



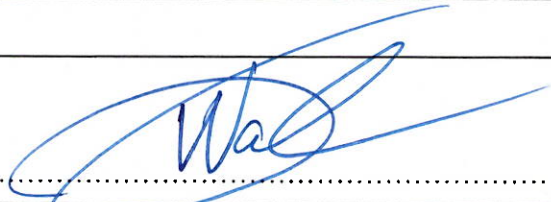
# Accessing the Customs System External Policy

Version 2023.2.0

JAMAICA CUSTOMS AGENCY

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## Document Control

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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
March, 2020	External Access Policy Review Committee	Ver 2020 1.4	Presentation & update of policy document to additional stakeholders
October, 2020	External Access Policy Review Committee	Ver 2020 1.5	Final policy review session
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September 2022	JCA Policy Review Committee	Ver 2022.2.1	Review and made Recommendations
December 2022	External Access Policy Review Committee	Version 2022.2.2	Presentation of draft policy to the Executive Management Team
August, 2023	External Access Policy Review Committee	Version 2023.1.0	Final policy review session
November, 2023	CEO/Commissioner	Ver 2023.2.0	Review and approval of policy document



## Table of Contents

1.	Definitions.....	6
2.	Background.....	7
3.	Purpose of Policy.....	8
4.	Scope of Policy.....	8
5.	Application Procedures and Requirements.....	8
6.	Technical Requirements for Registration and Use of the JETS.....	9
7.	Guidelines for Completing JETS Account Activation Form:.....	10
8.	Training Requirements.....	11
9.	Refusal to Grant Access to the JETS.....	11
10.	Suspension or Revocation of Authorization.....	11
11.	Procedure for Refusal, Suspension, or Revocation of Authorization.....	12
12.	Immediate Suspension of Authorization.....	13
13.	Making or Renewing an Application.....	14
14.	Security.....	15
15.	Penalties in respect of the JETS.....	17
16.	JETS User Terms and Conditions:.....	18
17.	Effective Date.....	19
18.	Users Authorized Prior to Effective Date-Transition.....	20
	Appendix A.....	21
	Appendix B.....	22

## 1. Definitions

<b>Terms</b>	<b>Definition</b>
ASYCUDA	The Automated System for Customs Data, established by the Commissioner, pursuant to section 206A of the Customs Act, 1941.
JETS	The Jamaica Electronic Trade System established by the Commissioner, pursuant to section 206A of the Customs Act, 1941. It is a central portal which gives access to two specific services: <ol style="list-style-type: none"><li>1. access to ASYCUDA World; and</li><li>2. access to the ASYCUDA World web portal to perform specific functions.</li></ol>
Officer	As defined in Section 2 of the Customs Act (1941).
Cargo Aggregator	A person who, for reward, consolidates, assembles, or otherwise aggregates cargo, being cargo to be carried for different persons, for carriage together on a means of transport — <ol style="list-style-type: none"><li>a) in cargo containers or otherwise;</li><li>b) under a shared space or other negotiated volume of cargo arrangement with the owner or operator of the means of transport; and</li><li>c) whether that person is the carrier who actually transports the cargo, or an agent or customs broker who arranged the transport of the cargo;</li></ol> <p>This includes a Freight Forwarder, Consolidator, De-consolidator, Non-Vessel Owning Common Carrier (NVOCC), Courier and eCommerce Operator.</p>

## 2. Background

The legal foundation for a modern electronic communication system was enabled by section 11 of the Customs (Amendment) Act, 2014, which amended the Customs Act, 1941 (hereinafter called “the Act”).

Section 206A (1) of the Act, empowers the Commissioner of Customs to establish a Customs system for any or all the following:

- *Expediting the process of 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, by electronic means, of customs duties or any other tax, duty, fee or other amount collectible by the Commissioner.*

In 2015, the Commissioner of Customs established an electronic communication system, known as JETS, which facilitates simplified document processing and easy electronic payments, all within an environment that is user friendly.

The Act provides for all persons, other than officers, who seek to use the JETS to be authorized through a mechanism of application and approval. This policy sets out the framework for such persons to become authorized users.

Our stakeholders are important contributors to the advancement of the mission of the Jamaica Customs Agency (hereinafter called “The 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 collection.

### **3. Purpose of Policy**

This policy seeks to outline the requirements to be met by applicants requesting to be authorized users of the JETS. The policy also seeks to establish a standard and systematic procedure for access and use of the JETS, in accordance with the Act, and any other applicable law, guideline or policy.

