



**ZAMBIA
REVENUE
AUTHORITY** | *My Tax
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A GUIDE TO THE GENERAL PUBLIC ON ADVANCE TARIFF RULING

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CHAPTER ONE

ADVANCE TARIFF RULING GUIDELINES

1.0 Introduction

This guide aims to give information to importers, exporters, producers, or a representative thereof to help them better understand the procedures related to Advance Tariff Rulings with the ultimate aim of facilitating trade in line with the best international accepted standards.

Advance Rulings are among the most important basic tools that assist to quicken the clearance of goods through Customs within the framework of the objectives of Article 3 of the Trade Facilitation Agreement. In addition, an Advance Tariff Ruling is not intended to grant any tax relief but is intended to assign a tariff Code to goods that are envisaged to be imported or exported. There is no fee charged for Customs to process an application for an Advance Tariff Ruling.

1.1 Definition of Advance Tariff Ruling

An advance Tariff Ruling (ATR) is a written classification decision by Customs at the request of an applicant and prior to the importation of the goods specified in the applicant's request. An ATR describes the tariff treatment of the goods covered by an application and is a legally binding decision. An ATR is issued pursuant to the provisions of Section 84 (C) of the Customs & Excise Act, CAP 322 of the Laws of Zambia.

1.2 Competent Authority in Charge Of Issuing Advance Rulings

The competent Authority that issues Advance Tariff Rulings in Zambia is the Customs Services Division of the Zambia Revenue Authority.

1.3 Applicants for An Advance Tariff ruling

An applicant for an ATR can be an importer, exporter, producer, or an appointed representative.

1.4 Why it is Important to Have An Advance Tariff Ruling Before Importation Of Goods?

An ATR determines the classification of goods prior to their importation or exportation, thereby helping traders to plan and make informed business decisions based on legally binding rulings. While not all goods may require an ATR, it is beneficial for an importer or exporter to appreciate the advantages of applying for an ATR for goods they intend to import or export.

1.5 When Can A Person Apply for An Advance Tariff Ruling?

An application for ATR must be made at least five (5) days prior to the arrival of the goods at the border, as provided under section 84 (C) (2 a) of CAP 322. The following are the circumstances when an application for an ATR can be made:

- When the determination of the classification (i.e. assigning a Tariff Code) of the goods envisaged to be imported or exported is challenge.
- Goods that are envisaged to be imported are in Knock down form (i.e. unassembled or dissembled state)

1.6 Requesting Advance Tariff Rulings

A request for Advance Tariff Rulings will be submitted by an applicant to Customs Authorities regarding the goods envisaged to be imported or exported.

A single application form shall be submitted for each good. In the case of multiple goods separate application forms are to be made for each good. The following documents and information must be provided in the application for an ATR:

- a) Completed ATR prescribed Customs Form CE37 (Application and Notification For Advance Tariff Ruling).
- b) A letter addressed to the Assistant Commissioner, International and Policy, Customs Services Division, in which the following information should be stated:
- c) The full name and address of the applicant;
- d) Name of port of entry;
- e) number of shipments for the goods are to be imported;
- f) Detailed description of the product;
- g) Technical literature from manufacturer.
- h) Detailed commercial invoice showing all the components with corresponding values.
- i) Detailed packing list.
- j) Bill of lading / Road manifest/airway bill.
- k) Signed Contract of sale.
- l) Proof of payment (e.g., telegraphic transfer, letter of credit, or bank statement).
- m) For equipment and machinery, provide additional information relating to the machinery being imported e.g. brochures, catalogues, pictures, drawings, clearly labelled sketch diagrams

The applicant for an ATR is required to submit the application either in paper form or electronically to the office of the Assistant Commissioner – International and Policy Unit at ZRA Head office for evaluation.

Advance Tariff Ruling requests, information and data accompanying the application are treated with the utmost confidentiality.

NOTE: If the information provided is not sufficient for evaluation of an ATR application to be made, additional information will be requested. Customs reserves the right to reject the application if the afore-mentioned requirements are not provided as stipulated under section 84 (C) (5) of CAP 322.

1.7 Processing Time and Validity of An Advance Tariff Ruling

Customs will process requests for ATRs and provide feedback within 5 days from the date of submission of a complete application as stipulated under section 84 (C) (4) of the Customs and Excise Act , CAP 322 of the laws of Zambia.

Consistent with Regulation 65B of the Customs and Excise General Regulation, an advance tariff ruling is valid for a period of twelve (12) months from date of issue unless there is an amendment or revocation of the ATR.

1.8 Use of Advance Tariff Rulings

The use of advance tariff rulings remains a right of the applicant at the point of entry. However, the use of the Advance tariff rulings will be as a guided by the officers at the Port of entry.

