



STANDARD INTERPRETATION GUIDELINE 2020-40

CUSTOMS CONCESSION- CODE 219 & CODE 220 - DUTY CONCESSION ON PERSONAL and HOUSEHOLD EFFECTS

This Standard Interpretation Guideline ('SIG') sets out Fiji Revenue and Customs Service's ("FRCS") policy and operational practice in relation to the Customs Concessions granted to any person taking up initial permanent residence; any person(s) on work permit; and any returning resident of Fiji under Concession Code 219 & Code 220, Part 3, Schedule 2 of the Customs Tariff Act 1986.

It is issued with the authority of the Comptroller of Customs and Excise (hereinafter referred to as "Comptroller"), who is also the Chief Executive Officer of FRCS (CEO).

All legislative references in this SIG are to the *Customs Tariff Act 1986* ("CTA") (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 to the application of the provisions under Code 219 & Code 220 Part 3 of the CTA.
2. This SIG addresses the Customs Concessions granted to any person taking up initial permanent residence; any person(s) on work permit; and any returning resident of Fiji under Concession Code 219 & Code 220, Part 3, Schedule 2 of the Customs Tariff Act 1986
3. This SIG will also serve as a checklist to the applicants to self-assess their eligibility.
4. Furthermore, it will ensure that there is a uniformed approach by FRCS officers to the processing of applications under this provision.

INTRODUCTION

5. Concession Code 219 is on personal effects (including professional instruments apparatus and implements) of a bona fide passenger finally disembarking in Fiji.
6. Concession code 220 is on household effects. The concession *is applicable to **used household effects*** for any returning resident of Fiji. In addition, the concession is also applicable to **new or used household effects** for:
 - a) Any person taking up initial permanent residence in Fiji; or
 - b) Any person(s) on work permit in Fiji.
7. Personal and Household effects/goods can be imported free of duty and VAT provided they are imported by a person who:
 - a) has arrived in Fiji;
 - b) holds a Fiji passport or has one of the resident visa/work permit for 12 months or more in Fiji at the time of importation of the goods¹; and
 - c) has resided outside of Fiji for more than 12 months.

If the person does not meet all the requirements, then full customs duty and VAT will be payable.

8. The goods must not be for any other person, or for gift, sale or exchange or used for commercial purposes.
9. Concession codes 219 and 220 apply in respect of accompanied as well as unaccompanied goods provided the unaccompanied goods are imported into Fiji within 12 months from the date of the passenger arriving in Fiji.
10. Examples illustrated in this SIG demonstrate the CEO's interpretation and application of the taxation (duty and VAT) implications relating to Concession code 219 and 220. The examples do not cover the infinite number of factual scenarios that may arise. The relevant legislative

¹ For cases where the work permit is in process by the Department of Immigration, the Comptroller may consider letter from Department of Immigration

provisions must be considered and applied to each case on its particular facts. That is, conclusions should not be drawn by determining whether the facts of a particular case may be analogous with particular examples, but rather on the basis of applying the correct tests established by the law.

11. The full text of the legislative provisions is contained in the Appendix.

LEGISLATIVE ANALYSIS

Code 219 – Personal Effects for a bona fide Passenger finally disembarking in Fiji

12. For the purpose of Concession Code 219, personal effects include the following:
 - a) Wearing apparel;
 - b) Personal goods of a type normally carried by a passenger, including jewelry, toiletry requisites and similar personal goods; and
 - c) Professional instruments, apparatus, implements and tools of trade.

13. If the goods –
 - a) are owned by the passenger at the time of arrival in Fiji, have been used, and are for personal use; and
 - b) are not intended for gift, sale, barter, trade or exchange; and
 - c) are imported in to Fiji before the expiry of twelve months after the date of arrival of the passengerthen the goods are regarded as personal effects for the purposes of concession code 219. A *baggage declaration (Form CE 111)* needs to be filled and signed before a Customs officer of FRCS.