### **4. Scope of Policy**

4.1. This policy outlines the procedures applicable to:

- a) an application to become an authorized user of the JETS;
- b) the grant of an authorization to use the JETS;
- c) the registration of an authorized user;
- d) the suspension and revocation of an authorization;
- e) penalties in respect of unauthorized activity in relation to the JETS.

4.2. This policy applies to all persons except Officers and Licensed Customs Brokers.

4.3. This policy will be reviewed on an annual basis, or at such intervals as the Commissioner deems fit. Updated terms and conditions shall apply to new and existing authorized users.

### **5. Application Procedures and Requirements**

5.1. An application for an authorization may be made by any of the following persons:

- a) Cargo Aggregators, including Freight Forwarders, Consolidators, De-consolidators, and Non-Vessel Owning Common Carriers (NVOCC)
- b) Shipping Agents
- c) Couriers and eCommerce Operators
- d) Clearing Agents who are not licensed customs brokers
- e) Any other person, excluding an Officer or a Licensed Customs Broker

5.2. The following is the application process to become an authorized user of the JETS:

- a) Complete and submit the JETS Account Activation Form and attach the required supporting documents.



- b) The JETS Account Activation Form can be found by visiting the Jamaica Customs Agency website at [www.jacustoms.gov.jm](http://www.jacustoms.gov.jm), clicking on the “Documents & Forms” tab, and selecting “ASYCUDA World E-Services Registration”. You will be taken to a landing page where requirements and general conditions are outlined. At the end of the page, click the “Apply Now” button to proceed.
- c) The portal will generate a notification, with the application details, when the application is successfully submitted to the Agency.
- d) The Agency will review the application and provide a response within thirty (30) days of the date of receipt.
- e) All applicants/users will be subject to security vetting by the Agency.
- f) Where approval is granted, the applicant will be notified of the training required.
- g) Applicants must complete the required training to the stipulated standard. The training requirements to be met are detailed at Clause 8.
- h) Upon successful completion of the required training, a Certificate of Completion will be issued by the Agency.
- i) If the authorization is granted, an account will be created by the Agency, and the relevant credentials sent to the email address provided by the applicant on the JETS Account Activation Form.
- j) If the application is denied, the applicant will be notified in writing.

5.3. An applicant for a new authorization, or the renewal of an authorization, may be required to pay a non-refundable processing fee. The fee amount shall be determined from time to time and published on the website of the Agency.

## **6. Technical Requirements for Registration and Use of the JETS**

The following are the technical requirements for registration and use of the JETS:

- a) Processing speed of at least 2.2 GHz
- b) Internet Connection at least 3 Mbps.
- c) Windows /Linux / Mac OS / UNIX
- d) RAM of at least 8 GB
- e) Java Latest Version

All user access must be authenticated. The minimum means of authentication is a personal secret password that the authorized user must provide with each system logon. All passwords used to access the JETS must conform to certain requirements relating to password composition, length, expiration, and confidentiality. Guidelines concerning user authentication are outlined at **Appendix A**.

## **7. Guidelines for Completing JETS Account Activation Form:**

7.1. The following are guidelines for completing the JETS Account Activation Form:

- a) Review the form and note the information to be provided.
- b) Provide two references attesting to the character of the following persons:
  - i. If the applicant is an individual, the applicant, and any person who will be accessing the JETS through the applicant's authorization;
  - ii. If the applicant is a company, the directors, or any person who will be accessing the JETS through the applicant's authorization;
  - iii. Reference letters must be provided from the following persons listed in **Appendix B**, but not limited to:
    - a) Justice of the Peace
    - b) Minister of Religion
    - c) Police Officer (rank of Inspector or higher)
- c) A valid photo identification for all users who will be accessing the JETS (any of the following):
  - i. Driver's License
  - ii. Passport
  - iii. National ID (Electoral Identification Card)
- d) If the applicant is a company, the applicant must provide a copy of the Certificate of Incorporation from the Companies Office of Jamaica. If the applicant is operating under a registered business name, the applicant must provide a Business Name Certificate from the Companies Office of Jamaica.
- e) Police Record
- f) Tax Compliance Certificate

7.2. The Applicant must provide accurate and current information.

7.3. The Commissioner may require an applicant to provide additional information for the purpose of deciding whether to grant an application.

