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**DRAFT**

**Standard Operating Procedures**

**Seizure proceedings**

**The Lebanese Customs Administration**

**General Directorate of Customs**

**SEIZURE PROCEEDINGS - STANDARD OPERATING PROCEDURES**

1. These Standard Operating Procedures replace all existing procedures relating to Seizure proceedings. **Separate Standard Operating Procedures have been produced for Seizure of prohibited goods; and for Sale of seized goods and Auction procedures.**
2. The standardisation of General Directorate of Customs procedures is necessary for the following reasons:

* To reduce the financial impact of fraud in terms of evaded duties and taxes of national significance;
* To increase conformity and consistency with international norms and standards;
* To enhance transparency;
* To improve the operating and deployment framework of the Customs Brigade based on risk management principles;
* To increase levels of compliance, revenue security and facilitation relating to the control of cross border trade;
* To improve the interaction and operational co-ordination between customs and other law enforcement agencies.

1. Indeed, the principle for the need to achieve modern and standardised procedures is enshrined at the very beginning of the Lebanon Customs Act 2001, as follows:

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| **Lebanon Customs Act 2001** | |
| **Article** | **Provision** |
| 4 | **1.** Customs and parties concerned shall implement all customs procedures subject to the principles of streamlining, publicity, transparency and common interest.  **2.** Pursuant to the provisions of paragraph (1) above, the customs administration shall adopt modern means and advanced and developed regulations for the organization of the customs business especially as concerns the following (there are 13 modern procedures listed).  **3.** Customs procedures laid down in this chapter should be implemented in the light of the principle of trade facilitation without violating efficient customs control, and upon guidance by new procedures of risks management and evaluation. |

1. A Standard Operating Procedure (SOP) is a document which describes regularly recurring Customs Officer work processes. The purpose of a SOP is to carry out the operations correctly and always in the same manner. When Customs Officers follow the SOP for a particular job, they produce a product that is consistent and predictable. An SOP is a compulsory instruction.
2. These Standard Operating Procedures contain instructions on the following operations:
   * Legislative provisions for search, seizure and forfeiture
   * Seizure notice
   * Investigation
   * Safeguarding seized goods
   * Appeals and arbitration
3. **LEGISLATIVE PROVISIONS FOR SEARCH, SEIZURE AND FORFEITURE**

Articles 149, 338, 353 and 365 of the Lebanon Customs Act 2001 provide the legal basis for Search:

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| **Lebanon Customs Act 2001** | |
| **Article** | **Provision** |
| 149 | To be added [Article 149 is not shown on the English version of legislation on-line]. |
| 338 | The customs territory shall be constituted of:  A- Maritime Customs Territory:  It means the waters within the belt 12 nautical miles wide that is adjacent to its coast and seaward of territorial sea baseline.  B- Land Customs Territory:  It includes the territory lying between the delimitation of the Lebanese shore or land line on one hand and an internal line lying behind the front customs offices or stations situated on the shore or the land baseline on the other. This line shall be drawn in accordance with control requirements, by decision of the Higher Council of Customs, following consultation with the Director General of Customs and published in the Official Gazette. |
| 353 | Customs employees shall have the right to inspect goods, means of transport and people in order to implement the provisions of this law and to investigate smuggling. |
| 365 | Customs employees may examine the identities of the persons entering to the customs territory or exiting there from or those who circulate within the customs territory. |

There are also Decrees, as follows:

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| **Decrees** | |
| **Number** | **Provision** |
| 1802,  Article 1 | Defines the Customs Brigade as a public armed force within the Lebanese Customs. It falls under the Minister of Finance and its powers are stipulated as follows:   * Monitoring land, aerial and maritime borders as well as all those areas falling under the supervision of the Lebanese Customs so as to implement all the customs regulations and provisions concerning the importation and exportation of goods. * Investigating and verifying smuggling operations according to the provisions stipulated by the Customs Act and other regulations as well as setting up checkpoints and inspecting suspicious individuals. * Assisting the Administrative Customs employees. * Assisting all the public armed forces and administrations according to the provisions established by the laws in force. |
| 1802,  Article 103 | *There is no English translation available.* However, the Article essentially confirms that the Customs Brigade’s responsibility is to assist the Public Prosecution Service and work under its supervision in performing the duties of the Judicial Police within their field of competence. |

Articles 367 – 376 and Articles 421 – 423 of the Customs Act provide the main legal basis for Seizure and Forfeiture. Forfeiture occurs when a person’s rights to the seized property are permanently lost through a court order or judgment. Forfeiture occurs after seizure, and seizure does not always end in forfeiture.