14. Personal effects do NOT include alcoholic beverages, tobacco goods, boats, firearms, motor vehicles (unless approved for returning residents) and motor cycles and motorised scooters.

15. A private individual can also be a returning resident at any time if this person imports goods for personal use, he would be eligible for Code 212.
If this individual brings in new items together with his used personal/household effect.

Question: Will he/she be eligible for Code 212 together with Codes 219 and 220??

CEO's position: yes, a private individual may claim concession under code 212 of goods value not exceeding FJD\$2000(CIF). The excess would be assessed for duty.

Example 1:**Unaccompanied baggage of a passenger:**

Person	Type of Goods	Code 219 Applicable		Options
		Yes	No	
Passenger finally disembarking into Fiji	Used clothes of passenger	✓		
	Used toiletry articles	✓		
	Used professional instruments for personal use	✓		
	Gifts for family and friends		✓	Pay duty or liable to forfeiture
	Commercial goods		✓	Pay duty or liable to forfeiture
	Chocolates		✓	Pay duty or liable to forfeiture
	Liquor		✓	Pay duty or liable to forfeiture
	Cigarettes		✓	Pay duty or liable to forfeiture

Code 220 – Household Effects for returning residents, person on work permit or person taking initial Permanent Residence in Fiji

16. For the purpose of Concession Code 220, Household Effects include glassware, linen, cutlery, furniture, sewing machines and other household machines, gardening tools and similar household goods.

If the goods –

- are owned by the passenger at the time of arrival in Fiji, and are for the personal use of passenger's immediate family; and
- are not intended for gift, sale, barter, trade or exchange; and
- are imported into Fiji before the expiry of twelve months after the date of arrival of the passenger; and
- in the case of returning residents of Fiji have been owned and used by such passenger for any period of twelve months prior to his departure for Fiji.

then the goods are regarded as household effects for the purposes of concession code 220.

17. Household effects do NOT include alcoholic beverages, tobacco goods, boats, firearms, motor vehicles (unless approved for returning residents) and motor cycles and motorised scooters.

Example 2:

Person	Type of Goods	Code 220 Applicable		Options
		Yes	No	
Person taking up initial permanent residence in Fiji or on work permit in Fiji	New household effects, e.g. furniture, domestic electrical appliances, linen, kitchen wares, etc.	✓		No duty
	Used household effects, e.g. furniture, domestic electrical appliances, linen, kitchen wares, etc.	✓		No duty
	Motor vehicle, motor cycle, motorized scooter		✓	Pay duty or liable to forfeiture
	Boats		✓	Pay duty or liable to forfeiture
	Firearms		✓	Liable to forfeiture (permit required)
	Commercial goods		✓	Pay duty or liable to forfeiture
	Liquor		✓	Pay duty or liable to forfeiture
	Cigarettes		✓	Pay duty or liable to forfeiture

Code 220 – Motor Vehicle for returning resident

18. For Returning Residents, only 1 used motor vehicle per family is granted concession upon written application meeting the following requirements:
- The person should prove to the satisfaction of the Comptroller that he/she is returning to Fiji permanently.
 - The person should have a valid visa.
 - The vehicle must have been owned and used by the person who is a returning resident for a period of 12 months or more in overseas. (Documentary evidence such as registration papers, insurance documents, sales/purchase invoices, etc. is required).
 - The vehicle must be imported into Fiji within 12 months from the date of arrival of the person in Fiji.

