



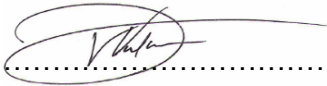
Accessing the Customs System External Policy

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JAMAICA CUSTOMS AGENCY

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Revision Date	Reviser	Previous Version	Description of Revision
August, 2019	External Access Policy Review Committee	Ver 2019 1.1	Review of initial policy document
August, 2019	External Access Policy Review Committee	Ver 2019 1.2	Policy document updated with additional terms of use
October, 2019	Policy Review Committee	Ver 2019 1.3	Policy document updated with additional terms of use
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1.0 Background

The legal foundation for a modern electronic communication system (customs system) was enabled in the Customs (Amendment) Act, 2014 amending the Customs Act, 1941

These amendments empower the Commissioner of Customs to establish an electronic system for among other things:

- *Speeding up dealing with the importation and exportation of goods and the movement of persons entering and leaving Jamaica.*
- *The communication by electronic means of any document or information that is required or authorized to be provided under the Customs Act.*
- *The payment or collection of customs duties by electronic means.*

Since its introduction in 2016, the Jamaica Electronic Trade System (JETS) facilitated simplified document processing and easy electronic payments, all within an environment that is user friendly.

The Customs Act provides for all external users to be authorized through a mechanism of application and approval. This policy sets out the framework for intended users to become Authorized Users and therefore establishes a standard and systematic way of registering and authorizing external users.

Our stakeholders are important contributors to the advancement of the mission of the Jamaica Customs Agency and are critical to the accomplishment of our goals and objectives.

The Agency anticipates compliance with the standards and requirements outlined in this policy to ensure trade facilitation, protection of our borders, and optimization of revenue collections.

2.0 Purpose of Policy

This policy outlines the requirements, including the information that must be supplied to the Commissioner by applicants requesting to be Authorized Users of the Agency’s electronic communication system or Customs system (the Jamaica Electronic Trade System (JETS)), established pursuant to the Customs (Amendment) Act, 2014.

3.0 Scope of Policy

a. Applicability and Exclusion of Policy

- i. This policy applies to all persons, other than an Officer – Customs Act 206B (1)
- ii. A licensed customs broker is deemed an Authorized User by operation of the law, Customs Act S.206B (5), and therefore is not required to apply to the Commissioner to become an Authorized User. However, all other aspects of this policy consistent with S.206B(5) of the Customs Act apply to a licensed customs broker.
- iii. The Commissioner may grant the status of an Authorized User to a public body or a Ministry, Department, or Agency (MDA) to which the use of the system is extended to submit information to the Jamaica Customs Agency or process information without requiring a formal application through any online portal.
- iv. The Commissioner may grant the status of an Authorized User to an applicant without requiring a formal application through any online portal whom the Commissioner of Customs is satisfied is duly registered through a process of verification by a public body or MDA pursuant to legislation, including undergoing background check and for whom information and registration details have been communicated to the Jamaica Customs Agency.

4.0 Basis of Requirement to Supply Information as a Precondition to Accessing the Customs System.

- b. No person, other than an Officer can use the Customs System without being authorized by the Commissioner, Customs Act 206A (2).
- c. The Commissioner may require an applicant to provide additional information that the Commissioner considers necessary for the purposes of deciding whether to grant an application, Customs Act 206B (2).
- d. The Commissioner may make Rules regarding the operation and use of the Customs System, ..., Customs Act 206F

5.0 Persons Required to Supply Information

- a. The following groups of persons who use the Customs System from time-to-time must apply and supply information to be an Authorized User of the Customs system in accordance with paragraph “4” above:
 - i. Cargo Aggregators, including Freight Forwarders, Consolidators, De-consolidators, and Non-Vessel Owning Common Carriers (NVOCC)
 - ii. Shipping Agents
 - iii. Couriers and eCommerce Operators
 - iv. Clearing Agents who are not licensed customs brokers
 - v. All other users, excluding an Officer or a Licensed Customs Broker

6.0 Application Procedures and Requirements

- 1. The following is the process for making an application to the Commissioner of Customs to be an Authorized User to access the Customs System:
 - a. Visit the Jamaica Customs Agency website at www.jacustoms.gov.jm
 - b. Access the “Documents & Forms” Tab on the website

- c. Complete and submit the “Jamaica Electronic Trade System”, (JETS) Application Form and attach the required supporting documents.
 - d. The portal will generate a notification with application details when application is successfully sent to the JCA.
 - e. The JETS credential will be forwarded to the applicant via email once approved as an Authorized User. If the applicant is not approved as an Authorized User, section 9.0 of this policy becomes applicable.
2. The following information may be required to complete and submit your application for Authorized User:
 - I. Personal Information
 - a. Full Names
 - b. Addresses
 - c. Contact Details.
 - II. Business Information
 - a. Registered and Trade Names
 - b. Addresses
 - c. Contact Details
 - III. Taxpayer Registration Number
 - IV. Character References
 - V. Legal Status and Constitution of the enterprise.
 - VI. The particulars of principals, Officers and staff members who will have access to the Customs System.