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| **Lebanon Customs Act 2001** | |
| **Article** | **Provision** |
| 367 | 1.At least two customs or government employees, disregarding their civil or military functions, shall investigate into customs violations.  Such investigation may also be conducted by one customs employee along with a government employee, or by a customs employee along with any adult person.  2. Violations shall be investigated through seizure proceedings.  3. The employees of the Tobacco Reggie shall have the same prerogatives empowered to customs employees with regard to investigation of customs violations relating to tobacco and cigarillos. |
| 368 | 3. The persons who order to take persons into custody shall specify in the proceedings of seizure the period of investigation and the date of opening and closure of the proceedings. This information shall be inscribed in a special relevant register at the customs house.  4. The proceedings of seizure shall be instituted in the place of seizure of goods or in the place of discovery of the violation immediately after investigating about the violation or at most after the transportation of seized goods, goods used to conceal smuggling and transport vehicles to the customs house or office if there is no deterrent mentioned in the proceedings. |
| 369 | The following shall be mentioned in the proceedings of seizure  (lists 12 items) |
| 370 | 1. Seized transport vehicles and goods used to conceal fraud may be delivered to the accused if they are not prohibited against submission of a guarantee, a bond, or a sum equivalent to the value of such goods. Goods may also be delivered to a third party against the submission of the same guarantees.  This procedure and the consequence thereof should be mentioned in the proceedings of seizure.  2. The manager or the Head of the department may release the public means of transport in favor of the proprietor or operator without a guarantee or a deposit equivalent to the value of such means of transport, provided that the proprietor is involved in the transport business and that the violator had signed with him the contract of transportation or lease of the vehicle in accordance with legal rules and professional customs, and provided that the operator of the vehicle has to the best of his capacities fulfilled his obligation of censorship, and that the vehicle is not conceived as to facilitate smuggling. However such release does not exempt from the payment of the expenses incurred by the customs administration as result of maintenance and custody. |
| 371 | If the proceedings of seizure contain false or altered documents, the type of falsification, alterations and additions must be mentioned in the proceedings. The seizer shall ask the user to sign such documents and he shall include his reply in the proceedings after stamping the term "unchangeable" on the document. |
| 372 | 2. The proceedings of seizure shall be filed in the presence of a judicial police member. Should the said member refuse to cooperate, his refusal must be mentioned in the proceedings. |
| 373 | If the seizure involves goods aboard an anchored ship and immediate unloading is impossible, the seizers shall seal the scuttles, rooms, lockers, boxes, parcels, barrels and other packages and containers. If the proceedings of seizure occurs at the same time of unloading, the proceedings shall include numbers, labels, and marks of packages, parcels and barrels. Details should be noted down at the office in the presence of the violator or after he is notified to appear. Afterwards a copy of a detailed unloading sheet will be delivered to the violator |
| 374 | If the seizure involves smuggled goods in pending pursuit status or in the very act, or if such goods are prohibited, restricted or under monopole, or if it explicitly appears from their owners or from the documents in their possession that the goods are smuggled, the investigated case must be mentioned in the proceedings. |
| 375 | When many seizures occur against unknown fugitive persons and if the department deems the proceedings of seizure unnecessary, due to the trivial importance of smuggled goods, and if there are no precedents and if the value of goods does not exceed **400,000 L.B.P** for each seizure, the customs court provided for in Article 391 may decide to seize all such goods by virtue of a single decision |
| 376 | The seizure and the forfeiture of goods within the conditions set forth in the previous Article 375 shall be decided by the customs court and implemented by the customs administration eight days after the publication of the relevant decision at the office of the customs court. |
| 421 | A- The following violations shall incur the seizure and forfeiture of smuggled goods, in accordance with the provisions of Article 422 and provided that the penalty prescribed in Article 423 is enforced:  (there is a list of 34 types of violation) |
| 422 | In all cases where courts decide the forfeiture of smuggled goods, such courts shall, pursuant to the provisions of Paragraph 2 of Article 417, decide along with monetary penalties prescribed in Article 423 the forfeiture of means of transport, merchandise and things of any kind whatsoever used to conceal fraud (despite the submission of a correct declaration in respect thereof). The value of forfeited goods shall be added to the amount of the monetary penalty. |
| 423 | Notwithstanding the regulatory forfeitures, the monetary penalties prescribed in Article 421 shall be determined as follows:  1- Cases involving seizure of goods and means of transport used to conceal the fraud:  A- From two to three times the duty if the seized merchandise is not prohibited restricted or monopolized.  B- From three to four times the duty on highly dutiable merchandise, merchandise subject to revenue duty or merchandise subject to the control of the customs police by virtue of the decisions of the Higher Council of Customs on conditions prescribed in Article 340 of this Law.  C- From two to three times the duty (including customs duties) on prohibited or monopolized merchandise.  D- From one to two times the duty (including customs duties) on restricted goods.  2- Cases involving relief of merchandise, means of transport and things used to conceal the fraud.  In order to compensate forfeiture, the court may impose on the violator a penalty up to the value of the goods, means of transport and things used to conceal fraud in addition to the monetary penalties mentioned here above (including customs duties), according to the price in effect in national market at the time of the fraud.  Whenever the assessment of the value of goods and things relieved from seizure seems impossible, the penalty amount should range from **1,000,000 to 10,000,000 L.B.P.** |