Example 3

Person	Type of Goods	Code 220 Applicable		Options
		Yes	No	
Returning resident of Fiji (returning after residing abroad for a period of 12 months or more)	New household effects, e.g. furniture, domestic electrical appliances, linen, kitchen wares, etc.		✓	Pay duty or liable to forfeiture
	Used household effects, e.g. furniture, domestic electrical appliances, linen, kitchen wares, etc.	✓		No duty.
	New motor vehicle		✓	Pay duty or liable to forfeiture
	Used motor vehicle belonging to a returning Fiji resident	✓		1 motor vehicle per family
	Motor cycle, motorized scooter		✓	Pay duty or liable to forfeiture
	Boats		✓	Pay duty or liable to forfeiture
	Firearms		✓	Liable to forfeiture (permit required)
	Commercial goods		✓	Pay duty or liable to forfeiture
	Liquor		✓	Pay duty or liable to forfeiture
	Cigarettes		✓	Pay duty or liable to forfeiture

Governing Conditions and Criteria

19. In general, the disposal or use of the goods for purposes other than for which concession is granted will be subject to the conditions laid down in Section 17 of the Customs Tariff Act 1986.
20. If the motor vehicle is cleared under Concession Code 220, the vehicle should be registered under the name of the concession holder and should not be sold or transferred to another person for a period of 5 years, unless it has been disposed formally under section 17 of the Customs Tariff Act 1986.
21. Under section 17 of the Customs Tariff Act 1986, the person will be liable for customs duties and/or penalties if the goods is not used for the purpose for which the concession is granted. For example, if a returning resident sells the motor vehicle at the 3rd year after which the

concession was granted, the person will be subject to customs duties since the motor vehicle is sold prior to the 5 years for which the concession was granted.

22. For the purpose of Code 220, motor vehicles (diesel, petrol, LPG, CNG, solar, electric) imported by returning residents must be EURO 4 compliant and in the case of hybrid vehicles, the vehicle must be 5 years or less from the year of manufacture and EURO 4 compliant.
23. The concessions are to be claimed at the time of importation or at the time of clearance.

Customs Clearance Procedure

Used Motor Vehicle

24. The returning resident is required to lodge a formal written application to FRCS (Tariff & Trade Section) and to provide documentary evidence that the vehicle was owned and used by the returning resident such as:
 - a) the copy of the passport,
 - b) vehicle registration and de-registration papers;
 - c) vehicle ownership history (where required);
 - d) proof of resident returning permanently;
 - e) insurance documents;
 - f) sale and purchase invoices;
 - g) or any other information or documents required by the Comptroller in order to process the application.
25. Only one used motor vehicle per family is permitted. However, this is only applicable to returning resident. The ownership of the used motor vehicle must be of the returning resident only. If the motor vehicle belongs to the spouse or any other family member of the returning resident, the same shall not be eligible to the concession.

For example, Mr. X went to Australia to pursue further studies for 2 years. He got married to Ms. B, an Australian citizen during his stay. Ms. B owns a motor vehicle. Upon completion of studies, Mr. X decides to permanently return to Fiji along with his wife. Ms. B wishes to bring the vehicle which she owned in Australia. Will Ms. B or Mr. X be eligible to the concession under Code 220?

Comptroller's position: No. Since Ms. B is not a returning resident, the concession will not apply. Also Mr. X will not be eligible to this concession since he did not own the vehicle.

26. For the purposes of duty concession on the motor vehicle, family comprises of spouse, parents and their children.

Baggage Declaration

27. A baggage declaration form must be filled by those seeking concession under codes 219 and 220. This is in relation to unaccompanied goods. Accompanied goods are covered under concession code 218.

28. A Baggage Declaration form (Form CE111) needs to be **completed in English** with the packing list and witnessed by Customs officer that:
- a) the person is changing place of residence to Fiji;
 - b) the person is the owner of the goods imported;
 - c) for returning residents, the goods imported is used for at least 12 months and;
 - d) the goods are imported through air or sea;
 - e) the household effects are imported within 12 months of first arrival into Fiji;
 - f) an undertaking is provided not to dispose the goods imported under concession code 220.

29. Additional Note:

Firearms - The importation of firearms, including air guns, air pistols, ammunition and explosives is prohibited except under Licence issued by the Commissioner of Police.