The good/s must be declared on the Customs declaration in accordance with the information stated in the Advance Tariff Ruling that was issued by the Customs. Advance Tariff Rulings are used at the entry processing stage to verify the accuracy of the declared tariff codes.

The importer's reliance on the content of the advance ruling related to the tariff classification during the submission of a Customs declaration does not prevent the goods from being examined by Customs to ensure that the declared goods are identical to the goods referred to in the advance tariff ruling.

1.9 Rejection of Application for Advance Tariff Ruling

An ATR application may be rejected in the following instances:

- ☒ When incomplete or insufficient, incorrect or false information that not enable Customs to make a tariff determination for the goods on which an application has been made.
- ☒ where the goods in question are under litigation.
- ☒ the application does not relate to goods whose importation is envisaged.
- ☒ Goods have already been imported into the country.
- ☒ If there are violations of customs laws and regulations and any law that Customs enforces.
- ☒ Where multiple applications are submitted for an ATR for the same goods.

Consistent with the provisions of Section 84(C) (5) of the Customs and Excise Act, CAP 322 of the Laws of Zambia where an application is rejected by the Commissioner General, the applicant shall be notified in writing to provide the reasons for the rejection.

1.10 Revocation of An Advance Tariff Ruling

The Commissioner General may revoke an ATR in the following instances:

- ☒ Submission of fraudulent or inaccurate documents to customs.
- ☒ The imported goods do not match the goods covered by the ATR.
- ☒ In the event of some changes in the tariff codes, the ATR may become invalid and may be revoked.
- ☒ Failure to adhere to the terms and conditions outlined in the ATR.
- ☒ New information not previously disclosed that affects the ATR's validity.

1.11 Right to Appeal.

An applicant has the right to appeal the decision made by Commissioner General on their application for ATR. The appeal may be submitted to the issuing office and escalated to higher offices if not satisfied with the outcome of the appeal.

1.12 Benefits of Advance Tariff Rulings.

Advance Tariff Rulings are a trade facilitation tool for traders and Customs Administrations which:

- ☒ Enhance the certainty and predictability of customs treatment of goods;
- ☒ Encourage co-operation and build confidence between Customs & Trade;
- ☒ Enable traders to adequately plan for their importations; and
- ☒ Supports the collection of accurate trade statistics, monitoring of controlled goods, collection of revenue and increases processing efficiency of goods declaration.

1.13 Publication of Advance Tariff Rulings.

Advance tariff rulings issued by the Customs which may be important to other importers and therefore they may be published by any means such as bulletins as well as on the ZRA website, without publishing the information of those requesting advance rulings and maintaining full confidentiality of data and information received by ZRA.

CHAPTER TWO

EXAMPLES OF ISSUED ADVANCE TARIFF RULINGS.

The table below highlights some Advance Tariff Rulings that have been issued in the recent past:

No	Description of goods	Classification Ruling	Contending Codes	Rationale/Rule
2.1.	Cold room equipment - The equipment performs the function of cooling/chilling. - It was presented together with consumables to be used in assembling of the equipment	8418.69.10 - Cold room equipment. Consumables imported together with the Cold Room Equipment were classified in their respective subheadings as follows: 3910.00.90 - silicon 3805.10.00 – Turpentine oil 6307.10.00 – cleaning rags	8418.69.10 – Cold Room Equipment and Consumables.	The classification committee took into account the provisions of Note 2 and 4 to Section XVI, 8418 and the General Interpretative Rules 1 and 2(a) of the Harmonized Commodity Description and Coding System govern the classification.
2.2.	Avocado oil pressing System - The avocado oil pressing system performs the function of oil extraction from avocados. - The machinery consisted of a number of machines which perform individual functions other than the oil pressing function - The equipment was imported in knock down form	8479.20.00 - Oil Extractor component /machinery that extracts oil from fruits. Components imported together with the Oil Extractor machinery and perform auxiliary functions were classified in their respective subheadings as follows: 7309.00.00 -Inox reservoir 8422.30.00 -Bottling and labelling line. 8419.39.00 -Dryer 8437.10.00 -Destoner 8451.00.00 -Washing machine	8479.20.00 – Oil Extractor machinery classified with the components/machinery that perform auxiliary functions.	The committee took into consideration the Explanatory Notes to heading 7309, 8419, 8422, 8437, 8451, Section XVI Note 2 and 4 and the General Interpretative Rule 1 of the Harmonized Commodity Description and Coding system, the exclusion notes.