Other Articles of the Customs Act also provide the legal basis for Seizure and Forfeiture.

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| **Lebanon Customs Act 2001** | |
| **Article** | **Provision** |
| 22 | Smuggled goods shall be subject to duties in effect at the date of smuggling or at the date of smuggling discovery. Should the goods be contained in previous customs declaration, the date of registration of these declarations shall be a base to determine the difference of charges. |
| 59 | 1 - prohibited goods are seized upon their presentation to customs houses notwithstanding the prerogatives in respect thereof even though such goods are declared at their real description. Violations of these provisions such as import or export of prohibited goods without submission of a customs declaration or through smuggling shall be subject to penalties prescribed in Article 421.  3- Goods bearing false marks and labels indicating their origin, prescribed in Articles 62 and 63 (paragraph 2) and Articles 64, 65, and 66 of this Law, should be treated similarly to prohibited goods, hence they should be seized upon import or export and shall be subject to penalties prescribed in Article 65, subject to the provisions of cancellation of seizure, as deemed necessary, according to the rules laid down in Articles 65 or 66 |
| 357 | 1. Home investigation and inspection may be executed to spot smuggling within the Lebanese territories:   6- Should search and investigation result in the discovery of documents and papers related to smuggling operations, customs employees should be authorized to seize them. |
| 359 | A flagrante delicto of smuggling ["caught red-handed" is an English equivalent] is:  1- Import or attempted import of prohibited or monopolized goods without a written or an oral declaration.  2- Export or attempted export of prohibited goods without written or oral declaration.  3- Transport of monopolized goods or prohibited goods, whether manifested or not, on board of vessels, notwithstanding the flags thereof, of less than 150 maritime tons, anchoring or hovering within 12 miles away from the shores, except in case of a proven force majeure.  4- Anchoring or hovering of vessels of less than 150 maritime tons, carrying highly dutiable goods or goods subject to revenue tax, prescribed in the decisions of the Higher Council of Customs published in the Official Gazette, within the territorial waters, except in case of a proven force majeure, or re-export of similar goods, on board of vessels of similar tonnage. |
| 377 | 1. Violations set forth in the decisions and texts relating to customs may be investigated and proved through proceedings held by customs employees as result of examinations, investigations and interrogatories they conducted, even if no seizure had occurred within or outside the customs territory.  2. The proceedings of verification shall include the names of those who filed it along with their functions, the date (Hour-Day-Year) and place of inspection and verification, the concrete facts examined by those who filed the proceedings and all related information in respect thereof. The proceedings shall also include the seizure of related documents if a need so arises.  The proceedings shall in addition mention that the date (Day-Hour-Year) and place of the proceedings were notified to the persons who filed the proceedings and that they were summoned to attend the filing thereof. Should they attend, the contents of the proceedings should be read in their hearing and signed by them. The aforementioned should be included in the proceedings. |
| 378 | Customs violations set forth in the laws and regulations governing customs may be investigated and proved through all other legal means and procedures and through all official references via reports, even if no forfeiture had occurred within or outside the customs territory. |
| 379 | 1. The proceedings of precautionary seizure and the proceedings of verification filed according to the provisions of Articles 367 to 377, are deemed authentic and probative of the material facts examined by the proceedings Customs employees unless they are claimed to be fraudulent before the criminal or the civil court. Other provisions are deemed true until proven to the contrary. |
| 391 | 1- Along with the prerogative of relevant criminal courts empowered in accordance with the laws in force, the proceedings of seizure shall be referred to the relevant court of first instance in accordance with the provisions of the previous articles, if the dispute is not settled through reconciliation.  2- The Procedures of the Civil Code should be followed before all Justice Courts examining customs cases in accordance with the provisions laid down in this Law. |