Animals and Plants - 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 Agriculture

Illicit and Narcotic Drug - The importation of illicit drugs and narcotic drugs is prohibited except under licence issued by the Secretary of Health

Drones – Restricted to the issuing of license/permits from CAAF

Mobile Phones/Telecommunication Equipment – Restricted to the issuing of license/permit by Telecommunication Authority of Fiji

Department of Energy - Household electric refrigeration appliance that does not comply with the Trade Standards (Household Electric Refrigerating Appliances) Order Legal Notice No. 91 of 2007.

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.

30. In the event of a natural disaster and similar catastrophes and sustained emergencies to those affected by such catastrophes, to assist victims of disasters, without compromising appropriate standards of Customs control, the Comptroller may facilitate clearance of goods under the following conditions:
- a) A written consent is granted to authorize a person in Fiji to carryout Customs clearance on behalf of owner would be required to facilitate clearance of the goods.
 - b) A statutory declaration by the owner of goods, declaring that the person would travel to Fiji as soon as practicable
 - c) The duty would be payable on the goods and the owner of goods could lodge a claim for refund upon the arrival into Fiji.”
31. For any other clarifications you may contact the FRCS TIPU team on tiputechs@frcs.org.fj

APPENDIX

An extract of the concession code table relating to Code 219

Code No.	Persons or Bodies	Goods Eligible for duty Concession	Fiscal	Excise	VAT	Conditions	Certificate To Be Signed By
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
219	A bona fide passenger finally disembarking in Fiji	Personal effects(including professional instruments apparatus and implements	Free	Free	Free	That the goods are: (a) Owned by the passenger at the time of his arrival in Fiji and are for his personal (b) Not intended as gifts or for sale or exchange (c) Used prior to importation (d) Not imported into Fiji more than 12 months after the date of final disembarkation of the passenger (e) Are of a kind and of a quantity which the proper officer of Customs is satisfied that a passenger may reasonably be expected to carry in his baggage	(i) The passenger in the case of unaccompanied goods (ii) Certificate not required in case of accompanied goods

APPENDIX

An extract of the concession code table relating to Code 220

Code No.	Persons or Bodies	Goods Eligible for duty Concession	Fiscal	Excise	VAT	Conditions	Certificate To Be Signed By
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
220	(i) Any person taking up initial permanent residence in Fiji and ii) Any person(s) on work permit in Fiji (iii) Any returning resident of Fiji	Household effects (i) Used household effect	Free	Free	Free	That the goods are: (a) Owned by a person specified in column (2) at the time of his arrival in Fiji and are for his personal use (b) Not intended as gifts or for sale or exchange c) In the case of persons specified in paragraph (iii) of column (2), used and been in the possession of such persons for a period of at least 12 months prior to their departure for Fiji; d) Not imported into Fiji more than 12 months after the date of final disembarkation of the passenger; (e) Are of a kind and of a quantity which the proper officer of Customs is satisfied that a passenger may reasonably be expected to keep in the household. (f) Are for the person(s) on work permit issued by The Department of Immigration of Fiji for a period of 12 months or more.	i) The person taking up initial residence or the returning resident in the case of unaccompanied goods (ii) Certificate not required in case of accompanied goods
		(ii) Only 1 used motor vehicle per family	Free	Free	Free	(a) The person should prove to the satisfaction of the Comptroller that he/she is returning to Fiji permanently. (b) The person should have a valid visa. (c) The vehicle must be owned and used by the person for a period of 12 months or more. (Documentary evidence such as registration papers, insurance documents, sales/purchase invoices, etc required) (d) The vehicle must be imported into Fiji within 12 months from the date of arrival of the person in Fiji. (e) The used vehicle (diesel, petrol, LPG, CNG, solar, electric) must be EURO 4 compliant. In the case of hybrid vehicles, the vehicle must be 5 years or less from	

					<p>the year of manufacture and EURO 4 compliant</p> <p>(f) That the concession be subject to such other conditions as the Comptroller may impose.</p> <p>(g) That the disposal or use of goods for purposes other than that for which concession is granted be subject to the conditions laid down in Section 17 of the Customs Tariff Act.</p>	
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