## **8. Training Requirements**

Unless an exemption is applicable, an applicant for an authorization to access JETS must:

- a) Successfully complete a minimum of four (4) weeks' training conducted by the Agency. Successful completion means that the applicant must obtain a minimum of 75%, in all training assessments administered in respect of any relevant training.
- b) Successfully complete any other training mandated by the Agency.

## **9. Refusal to Grant Access to the JETS**

9.1. The Commissioner may refuse to authorize access to the JETS where the application does not meet the requirements outlined in this policy.

9.2. Notwithstanding clause 9.1, the Commissioner may limit the number of persons authorized to access the JETS in order to maintain optimal performance of the Custom System and its related services.

## **10. Suspension or Revocation of Authorization**

10.1 The Commissioner is empowered to revoke or suspend an authorization to access the JETS if:

- a) The authorized user, in writing, requests the Commissioner to revoke or suspend the authorization.
- b) The authorized user fails to comply with any terms or conditions imposed in respect of the authorization, or with any provision of the Act, or rules or regulations under the Act.

- c) The authorized user has provided false or misleading information regarding their application for authorization.
- d) The authorized user has been convicted of an offence under the Act.
- e) The Commissioner is satisfied that the authorized user no longer meets the criteria specified under the Act; or
- f) The Commissioner considers that the authorization is no longer required.

10.2 Where access to the JETS is suspended, it may be for such period as the Commissioner may determine.

## **11. Procedure for Refusal, Suspension, or Revocation of Authorization**

11.1. The Commissioner must give written notice to an applicant or an authorized user of a proposed refusal to grant an authorization to access the JETS, or to suspend or revoke an authorization to access the JETS.

11.2. The notice must contain the following information:

- a) the proposed effective date of the suspension or revocation.
- b) the grounds for refusal, suspension, or revocation; and
- c) the period referred to in sub-clause 11.4, within which the applicant may make written representations.

11.3. An applicant or authorized user who has been notified by the Commissioner of a proposal to refuse the grant of an authorization, or to suspend or revoke an authorization to access JETS may make written representations as to why the authorization should be granted, or not suspended or revoked, as the case may be.

11.4. In respect of sub-clause 11.3, the written representations must be made within seven (7) days after receipt of the notice, or within such longer period as the Commissioner may allow upon notification to the applicant or authorized user.

11.5. After consideration of any representations made, 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.

11.6. Where an application for an authorization has been refused or where an authorization has been revoked, the applicant or user may, at any time after such refusal or revocation, make a fresh application for an authorization.

## **12. Immediate Suspension of Authorization**

12.1 Notwithstanding Clause 11, the Commissioner is empowered to suspend the authorization of any user with immediate effect.

12.2 The Commissioner will only do so where she is satisfied that immediate suspension is required to:

- a) preserve the integrity of the JETS.
- 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.

12.3 Where the Commissioner acts to suspend immediately, notice must be given by the Commissioner to the authorized user, 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.

12.4 An authorized user who has been notified by the Commissioner of an immediate suspension to access the JETS may make written representations as to why the suspension should be withdrawn.



12.5. In respect of sub-clause 12.4, the written representations must be made within seven (7) days after receipt of the notice of immediate suspension, or within such longer period as the Commissioner may allow upon notification to the authorized user.

12.6. After consideration of any representations made in respect of the immediate suspension of an authorization, the Commissioner may:

- a) Withdraw the suspension;
- b) Confirm the suspension and determine the period for which it shall continue; or
- c) Revoke the authorization.

## **13. Making or Renewing an Application**

### ***13.1. Making a New Application***

13.1.1 New Applicants must comply with the following requirements:

- a) Provide security in the amount required by the Commissioner, being an amount not less than Two Hundred and Fifty Thousand Dollars (\$250,000.00) or thirty percent (30%) of the duty payable on the total volume of goods to be processed by the applicant through the JETS, whichever is greater; and
- b) Successfully complete the training requirements outlined in Clause 8.

13.1.2 An applicant may submit a new application at any time after the refusal or revocation of an authorization. However, the applicant is required to provide evidence that the circumstances that led to the revocation or refusal have been remedied.

### ***13.2. Renewal of Application***

13.2.1. An authorization to access the JETS is effective on the date on which access to JETS is granted and expires two (2) years from that date, unless suspended or revoked in accordance with this policy.

13.2.2 Where an authorization has expired and has not been renewed, the authorized user will not have access to JETS.

13.2.3 An authorized user who wishes to renew an authorization must comply with the procedures and relevant requirements outlined in Clauses 5, 8 and 14.