1. **SEIZURE NOTICE**

Imported goods may be seized by Customs for a number of reasons, for example:

* The goods are prohibited or restricted
* The products bear false trademarks or labels and must therefore be treated in the same way as prohibited goods
* The person does not make a declaration, or makes a false declaration
* There is a valuation dispute
* There is a classification dispute
* The passenger is unable to pay the duty payable
* An import license (required as a prior condition for the importation of certain goods) has not been issued by the competent authority
* For quarantine-restricted reasons

When goods are seized, a Seizure Notice (see Appendix 1) must be served on the importer. A Seizure Notice

lists the items and any means of transport seized by Customs, gives information on what the person can do following theseizure, and provides details who to contact. If Customs seize goods in the presence of the person or his customs broker, the Seizure Notice will be given him, and the reason for the seizure will be explained. The Seizure Notice will be sent to the person if he or his broker were not present when the goods were seized. The seizing Officer must also complete a List of Seized Goods (see Appendix 2).

1. **INVESTIGATION**

Customs Officers must inform the local Investigation Specialist, and the Supervisor or Customs Officer in charge, of the seizure. The local Investigation Specialist must conduct the initial questioning of the suspect. The suspect’s goods and means of transport will be seized at the beginning of an investigation. However, Article 370 of the Customs Act makes provision for the release of the means of transport in certain circumstances, for example upon payment of a guarantee or a deposit equivalent to the value of the means of transport; or if Customs have completed their search of - for example - a taxi and conclude that the driver of the taxi had no knowledge of the attempted smuggling attempt.

If (after liaising with the Public Prosecutor in appropriate cases) it is determined that an administrative process will be followed, the local Investigation Specialist must finalise the questioning of the person. He must endeavour to obtain the person’s admission to the offence, and his agreement to pay the evaded duty and tax together with the penalty.

The exception to this process is that, if it becomes clear during the initial questioning of the suspect that the value of the goods on which duty and tax has been evaded, or the penalty, exceeds a ceiling that is set by the Director General, then the case must be referred to Investigation Specialists at the centre. The Central Investigator must inform the Public Prosecutor immediately to obtain authorisation to commence the investigation. All case decisions made during the course of an investigation are made by the Public Prosecutor, and Investigators must act within the parameters of their assignment. At the finalisation of the investigation, a range of possible procedures are provided under the Customs Act, including monetary penalties; additional penalties imposed by the competent authority; or criminal prosecution.

1. **SAFEGUARDING SEIZED GOODS**

Customs Officers are responsible for the security of seized goods until they are accepted by the Customs Warehouse for Seized Goods, which is responsible for accepting, storing, releasing and destroying seized, detained or abandoned goods.

There are special procedures to be followed when prohibited substances are seized, and **separate Standard Operating Procedures have been produced for Seizure of prohibited goods.**

Detained or seized goods must be placed into clear plastic bags and sealed with a one-time tamper-proof seal, or in zip-lock type bags; or clear plastic bags sealed by a one-time customs seal. A unique examination number will have been obtained from the Central Operational Control Room at the time of the search. The seizing Officer must complete a List of Seized Goods in triplicate.

Seized items may include the suspect’s mobile phone, computers, documents, samples of seized goods or the goods themselves. If the suspect’s mobile phone it seized for evidential purposes, it must immediately be placed in “Flight Mode”.

When many documents are seized, the person must sign the list that accompanies the batches of documentation. If the seizure includes false or altered documents, the Customs Officer must ask the person from whom they are seized to sign each of the documents individually, after stamping the term "unchangeable" on the document (Article 371 of the Customs Act).

Larger seizures (for example, a container full of packages) must be counted and secured within a vehicle and then transported to the Customs Warehouse. Customs Officers must count the load (or measure it in different ways, for example by weight, volume, etc.) and must complete a List of Seized Goods showing what the consignment consists of, and the unique examination number obtained the Central Operational Control Room. The vehicle must be secured with a uniquely-numbered seal.

