

DIRECTIVE No. 24

RETURNED GOODS RELIEF

Issued by the Agent of the Impôts on the 1st November 2021

1. Introduction

When goods are imported into Jersey from a country outside the UK-CD's Customs Union they are liable to Customs Duty at the point of importation. However, full or partial relief is available from payment of these charges under specific conditions.

You can get relief if you're reimporting goods into the UK-CD's Customs Union that have previously been exported or transported from the UK-CD's Customs Union. This is referred to as 'Returned Goods Relief' (RGR).

See [GST direction 2020/04](#) for separate guidance on Returned Goods Relief for GST.

2. Content

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3. Definitions

“Agent of the Impôts” means Head of the Jersey Customs and Immigration Service.

“Third Country” means any country outside the United Kingdom - Crown Dependencies Customs Union.

“UK – CDs Customs Union” - means Jersey, UK, Guernsey and the Isle of Man.

“Customs Law” means the Customs and Excise (Jersey) Law 1999.

“Customs Order” means the Customs and Excise (Customs Tariff and Import Duty) (Jersey) Order 2019.

‘Caesar’ means the Customs and Excise system for the administration of revenue.

“Equivalent goods” means “equivalent domestic goods”

“Domestic goods” is to goods as per Article 1(3) of the Customs and Excise (Customs Tariff and Import Duty) (Jersey) Order 2019.

“Equivalent domestic goods” means goods that are of the same, or substantially the same, description as the imported goods.

“GC” means Goods Control, Maritime House, La Route du Port Elizabeth, Jersey.

4. Legal basis

Article 6(1A)(b) of the Customs and Excise (Jersey) Law 1999 provides for the Agent of the Impôts to implement the UK-CD's Customs Arrangement.

The "Arrangement" which is the arrangement entered into between Jersey and the United Kingdom covers all trade in goods that includes the elimination between its members of customs duty on imports and exports, and the adoption of the UK Global Tariff in their relations with third countries; and requires the members of the customs union to keep their Customs Law correspondent with that of the United Kingdom.

Article 2 of the Customs Order defines "import duty" and provides that such duty is to be collected and paid in accordance with the Customs Law.

Article 3 of the Customs Order creates an obligation to declare goods on importation for one of 2 customs procedures, either for release for free circulation in Jersey or for a "special customs procedure".

Article 3 (5)(a) of the Customs Order provides for relief from import duty for a special custom procedure.

Article 5 of the Customs Order specifies the persons liable to pay import duty on imported dutiable goods.

Article 7 of the Customs Order gives effect in Jersey to the United Kingdom tariff regulations.

Article 8 and 9 of the Customs Order define, respectively, the value of goods and place of origin of goods for the purposes of import duty.

Article 17 of the Customs Law provides that the Agents of Impôts may give directions, subject to conditions as he or she may impose, permitting the movement of goods which are under customs control.

5. Who can claim the relief

- Persons importing goods into the UK-CD's Customs Union that have previously been exported as domestic goods; or
- Persons acting on their behalf

6. General rules for duty relief on returned goods

The goods must be re-imported into the UK-CD's Customs Union no more than 3 years after the date of export.

The goods must be re-imported in an unaltered state, apart from any work that may have been carried out to maintain the goods in working order, the goods cannot have been upgraded to increase their value.

The goods must also:

- Have been in free circulation in the UK-CD's Customs Union when they were exported, unless they were originally declared to Inward Processing or Authorised Use procedure
- Not have been exported to be repaired or processed, if they were but the repair or process was not carried out, relief may still be available
- Be re-imported within 3 years of their export, shorter periods apply to goods which benefitted from agricultural measures at export

If only a proportion of the original export is returned, then subject to the conditions above, relief is available.

On re-importation, any duty suspended at the time of their original importation to inward processing must be repaid. Also, any agricultural refunds received on export must be repaid.

The requirement that the goods must be returned within 3 years can be waived by the Agent of Impôts in exceptional circumstances.