- 13.2.4 Renewal will be based on a revalidation exercise, to include resubmission of all requirements outlined in Clause 6 above.
- 13.2.5 Each applicant will be evaluated based on prior conduct. For example, to determine whether the applicant has breached the Act, or Agency policy.
- 13.2.6 An application to renew must be made within three months (3) before expiration of access. Failure to do so may result in delays.
- 13.2.7 If the revalidation exercise is not completed prior to the expiration of access, an extension may be granted under such circumstances as the Commissioner may allow.
- 13.2.8 An extension will be granted only for such additional periods as is required to complete the revalidation exercise.
- 13.2.9 Authorized users will maintain their access to the JETS during the revalidation period unless Clauses 10, 12, or 15 of this policy apply.

## **14. Security**

Before an application is granted or renewed, the applicant must provide security in an amount required by the Commissioner, being an amount not less than Two Hundred and Fifty Thousand Dollars (\$250,000.00) or thirty percent (30%) of the duty payable on the total volume of goods to be processed by the applicant through the JETS, whichever is greater.

The applicant is required to maintain the security during the validity of the authorization. The Commissioner may adjust the security upwards or downwards, having regard to the value of the goods processed, the risk assessment, and any other information relevant to determining the quantum of security under the customs laws. Where there is an adjustment in the amount of security required, the Commissioner shall notify the authorized user in writing no later than thirty (30) days prior to the date the new security will take effect.

### ***14.2 Information Required to Determine Security***

The applicant is required to provide the Commissioner with such information as the Commissioner requests, including information relating to its business operations, to enable the

Commissioner to assess the amount of security required of the applicant for use of the JETS.  
Security shall be risk-based.

### ***14.3 Types of security***

The applicant is required to provide security in any of the following forms:

- a) Cash;
- b) A bond or bank guarantee issued by a recognized financial institution;
- c) Any other security instrument approved by the Commissioner; or
- d) Any combination of the above.

### ***14.4 Purpose of security***

14.4.1 The Commissioner may use the security provided for any of the following purposes:

- a) To satisfy any claims by the Commissioner for any sums owing in respect of duties, taxes, charges, or any other amounts payable to the Commissioner; and
- b) To satisfy any claims arising from fraud or negligence by the applicant and admitted by him or adjudged by a court of competent jurisdiction to be so payable by him.

14.4.2 Where payment is made from any security to satisfy the above-mentioned claims, the Commissioner will have the power, by notice in writing, to require the applicant by whom the security was given to make a further deposit of –

- a) an amount equivalent to the amount so paid out; or
- b) such additional amount as is required consequent on any re-assessment by the Commissioner of the amount of the security required from that applicant.

14.4.3 If the applicant who is required to provide the security does not comply with such notice within thirty (30) days of receipt, the Commissioner may suspend or revoke the authorization.

14.4.4 The Commissioner may, on the application of the applicant, extend the time for complying with the notice.

### ***14.5 Refund or Release of Security***

The Commissioner shall refund or release any security provided, subject to any deductions or any claim for loss as specified herein, in the following circumstances:

- a) Upon the expiration of a period of twelve (12) months after the authorization has been revoked by the Commissioner;
- b) Upon the expiration of a period of twelve (12) months after the death of an applicant;
- c) Upon the expiration of a period of twelve (12) months after being notified of the winding up of the company, or the dissolution of the partnership, as the case may be.

### **15. Penalties in respect of the JETS**

A person commits an offence if the person does any of the following:

- a) Falsifies or, without the permission of the Commissioner, deletes, damages, alters or impairs a document or information that is stored in the JETS, or that is stored on any duplicate tape, disc or other medium on which information is held or stored in the System;
- b) Makes a copy of a document or information that is stored in the JETS, or that is stored on any duplicate tape, disc or other medium on which information is held or stored in the System, without being authorized to do so;
- c) Being an authorized user, or an employee or agent of an authorized user, fails to comply with any terms or conditions imposed on the authorized user in respect of use of the System;
- d) Uses the System while not being an authorized user or an employee or agent of an authorized user; or
- e) uses the authentication code of an authorized user to access the JETS without the authority of the authorized user.

A person who commits any of the above-listed acts may be prosecuted in a Parish Court. If convicted, a fine not exceeding one million dollars may be imposed, and, if not paid, that person will be liable to imprisonment for a term not exceeding one year.

## **16. JETS User Terms and Conditions:**

An authorization to access the JETS is granted on the terms and conditions outlined in this Clause. An authorization to use the JETS may be suspended if an applicant fails to comply with the terms and conditions of this Clause.