With the approval of the Director General, small quantities of seized perishable foodstuffs, may be donated to hospitals and charities, or destroyed in a regulatory manner (Article 437 – 4 of the Customs Act). A record must be maintained of the description, weight and quantity of goods disposed of in this manner, and the Seizure Notice (see Appendix 1) must be signed by the person from whom the goods are seized (in which he waives his ownership of the perishable foodstuffs) and by two Customs employees.

Seized non-perishable foodstuffs (for example, a truck load of garlic, or nuts) are likely to follow an administrative procedure, involving reconciliation between Customs and the offender. A monetary penalty will be imposed, and the goods released to the person upon payment of duties, and on condition that the person obtains authorisation from the Ministry of Agriculture. This is a difficult, long-winded and bureaucratic process, so the person might waive his ownership of the foodstuffs. With the agreement of the Public Prosecutor and the Director General, such goods might also be donated to charity.

Upon arrival at the Customs Warehouse, the Warehouse Keeper must check the seals to ensure that they are intact, open the load, and then count the goods again. This is to ensure that the seized items that have reached the Customs Warehouse match the details on the List of Seized Goods. This is important for the chain of evidence, which shows who has had control or possession of the evidence at all times after it has been found.

The Customs Warehouse Keeper must acknowledge receipt of goods on both the duplicate and triplicate copies of the List of Seized Goods. He must add his signature, his name and official stamp, and the unique deposit number. He must return the duplicate copy to the seizing Customs Officer for retention in the seizure case file.

Nobody, other than the Customs Officer who is empowered in written orders can have independent access to the goods or the Warehouse documentation. The daily report of the Head of the Customs Unit must record the written orders issued to individual Customs Officers in which they are instructed to remove evidence from the Customs Warehouse, an official safe, or a locked cupboard.

1. **APPEALS AND ARBITRATION**

The following Customs Act Articles provide for Appeals and for an Arbitration process. Arbitration proceedings are governed by the Lebanese Code of Civil Procedure.