1. The following attachments may be required:
 - a. A Valid Government Identification
 - b. copies of registration documents (Company and/or Trade name)
 - c. Police Record (issued for Customs purposes)

7.0 Refusal to Grant Access to the Customs System

The Commissioner will refuse to authorize access to use the Customs System where the application does not meet the requirements above or specified criteria prescribed in Rules S.206B (4).

8.0 Suspension or Revocation of Authorization – S.206C

The Commissioner is empowered to revoke or suspend an authorization granted to a person if:

- I. The person, in writing, requests the Commissioner to revoke or suspend the authorization.
- II. The person fails to comply with any terms or conditions imposed in respect of the authorization or with any provision of this Act or rules or regulations made under this Act.
- III. The person has provided false or misleading information regarding the person's application for the authorization.
- IV. The person has been convicted of an offence under this Act.
- V. The Commissioner is satisfied that the person no longer meets the criteria specified under the Customs Act; or
- VI. The Commissioner considers that the authorization is no longer required.

9.0 Procedure for Refusal, Suspension, or Revocation of Authorization – S.206D

- 1) The Commissioner must give written notice to an applicant or an Authorized User of any proposed refusal, suspension, or revocation outlining the following before refusing to grant an authorization or before suspending or revoking an authorization respectively:
 - a. in the case of suspension or revocation, the proposed effective date of the suspension or revocation.
 - b. the grounds for the proposed refusal, suspension, or revocation; and
 - c. the period within which the person may make written representations.
2. A person who has been given notice by the Commissioner of a proposal to refuse the grant of an authorization, or to suspend or revoke an authorization, may, within seven days after receipt of that notice, or such longer period as the Commissioner may in the circumstances allow and notify to the person, make written representations as to why the authorization should be granted, or not suspended or revoked, as the case may be.
3. After consideration of any representations made in respect of a proposal to refuse the grant of an authorization, or to suspend or revoke an authorization, the Commissioner may -
 - a. confirm the proposal and proceed to refuse the grant of the authorization or suspend or revoke the authorization.
 - b. withdraw the proposal; or
 - c. modify the proposal and proceed to implement the proposal as modified.
4. Where a person's application for an authorization has been refused or where a person's authorization has been revoked, that person may, at any time after such refusal or revocation, make a fresh application for an authorization.

10.0 Immediate suspension of authorization – S.206E

The Commissioner is empowered to suspend the authorization of any user with Immediate Effect.

1. The Commissioner will only act to do so where she is satisfied that immediate suspension is required to:
 - a. preserve the integrity of the Customs System.
 - b. prevent the occurrence of fraud on the revenue or other unlawful revenue loss.
 - c. protect the interest of national security; or
 - d. otherwise protect the public interest.
2. Where the Commissioner acts to suspend immediately, notice must be given by the Commissioner stating the following:
 - a. the date on which the suspension took effect; and
 - b. the grounds for suspension, including only such information that the Commissioner is satisfied is not likely to facilitate, exacerbate, or compromise the investigation of the circumstance that has become the basis for the Commissioner to act.

11.0 The Right of Appeal – Ss. 206D & 206E

1. An applicant who has been given notice by the Commissioner of the refusal to grant an authorization may, within seven days after receipt of that notice, or such longer period as the Commissioner may in the circumstances allow and notify to the person, make written representations as to why the refusal should be withdrawn.
2. An Authorized User who has been given notice by the Commissioner of the immediate suspension, suspension or revocation of that user's authorization may, within seven days after receipt of that notice, or such longer period as the Commissioner may in the circumstances allow and notify to the person, make written representations as to why the suspension or revocation should be withdrawn.

3. After consideration of any representations made in respect of the refusal, suspension or revocation of an authorization, the Commissioner may:
 - a. withdraw the refusal, suspension, or revocation.
 - b. confirm the refusal, suspension, or revocation and determine the period for which it shall continue; or
 - c. Confirm the refusal, suspension, or revocation of the authorization.
4. The Application Form for appealing the Commissioner’s decision with respect to any refusal, suspension, or revocation of authorization may be obtained from the Jamaica Customs Agency’s website at www.jacustoms.gov.jm.

12.0 Making of New Application

An applicant may submit a new application at any time after the refusal or revocation of an authorization.

13.0 JETS User Responsibilities

1. Adherence to the requirements set out in this policy.
2. Adherence to any other professional standards governing any related professional body of which the user is a part.
3. Use Authorization in a responsible manner, including submitting truthful, accurate and complete information to Customs at all time.
4. Provide clients with copies of their Customs documentation produced by the System.
5. Communicate client’s non-compliance with the Customs law and requirements.
6. Ensure that the users under your supervision and control adhere to the Customs requirements.

7. Immediately advise the Commissioner of Customs where or when:

- I. You cease to operate or any Authorized User ceases to be in your employment, supervision, or control.
- II. There is any change of address or name of your company or Authorized Users in your employment, supervision, or control.
- III. You cease or it becomes necessary for you to cease conduct of business with the Jamaica Customs Agency.
- IV. You or any Authorized User in your employment or under your supervision or control become bankrupt.
- V. You or any of your Authorized Users are convicted of any offence under the Customs Act, taxation legislation or any offense involving fraud or dishonesty.