2.3	Cassava starch production plant -The importation comprised components that when assembled make up the machines or combination of machines to perform the function of cleaning cassava, extracting starch, milling the remaining granules and finally packaging the final product. The importation also included equipment that perform auxiliary functions to that of Cassava Starch Production Plant.	8438.60.00 - Cassava peeling machine, cassava grating machine, cassava crusher, de sanding cyclone, starch hydro cyclone and the hydraulic press de water. The other components that were to be imported with the Production Plant were classified in their respective subheadings as follows: 8437.80.00 - Hammer mill machine 8428.20.00 - Lifter and conveyor machine 8479.89.00 - Paddle cleaner 8479.89.00 - Cage type cleaner 8428.33.00 - Starch conveyor 8422.40.00 - Automatic packaging machine 8419.31.00 - Air flow flash dryer 8423.82.00 - Simple type weighing machine (15-50kg) 8421.29.00 - Filtering or purifying machines	8438.60.00 - Cassava starch production plant and all auxiliary components.	The Classification Committee took into account of the provisions of Note 2 and 4 of Section XVI, explanatory notes to headings 8419, 8421, 8422, 8423, 8428, 8437, 8479 and the General Interpretative Rule 1 and 2(a) of the Harmonised Commodity Description and Coding System.
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2.4.	Poultry Equipment The function of the poultry equipment that was to be imported is to fill the feeding troughs, clean the floors, collecting eggs, separating and Vaccinating chicks. The poultry equipment was to be imported with some components that do not directly contribute to the afore mentioned functions.	8436.29.00 - Rearing units, laying units, sexing and vaccination equipment. The auxiliary components were classified under the respective tariff subheadings as follows: 8428.20.00 - Conveyor 8716.20.00 - Feed trolley 8479.89.00 - Feed silo 8414.59.00 - Fans 6303.99.00 -Mechanical Curtain 8413.81.00 - Pumps 8423 - Feed silo weighing system (depending on specifications)	8436.29 Poultry Equipment and all auxiliary components.	The classification committee took account of the provisions of Note 2 and 4 of Section XVI, explanatory notes to headings 8436,8428,8716,8479,8414,6303,8413,8423 and the General Interpretative 2(a) of the Harmonized Commodity Description and Coding System.
2.5	Animal stock feed plant The stock feed production line comprised of many components and machinery performing different functions in the production process line of animal stock feed. The Animal Stock Feed Plant was to be imported with some components that do not directly contribute to the afore mentioned functions.	8436.10.00- Animal feed extrusion machinery. The auxiliary components were classified under the respective tariff subheadings as follows: 8428.39.00 - Conveyors and conveyor structures. 8479.60.00 - Meal coolers 8428.32.00 - Bucket elevators 8544.20.00 - Cables 8479.90.00 - Magnetic belt 8437.90.00 - Destoner	8436 - Animal stock feed plant with all auxiliary items.	The committee took account the provisions of Note 2 and 4 to Section XVI, the Explanatory notes to heading 8428, 8436, 8437, 8479, 8501, 8504, 8544 and the GIR Rule 1 and 2(a) of the Harmonized Commodity Description and Coding.

		8504 - Transformer 8501.10.00 - Blower motor, motors and motor stands.		
2.6.	Centre Pivot Irrigation System The importation included main components that were to be assembled into the Centre Pivot Irrigation System and other components that do not directly contribute to the function of irrigation.	8424.82.00 - Main components of the irrigation system that included the underground distribution pipes that carries water from the control station to the irrigation zone; control station (mesh filters, fertilizer injectors, metering valves, non-return valves, pressure regulators, pressure gauges air vents etc); Surface network that include dripper lines incorporating the drippers. The auxiliary components were classified under their respective subheadings as follows: 8413.81.00 - pump set 90kw 8413.81.00 - Etanorm pump 8501.33.00 - electric motor 400v 90kw 8537.10.00 -90ABB Agripac 8501.33.00 - motor 37-55kw 8536.90.00 – 32 Amp isolator 8539.22.00 - 50w flood light 8537.10.00 - cable tray 3923.90.90 – cable ties 8504.34.00 – transformer 500KVA 8544.11.00 – Armour cable 8504.33.00- transformer 200KVA	8424.82.00 - Centre Pivot Irrigation System with all other auxiliary items.	The classification committee evaluated the documents provided and took account of the provisions of Note 2 and 4 of Section XVI, explanatory notes to headings 8424,8413,8501,8537,8536,8539,3923,8504,8544, 7326, 8425,8535, and the General Interpretative 2(a) of the Harmonised Commodity Description and Coding System