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| **Lebanon Customs Act 2001** | |
| **Article** | **Provision** |
| 32 | 4- Importers shall have the right to appeal unfavorable administrative decisions pertaining to origin determinations at the administrative court level. |
| 36 | 2- Upon receiving the response of the owner of the goods, or upon expiry of the delay referred to in the foregoing paragraph, Customs shall issue a written decision pertaining to the disputed case on the basis of customs valuation rules prescribed in Article 35 of this law, and communicate it to the owner of the goods.  3- In case the party concerned protested the valuation decision stated in paragraph (2) above, the dispute shall be referred to the Arbitration Committee mentioned in chapter 7 of title 2. Both parties may obtain annulment of the arbitration decision relating to the dispute by appealing the decision in question to the customs court competent. Appeals must be filed within 30 days after the date of notification of the party concerned. |
| 153 | 1- whenever a dispute arises between Customs and a party concerned as to the type, description, origin, and value of goods, and the party concerned refuses Customs valuation, the dispute shall be mentioned in the submitted Customs formality. A verbal process must be filed and referred to an arbitration commission composed in accordance with the provisions of the following Article.  2- Recourse to the said commission for arbitration should not occur, whenever the law prescribes special provisions and rules governing the type, description, origin or value of goods. |
| 156 | Following consultation with the Director General of Customs the Higher Council of Customs shall determine the following:  A- Rules and procedures that shall be followed to submit dispute files to arbitration commissions, including the prerogatives of Heads of departments as to the appointment of experts by the administration.  B- Conditions to take samples and cases where samples can be substituted by certain documents, as well as the definition of taxpayers' commitments prior to arbitration. |
| 158 | 1. The arbitration Commission holds its sessions at the department of the region where the dispute had arisen, its negotiations should be confidential and majority must take its decisions.  2. The commission may listen to any person whomsoever, and may also have recourse to analysis and statistics found to be useful for carrying out investigation into the case.  3. When the dispute does not result from matters dealing with the type, description, origin or value of goods, or whenever the Law supplements special provisions and procedures to specifying such matters, the commission shall issue a decision to declare its illegibility to look at the dispute.  6. The Commission shall notify the parties concerned about its decisions. If the dispute is settled to the advantage of the importer, then the Customs shall refund the money guarantee deposited to secure the right of the administration, within 30 days as from the date of claim. |
| 160 | 1. The Commission's decision may not be prone to any kind of appeal unless cancellation is requested.  3. The appeal shall not stop the implementation of the arbitration Commission's decision. |
| 162 | 1. Arbitration shall involve goods kept in customs custody. Otherwise goods shall be prosecuted by normal procedures in accordance with provisions of article 381 of this Law.  However the Customs administration shall not have the right when goods are not strictly prohibited and if their existence is not necessary to resolve the dispute, to allow the delivery of goods before the dispute is settled, against submission of a guarantee or a deposit that covers the potential duties and penalties, provided that samples of goods are kept in order to have recourse to as deemed necessary.  2. The Director General of customs shall set the rules of implementation of this Article and the conditions of temporary delivery of goods subject to restrictions upon import and export, provided that this does not contradict rules relating to the General Order or violates laws and regulations in effect. |
| 163 | 1. If the Customs administration loses the case before the arbitration commission, an interest equivalent to the commercial interest rate should be added to the refundable cash deposited as guarantee. If the claimant had submitted a guarantee, the charges in connection with such guarantee should be refunded to him on specific conditions that shall be determined by virtue of the decision of the Minister of Finance.  2. If the Customs administration loses its case before the arbitration commission and refuses to release the goods subject of dispute, the owner of goods may have judicial recourse to seek indemnities within specific period of time set by decision of the Minister of Finance.  3. If the claimant loses the case, and it was not possible for him to pay the due fees, and should there be no guarantee he must pay an additional delay interest equal to the rate mentioned in paragraph one of this Article.  4. The destruction and spoilage of samples or documents due to experiments shall not give any chance to request indemnities |
| 381 | 1- Violations set forth in the customs laws and regulations may be prosecuted and proved by all legal evidences even if such violations were not discovered inside or outside the customs territory or upon declaration of goods through customs manifests. For this purpose, information coming from foreign authorities, forfeiture proceedings and documents issued by the said authorities may be considered to be proofs of violations.  2- Public prosecutors shall be in charge of the popular actions filed for the purpose of implementing criminal sanctions incurred from ordinary crimes committed concurrently with customs violations or relating to such violations. However, the customs administration shall be in charge of actions filed in order to apply duties and fines. |
| 399 | Court decisions are decisive and unappealable when the total inflicted penalties (Monetary penalties and forfeiture of merchandise, means of transport and things used to conceal fraud) do not exceed the amount of **5,000,000 LBP.** |
| 400 | Decisions issued by the court as result of objection to proceedings of seizure, proceedings of investigation or to an administrative decision, shall be considered valid even if the objector fails to attend. |
| 401 | Court decisions inflicting fines and duties are not appealable by the convict unless a monetary guarantee is deposited in the treasury to secure the payment of all owed duties, in addition to an amount equivalent to 25% of the value of penalties imposed by decision of appeal, provided that the total guaranteed penalties do not exceed **10,000,000 LBP.** |
| 402 | Sentences rendered by the customs court are appealed before the relevant court of appeal, within 30 days following the notification of the sentence in accordance with the provisions of the Code of Civil Procedures. |
| 403 | The decision of appeal may be prone to cassation in accordance with the provisions of the Code of Civil Procedures. |
| 404 | The court shall render its decisions as soon as possible and the president of the clerk office should notify the opponents about the judgment of first instance within 15 days at most as from the date of the issuance of such judgment. |
| 407 | The customs court may decide the temporary enforcement of judgments, whether on the debtor or on his assets notwithstanding any other recourse. The court may also cancel the period of the notification sent to the debtor and arrest the convict on the spot. However the debtor may refer to the court of appeal that is entitled to delay the imprisonment provided that the convict submits a monetary guarantee covering potential duties and penalties.  The review stated in the previous paragraph occurs in accordance with the procedures of summary matters. |

Public prosecutors are in charge of actions filed for implementing criminal sanctions. Concurrently, the Customs Administration is in charge of the related Customs violations, in order to apply duties and fines (Article 381-2 of the Customs Act).

Importers have the right to appeal against unfavourable administrative decisions. For example, Article 32-4 extends this right to pertaining to decisions relating to origin, and the appeal is dealt with at the Administrative Court level.

Additionally, the Customs Act provides for importers who dispute decisions concerning the type, description, origin, and value of goods, to be referred to an Arbitration Commission (Article 153-1). The Arbitration Commission is illegible from looking at other types of dispute (Article 158-3).

Arbitration procedures are conducted about goods that have been kept in Customs custody (Article 162-1). In all other cases, the goods will be prosecuted by the procedures in Article 381.