7. Goods eligible for relief

The following goods are eligible for relief:

- Returned personal effects, vehicles, sports equipment or means of transport
- Returned professional and commercial equipment that have been hired, leased or loaned outside of Jersey
- Goods declared for an outward processing procedure and exported that remain:
 - unprocessed on re-import; and
 - in the same state as they were when originally exported
- Goods previously declared to an Authorised Use procedure in Jersey – RGR can be claimed on the importation of goods previously declared to an

Authorised Use procedure, provided that the goods are put to the same authorised use when re-imported

- Goods temporarily exported using the ATA (Admission Temporaire/Temporary Admission) or CPD (Carnet de Passages en Douane) carnet procedure
- Pallets and containers – RGR may be claimed on pallets and containers
 - Used to import goods to the UK-CD's Customs Union, but not on packaging e.g. shrink wrap or any packaging not suitable for re-use; and
 - Pallets and containers previously exported/used to export goods from the UK-CD's Customs Union, and subsequently re-imported to the UK-CD's Customs Union, but not on packaging, e.g. shrink wrap or any packaging not suitable for re-use

8. Waiver

The requirement that the goods must be returned to the UK-CD's Customs Union no more than 3 years after the date of export may be waived to account for special circumstances where the Agent of the Impôts considers it would be reasonable to do so. In particular, this includes:

- Specialised goods returning from long-term hire or loan agreements.
- Building equipment or machinery returning after use in capital projects.
- Exhibition goods returning after long-term display or storage.
- Collectors' or heritage items originally manufactured in the UK-CD's Customs Union and returning from overseas after re-acquisition by a dealer or investor, e.g. collectable items of furniture or ceramics.
- Professional and personal effects returning with returning expatriates.
- Goods owned by Crown Servants returning after their postings overseas. The time limit for Crown Servants is currently 6 years. Crown Servants include diplomatic staff, armed forces, embassy and consular personnel; and
- Goods in the EU at the time of the UK's exit from the EU that are returned to within three years of the exit date.

Where a claimant considers that special circumstances apply such that this requirement should be waived, they should contact Goods Control and provide evidence as required to gain approval.

Customs and Immigration Service, Goods Control.

Email – rgc@gov.je

9. Goods which on export benefited from agricultural measures

Full or partial relief from import duty is available for goods imported into the UK-CD's Customs Union where those goods have previously been exported as domestic goods, and which on export benefited from agricultural measures.

Eligibility criteria and relief conditions

You can claim if:

- Any refunds or other amounts paid under those agricultural measures have been repaid, the necessary steps have been taken to withhold sums to be paid under the agricultural measures in respect of those goods, or the other financial advantages granted have been cancelled.
- The goods were in one of the following situations:
 - they could not be put on the market in the country to which they were exported
 - they were returned by the consignee as being defective or non-contractual; or
 - they were imported into the UK-CD's Customs Union because they could not be used for the purposes intended owing to other circumstances outside the exporter's control

Circumstances outside the exporter's control are if:

- the goods are returned following damage occurring before delivery to the consignee, either to the goods themselves or to the means of transport on which they were carried
- the goods were originally exported for the purposes of consumption or sale in the course of a trade fair or similar occasion which have not been so consumed or sold
- the goods could not be delivered to the consignee on account of their physical or legal incapacity to honour the contract under which the goods were exported
- the goods, because of natural, political or social disturbances, could not be delivered to the consignee or reached them after the contractual delivery date
- fruit and vegetables were exported and sent for sale on consignment but were not sold in the market of the country of destination

The goods are declared for the free circulation procedure within 12 months of the date of completion of the customs formalities relating to their export.

Where a claimant considers that exceptional circumstances apply such that any of the above eligibility criteria/relief conditions should be exceptionally waived or varied, they should contact Goods Control and provide evidence as required to gain approval.

