.
13. When any of the conditions are not fulfilled after the goods are cleared from the Customs Control, the CEO may disallow the concession and collect the duty applicable under Part 1. Further action such as penalties and/or compounding may also be taken.

#### **QUALIFYING CRITERIA AND CONDITIONS**

14. The provisional approval for the subdivision development project is approved by the Minister.
15. Concession code 299 is available to approved companies in relation to the approved subdivision development project on the importation of raw materials, equipment and machineries which are directly used for the initial development
16. The applicant is required to submit a written application to the CEO providing details such as Company Registration, Foreign Investment Registration Certificate (if foreign shareholders), location of the business, list of raw material, list of specialized machinery, equipment and accessories that will be directly used in the approved project.
17. FRCS may contact the applicant if additional information is required during the assessment process.
18. For any other clarifications you may contact the FRCS TIPU team on [tipu.techs@frcs.org.fj](mailto:tipu.techs@frcs.org.fj)