



Ship Type: Container/Ro-Ro Trade Area: Russia

Bulletin 426 - 08/05 - Consequences of Improper Cargo Declaration - Russia

The Club has been made aware of incidents confirming the consequences of carriers' improper declaration of container and ro-ro cargoes to Novorossiysk Customs Authorities.

In October 2004 amendments to the Russian Federation Code on Administrative Violations regarding customs violations were adopted. Information required by customs includes weight, quantity and description of the cargo delivered in containers and vehicles carried on board but since the amendments were adopted, carriers have been facing problems with the Novorossiysk Customs authorities regarding declaration.

In accordance with clause 74 of the Russian Federation Customs Code, the carrier shall present to customs authorities the above mentioned information. If there is a discrepancy in the declared information about the cargo description, weight and quantity and the actual cargo in a container or a vehicle, the administrative proceedings are brought up. The minimum fine stipulated by the above clause is RUR 50,000 (approx. USD 1,800).

In some incidents, the customs authorities have brought administrative proceedings even in cases of clerical errors in documents or discovery of advertising reference to the goods delivered. These actions do not correspond to Russian Federation Law, or to International Conventions signed by the Russian Federation in the customs control sphere.

In cases when the value of the cargo misdeclared exceeds RUR 250,000 (approx. USD 9,000), criminal proceedings are instituted against the Master of the ship carrying the misdeclared cargo. The investigators insist on their allegation that the Master must, and has the opportunity to, check the contents of the containers. The clause of the RF Criminal Code (contraband) under which the Master is called to account, stipulates sanctions from a fine in the amount of RUR 100,000 (USD 3,600) to imprisonment up to 5 years. When such criminal proceedings are brought up, the Master is disembarked from the vessel and is to stay in Russia for the whole period of the investigation which can last up to 6 months.

Masters should be extremely attentive while presenting to the Customs authorities the information regarding the weight, quantity and description of the goods carried in containers and vehicles onboard and notify the Club if proceedings are brought against the Master and carrier. An appeal should be made to the court or higher administrative bodies.

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