Customs and Immigration Service, Goods Control

Email – rgc@gov.ie

10. Goods previously declared under an Inward Processing procedure

Full or partial relief from import duty is available for processed products that are imported into the UK-CD's Customs Union, where those goods were previously exported subsequent to an inward processing procedure.

Eligible claimants and consignees

- Persons importing goods into the UK-CD's Customs Union that have previously been exported subsequent to an inward processing procedure; or
- persons acting on their behalf.

Eligibility criteria and relief conditions

In order to obtain relief:

- The goods must have originally been exported as domestic goods;
- The goods must be imported to the UK-CD's Customs Union no more than 3 years after the date of export;
- The goods must be imported in the state in which they were originally exported. This means that:
 - Any treatment or handling necessary to repair or alter the appearance of the goods to restore them to good condition or maintain them in good condition is allowed.
 - Goods that have undergone any treatment or handling other than that specified in the first bullet above, and such treatment or handling rendered the goods unsuitable for their intended use at the point of export, will be considered to be returned in the state in which they were exported; and
 - goods temporarily exported for process or repair will not be eligible for RGR when re-imported in the processed or repaired state.

Eligibility criteria subject to waiver

The requirement that the goods must be imported to the UK-CD's Customs Union no more than 3 years after the date of export may be waived to account for special circumstances where the Agent of the Impôts considers it would be reasonable to do so. This will be decided on a case-by-case basis.

Where a claimant considers that special circumstances apply such that this requirement should be waived, they should contact Goods Control and provide evidence as required to gain approval.

Customs and Immigration Service, Goods Control

Email – rgc@gov.je

Exclusions

This relief is not available where:

- Goods resulting from the processing of equivalent domestic goods have been exported and
- that export took place before import of goods that the equivalent domestic goods were processed in place of.

“Equivalent domestic goods” means domestic goods that are of the same, or of substantially the same, description as the imported goods.

11. Goods exported following authorised use

Relief can be claimed on goods which, prior to export, were imported for authorised-use provided the goods are being re-imported for the same authorised-use purpose.

If the goods declared were imported to authorised-use but not put to their specific use, the goods should be exported under customs procedure code 10 40 000. On return, the goods should be entered to authorised-use again under the relevant authorised-use customs procedure code.

Import charges will be relieved by the production of the export documentation.

If the goods were put to their specific use prior to export, they can be re-imported using this relief subject to the usual conditions.

12. Process for full or partial relief

You can claim relief **Orally** by walking through the green channels.

You do not need to make a formal customs declaration to claim relief on personal belongings re-imported in **accompanied baggage** if the conditions for relief are met.

However, you must declare any other re-imported goods in baggage, for example commercial samples, at the red channel when you arrive, and you may be asked to make a formal declaration claiming relief.

To claim relief for goods moved by **Freight** a declaration through CAESAR, at www.customs.gst.gov.je is required, and prior to arrival of the goods.

When re-importing goods by **Post** the sender is to write ‘Returned goods - relief claimed’ clearly on the package and its accompanying declaration. The declaration must include a complete and accurate description of the goods, their quantity and value.

You can claim relief on specified goods (as detailed below) temporarily exported and subsequently re-imported using a **Duplicate list**.

This relief is available for free circulation goods that are carried with you in baggage:

- professional effects (for example, tools, film and radio equipment, theatrical properties, musical instruments and so on)
- works of art and other goods exported solely for exhibition, display or demonstration purposes
- trade samples
- trophies which are the property of a recognised sporting association or organising body permanently established in the UK-CD's Customs Union.

The goods must not be processed or repaired (other than routine maintenance) while in a third country.

You will need to contact Goods Control prior to exporting the goods accompanying you and provide an inventory of the goods being exported and re-imported. Email – rgc@gov.je.

13. Records

Records must be kept for a minimum of 4 years.

Records to be kept are:

- receipts
- bills
- invoices
- insurance documents

Mark Cockerham
Agent of the Impôts
1st November 2021