Article 162 of the Customs Act provides – if the goods are not strictly prohibited and if their existence is not necessary to resolve the dispute – for the goods to be released before the dispute is settled, under rules set by the Director General and provided that a guarantee or deposit is obtained from the importer that covers the potential duties and penalties. In such cases, samples of goods must be kept.

The Code of Criminal Procedure contains a similar provision, in respect of seizure of evidence:

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| **Lebanon Code of Criminal Procedure** | |
| **Article** | **Provision** |
| 103 | If the Investigating Judge considers that the investigation will not be served by keeping some or all of the seized items, he shall return them to the legal claimant unless the claim is subject to a legal dispute. If there is a serious dispute regarding the right of ownership or possession of a seized item that may be returned, the Investigating Judge shall defer its return until the dispute has been settled. If the civil party or the defendant requests the return of a seized item, the Investigating Judge shall rule on the request after consulting the opposing party and the Public Prosecutor’s Office. An appeal against his decision in this regard may be filed within twenty-four hours of the date on which he informs the party to the dispute against whom the decision was taken. |

If the Arbitration Commission decides a dispute in favour of the importer, then Customs must refund the monetary guarantee or deposit that covered the potential duties and penalties. The refund must be within 30 days of the date of the importer’s claim (Article 158-6). Interest equivalent to the commercial interest rate must be added to the refundable cash deposited as guarantee, together with relevant charges (on decision of the Minister of Finance - Article 163).

If the seized item has been destroyed, Customs cannot restore it to the person, but they must offer the person an appropriate payment instead. This may be an amount equal to the sum paid by the person for the goods in question, or an amount equal to the proceeds of sale (where Customs have sold the goods in question), or an amount equal to the market value of the goods at the time of seizure and not including any additional compensation (for costs, travel expenses, interest).

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**Appendix 1**



**The Lebanese Customs Administration**

**General Directorate of Customs**

**SEIZURE NOTICE**

In accordance with the provisions of Article 421 of the Lebanon Customs Act 2001, I hereby give notice that the item(s) listed below was / were seized on **[ENTER DATE]** at **[ENTER LOCATION]** as being an article, vessel or vehicle liable to seizure under Article 421 of the Act:

Details of seized items ……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………..

Airwaybill / Bill of Lading no: ................................................................................................................

Quantity and description ..................................................................................................................... ..............................................................................................................................................................

Marks and numbers .............................................................................................................................

Customs declaration number..............……............……. Dated...................………………….

Customs declaration submitted by .....................................................................................................

Items Seized by....................................................................................................................................

Items seized at (location)......................................................................................................................

Date...........................

If you claim that the goods are not liable to seizure, you may submit a claim in writing, under the provisions of the customs legislation in force as regards the seizure of goods, giving your full name and address. The claim must be submitted within one month from the date of this notice, to the following address:

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If your claim against the seizure is valid, the Director General will file proceedings for the return of the goods by the Court.

If you fail to submit a claim against the seizure in writing within the time-limit mentioned above, the goods shall be sold or destroyed without any further notice.

**Appendix 2**

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| **LIST OF SEIZED GOODS**  (necessary for identification of the seized items, and for taking further action in respect of disposal) | | | | | | |
| Date seized | |  | | | | |
| Seized by (name of Customs Officer) | |  | | | | |
| Seizure / Detection Number (the unique examination number issued by the Central Operational Control Room) | |  | | | | |
| Location of seizure | |  | | | | |
| Seized from (name of importer, passenger, etc) | |  | | | | |
| Customs declaration number | |  | | | | |
| Airwaybill / Bill of Lading number | |  | | | | |
| Marks and numbers | |  | | | | |
| **Details of seized goods (enter details in the rows below)** | | | | | | |
| **Description Item, including brand, serial number** | **Number of Items**  **quantity** | | **Country of origin** | **Weight or Volume** | **Date deposited in Customs Warehouse** | **Date removed from Customs Warehouse** |
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**Seizing Customs Officer’s signature ………………………………………………..**

**Witness Customs Officer’s signature ………………………………………………..**

**Signature of person from whom the goods are seized …………………………………………………………**

**Date ………………………………………………..**

**Signature of the Warehouse Keeper acknowledging deposit of the goods ………………………………………………**

**Warehouse Keeper’s unique deposit number …………………………………………………….**

**Date ………………………………………………..**