16.1. The authorized user is required to:

- a) Prepare and submit IMS4 declarations for shipments NOT exceeding the value of US\$5000.
- b) Upload proper invoices NOT exceeding US\$5000 in value.
- c) Upload packing lists, when required.
- d) Upload formal exemptions for Import Duty and taxes, where applicable.
- e) Upload all manifests.
- f) Pay all applicable duties.

The requirements set out in sub-paragraphs a, b, and d above, do not apply to Shipping Agents.

16.2. The authorized user shall:

- a) Adhere to the requirements set out in this policy.
- b) Use the authorization in a responsible manner.
- c) Provide clients with copies of their Customs documentation produced by the System.
- d) Inform the Agency of your client's non-compliance with Customs laws and requirements.
- e) Ensure that the users under your supervision and control adhere to the requirements of the Customs laws, any applicable law, this policy, or any directives of the Agency.
- f) Immediately advise the Commissioner of Customs if:
  - i. You cease to operate business or there is any change of the address or name of your company.



- ii. If any person who accesses the JETS pursuant to your authorization ceases to be in your employment, supervision, or control.
  - iii. If it is no longer necessary for you to conduct business with the Agency.
  - iv. If the authorized user or any person who accesses the JETS pursuant to your authorization, becomes bankrupt.
  - v. You, or any person who accesses the JETS under your authorization, are convicted of any offence under the Customs Act, a revenue statute or any offence involving fraud or dishonesty.
- 16.3. By becoming an authorized user you give express consent to a post clearance audit.
- 16.4. An authorized user shall keep a proper record of all documents related to the use of the JETS.
- 16.5. At the request of the Commissioner, an authorized user shall provide all information related to any transaction, within the requested timelines.
- 16.6. In the event that there is a conflict between the terms of this policy and the Customs laws, the Customs laws will prevail.

## **17. Effective Date**

- 17.1 This policy shall take effect on December 1, 2023, or such other date as the Commissioner may announce by publication on the website of the Agency.
- 17.2 This policy shall apply to all users of the JETS.
- 17.3 The Commissioner may extend the time within which a user that holds an authorization granted prior to the effective date, is required to comply with this policy.

## **18. Users Authorized Prior to Effective Date - Transition**

Notwithstanding clause 17.1, the following provisions shall apply to any person who is a user of the JETS pursuant to an authorization granted prior to the date that this policy takes effect:

- a) Every such user must provide to the Commissioner the security required under clauses 13.1.1 and 14 on or before March 31, 2024. If the security is not provided, that person's authorization to use the JETS shall be deemed to be suspended pending the provision of the required security.
- b) The authorizations granted to all such users of the JETS shall expire on March 31, 2024, or within two years of the date on which the authorization was first granted, whichever is later. On the expiration of the authorization, the user may continue to access the JETS only if an application for the grant of a new authorization is made and approved, in accordance with this policy.
- c) A person who re-applies for access to the JETS is required to comply with all requirements outlined in this policy for the grant of a new authorization, including compliance with the training requirements outlined in clause 8.
- d) Except as specified in sub-clauses a) - c), the provisions of this policy shall apply to all users who hold authorizations granted prior to the effective date.

## Appendix A

All authorized users must conform to the following system password guidelines:

- All authorized user account passwords must be changed every one hundred and twenty (120) days.
- User accounts with access to JETS must have a unique password from all other accounts held by that user.
- Passwords should not be inserted into email messages or other forms of electronic communication.
- Passwords should not be displayed when entered.
- If you become aware, or suspect, that your password has become known to someone else, you must change it immediately and report your concern to the Information Services Division Help Desk.

*Password Construction Requirements are outlined below:*

- Be a minimum length of eight (8) characters.
- Not be a dictionary word or proper name.
- Not be the same as the User ID.
- Not be identical to the previous five (5) passwords.
- Must contain upper case, lower case, digit and special character.

## **Appendix B**

### List of Referees

- Member of Parliament
- High Court Judge
- Minister of Religion
- Parish Judge
- Justice of the Peace
- Public Officer (SEG 1 and above)
- Consular Officer
- Attorney-at-law
- Commissioner of Oaths
- Notary Public
- Parish Councillor
- Bank Manager
- Credit Union Manager
- Clerk of Courts
- Marriage Officer
- Army Officer (Major & above)
- Medical Practitioner
- Police Officer (Gazetted Ranks)
- Principal (Primary, Secondary & Tertiary Educational Institutions)