



Customs Concession Code 212 – Importation of Goods for Personal Use

As announced in the 2020/2021 National Budget, the Customs Concession Code 212 on importation of goods for personal use by private individual has extended to the importation by sea freight in addition to the current importation through parcel post or airfreight.

In addition to the above, this concession amount has been extended by increasing the maximum value of goods imported from FJ\$400 to FJ\$2000.

In this week's Tax Talk, we will focus on the pre-requisites to qualify and the entitlements for the concessions under Code 212 of the Customs Tariff Act 1986.

Provision for Concession Code 212

Concession Code 212 under the Customs Tariff Act 1986 provides exemption of duty on the importation of goods by a private individual for personal use with the value of the goods not exceeding FJ\$2,000. For the purpose of Concession Code 212, a private individual refers to an individual importing goods for personal use while goods for personal use should not be sold or used commercially.

How the Concession Applies

The value of the imported goods must not exceed FJ\$2000. This value includes the cost, insurance and freight (CIF). If the value exceeds FJ\$2000, duty will be assessed on the excess value of goods imported. The concession on the imported goods of up to FJ \$ 2,000 is applicable per consignment.

However, in cases where more than one parcel consigned to one individual or several individuals, the position of the Fiji Revenue and Customs Service (FRCS) Chief Executive Officer is "if the origin is from one source, the Customs Officer may treat all the consignment as a single consignment and should the value of goods exceed the threshold of FJ \$2,000 (CIF), the duty will be assessed on duty on the value of goods in excess".

Other qualifying conditions for concession under Code 212 include:

- All goods except for liquor and tobacco.
- Applies to goods imported by sea freight, parcel post or air freight.
- Importation by a private individual shall be a private importation i.e. a private consignment imported by an individual person for personal use and not intended for trade or resale for commercial purposes.
- If the Customs Officers, at their discretion, determine that more than one parcel consigned to the same or several consignees, then they will treat the parcels as a single parcel and in such cases duty shall be assessed accordingly.
- The content of the parcel will be assessed by a Customs Officer before release.

- The concession is to be claimed at the time of importation
- All goods, except liquor and cigarettes, should be addressed to private individuals
- The use of goods, type of goods, kind and quantity shall be used by private individuals only.

Restricted and Prohibited Goods

All goods imported should be eligible under the Customs Prohibited Imports and Exports Regulation 1986. If restricted imports are found in the parcel, consignee is required to arrange for valid permits prior to release. Prohibited imports shall be detained and corrective measures shall be taken as per the Customs Prohibited Imports and Exports Regulation.

It is important for importers to note the following:

- The importation of firearms, including air guns, air pistols, ammunition and explosives is prohibited except under Licence issued by the Commissioner of the Fiji Police Force.
- The importation of live animals or birds, animal product, plants, plant material, fruit or seed is prohibited except with the written permission of the Director of Ministry of Agriculture.
- The importation of illicit drugs and narcotic drugs is prohibited except under licence issued by the Permanent Secretary of Ministry of Health and Medical Services.
- Importation of drones are restricted to the issuing of license/permits from Civil Aviation Authority of Fiji (CAAF).
- Importation of mobile phones/telecommunication equipment is restricted to the issuing of license/permit by Telecommunication Authority of Fiji

All restricted or prohibited goods imported under the Customs Prohibited Imports and Exports Regulations 1986 will only be released under the approval and the issuing of proper and valid import license or permits from the relevant Government Agency.

For more information on restricted and prohibited items please visit <https://www.frcc.org.fj/wp-content/uploads/2012/10/CUSTOMS-PROHIBITED-IMPORTS-AND-EXPORTS-REGULATIONS-1986-REVISED-29.01.pdf>.

Requirements to Clear Goods

To clear goods from Customs, the importer will be required to:

- Present their Joint ID Card or Tax Identification Number (TIN)
- Permits from other agencies (where applicable)
- Provide commercial invoice
- Shipping arrival papers (such as the bill of lading, airway bill, or arrival advice)

Disposal of the Approved Goods

The disposal or use of approved goods 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.

Abuse of Concession

It is an offence to use goods cleared by Customs under duty concession for purposes other than for which the duty concession was granted for. Customs duty evasion is also an offence. Evasion generally involves:

- undervaluation where the importer understates the import value at customs clearance
- false declaration/mis-description is where the importer wrongly describes the goods while declaring to evade customs duty
- undeclared and surplus goods involve goods not declared by the importer to the Customs at the time of importation.

The penalty for this could be maximum of \$25,000 fine or up to 10 years of imprisonment.

Furthermore, if the Customs Officer is not satisfied that the imported goods are eligible for concessions under the provisions of Code 212, the applications may be declined and the goods will be subject to the normal rates of duty. However, if any conditions regarding the goods imported are not fulfilled after the goods leave Customs Control, the FRCS CEO may cancel the concession and collect the duty applicable.

For more information, please email us on info@frcs.org.fj.

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