		8413.81.00 – multi stage pump 3923.90.90 -Cable clamp 7326.90.00 - Ladder step 8425.49.00 – farm jack 8535.40.00 – lightening arrester 8544 - Earth wire		
2.7.	Beverage making plant The equipment performs the function of manufacturing of an assortment of beverages.	The individual machines to be assembled into the beverage making Plant were classified in their respective tariff subheadings as follows: 8422.30.00 - Machinery for filling, closing sealing and labelling bottles. 8422.40.00 -Shrink wrapping machine 8419.81.00 - Sterilizing system and pasteurizer. 8438.80.00 - Juice mixing tanks 8480.79.00 -Mould and accessories 7309.00.00 - Storage Tanks	8438.80.00 - All the machines of the Beverage making plant and auxiliary components Beverage	The components of the beverage making plant perform individual functions, hence they were classified under their respective subheadings. The committee took account the provisions of Note 2 and 4 to Section XVI, the Explanatory notes to heading 8438,8422,8419,8418,8480,8421,8428,8443,7309 and the GIR Rule 1 and 2(a) of the Harmonized Commodity Description and Coding.
2.8.	Milk Chiller and Accessories The equipment performs the function of cooling and storage of milk.	8418.69.90 - Instant milk chiller and bulk milk cooler. The other components performing an auxiliary function to that of milk chilling and cooling were classified under their respective tariff headings as follows:	8434.20.00 - Milk Chiller and Accessories	The classification Committee classified the milk chiller and coolers in line with General Interpretative Rule 1 (GIR1), terms of heading 8418 and Explanatory Notes to heading 8418 and 8434 to Harmonised Commodity Description. In addition, the components that do not

		8471.49.00- Lenovo computer system with accessories. 8471.41.00 - Prompt display – DPU with adapter. 8423.82.00 - Prompt electronic weighing scale 200kg capacity. 9027.89.00 - prompt iSmart milk analyzer with stirrer and blue tooth. 8523 – Prompt AMCS software (carry media). 8544.49.00 - DC solar Cable		directly contribute to the function of milk chilling and cooling were classified under their respective subheadings.
2.9.	Semi-Automatic Concrete Block And Paver Stone Production Line The components that were intended to be imported were to be assembled into a semi automatic concrete block and paver production line. The other items were to be imported with the production line perform auxiliary functions to the function of block and paver production.	8474.80.00 - Concrete Block and paver machine. The auxiliary components were classified as follows: 8474.10.00 - Fine sieve 7315.12.00 – Front rail chain 8480.60.00 -Brick moulds 3923.90.90 – Plastic pallet 8474.90.00 – Block machine parts 8716.80.00 - Wheel barrow 8474.31.00 – Concrete mixer 8474.31.00 - Mortar mixer 8428.33.00 – aggregate conveyor belts 8428.33.00 – conveyor belt 8474.90.00 - aggregate bunker 7309.00.00 – hydraulic oil tank	8474.80.00 Semi-Automatic Concrete Block And Paver Stone Production Line with all auxiliary components.	The Classification Committee took into account the provisions of note 4 to section XVI and the explanatory notes to headings 3923,7308,,7309,7315,8428,8474,8480,8716, and the general interpretative rule 2(a) of the Harmonised commodity Description and coding system . Furthermore, components that when assembled will perform auxiliary functions to the main function of block making were classified in their respective tariff headings .

2.10	Maize milling Plant The components were to be imported and assembled into a cleaning and milling equipment. The other components were to be imported with the maize milling plant and assembled into machinery to perform auxiliary functions to main functions of the Maize Milling equipment.	The complete maize Milling Equipment were classified as follows: 8437.10.00 – Maize Cleaning equipment 8437.80.00 - Milling equipment The other components that were to be assembled into auxiliary equipment were classified as follows: 7308.90.90 - steel structures & platform. 8423.20.00 - weighbridge 8428.32.00 - bucket elevator 8421.39.00 - cyclone 8428.39.00 - screw conveyors 8422.40.00 -automatic packing machines 8452.21.00- sewing machines 8421.39.00 - bag filter 8421.39.00 - filter 8504.22.00 - transformer 1000kva 8414.80.00 - air compressor 8479.60.00 - dry cooler 7311.00.00 - air tank 8422.40.00 - sieve wrapping machine 8437.90.00 – spares 8544 - cables bridge (depending on type)	8437.80.00 Maize milling Plant with all auxiliary components.	The Classification Committee considered the provisions of Note 2 and 4 of Section XVI, explanatory notes to headings 8437,7308,8423,8428,8421,8422,8504,8414,8479,7311,8544 and the General Interpretative Rule 1 and 2(a) of the Harmonised Commodity Description and Coding System.
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3.0. Competent Authority Contact Detail

The contact email address is: CUST-INTLANDPOLICYHQ@zra.org.zm