



REVENUE
SERVICE



Passenger's rights

Relationship is simple

The passenger is entitled to address the customs-officers at the customs check point to acquire any information concerning customs formalities related to customs control or customs clearance, which enables him/her to avoid unexpected consequences;

When a passenger crosses the customs border of Georgia the customs-officers are entitled to:

- ▶ conduct an interview with the passenger;
- ▶ conduct a video or audio surveillance of the passenger, as well as his/her personal effects (luggage/hand luggage);
- ▶ inspect the passenger's personal effects (luggage/hand luggage);
- ▶ inspect the passenger's personal effects (luggage/hand luggage) by means of x-ray inspection system (scanner);
- ▶ inspect the passenger by means of a body scanner;
- ▶ conduct a physical inspection of the passenger;
- ▶ In case of reasonable suspicion, to transfer the passenger to the medical institution to inspect his/her internal organs;

Luggage or/and hand luggage carried by a passenger at the customs border of Georgia may be subject to the customs control. Inspection of the luggage or/and hand luggage must be conducted in the presence of the passenger or his/her representative. Whereas inspection without the aforementioned attendees could be done in the following cases:

- ▶ If the owner of the luggage and hand-luggage can not be identified;
- ▶ If inspection of the luggage imported/to be exported via air transport is done intentionally, when there might be a violation or attempt of violation of customs legislation according to the results of the scanning images or tip-off received from law-enforcement authorities or other sources.

Before starting inspection of the passenger's luggage or/and hand-luggage, the customs-officer must offer the passenger to present hidden/forbidden items voluntarily;

During the inspection customs officers are entitled:

- a) to require the passenger to present luggage/hand-luggage at the special area for inspection;
- b) to require the passenger to assist in opening luggage/hand-luggage, unpacking and counting the goods;
- c) to acquire information from the passenger concerning the contents of the luggage/hand-luggage;

During the inspection customs-officers are obliged not to incur unjustified damage to the passenger's luggage/hand-luggage and items inside them.

If the inspection of the luggage/hand-luggage reveals signs of the violation specified by the criminal law, protocol of the customs violations will not be filled in. The existing evidence will be packed, sealed and results of the inspection will be included in two copies of the inspection protocol of passenger's luggage/hand-luggage, one of which will be remained at the customs office and the other will be handed to the passenger. The copy of the aforementioned protocol with the revealed evidence of the violation will be transferred to the relevant law-enforcement agency.

If there is a reasonable suspicion, that the passenger crosses the border with the items subject to customs control hidden on the body or inside the body, he/she will be inspected physically by the decision of the authorized person of the customs check point.

Inspection of the passenger can be conducted as follows:

- a) by physical inspection;
- b) by inspection with body scanners;
- c) by transferring the passenger to the medical institution for the inspection of the internal organs (if there is a reasonable suspicion, that the passenger carries some items inside his/her body). The inspection shall be conducted in the presence of the authorized employee of the customs check point.

Inspection of the passenger is conducted by the employee or an invited specialist of the same gender in the presence of the individual/individuals also of the same gender, in a separate room.

Before starting the inspection of the passenger, customs officers are obliged to introduce themselves to the passenger, to inform him/her of the decision, explain his/her rights during the inspection (including the right for an interpreter) and ask him/her to present hidden goods voluntarily (if there are any);

In case of voluntary presenting of the hidden goods by the passenger or/and reveal of such goods during the inspection “protocol of the inspection of the passenger or/and passenger’s luggage/hand-luggage” is filled in and special note is included in the protocol of violation;

Any note, supplement or amendment to the protocol of violation or “protocol of the inspection of the passenger or/and passenger’s luggage/hand-luggage” made by any participant of the inspection process must be confirmed by his/her signature. The protocols might also be signed by the witnesses, who may have some valuable information related to the case.

The protocol of violation or “protocol of the inspection of the passenger or/and passenger’s luggage/hand-luggage” is drawn up in 2 copies. One of which remains at the customs check point, the other is handed to the passenger.

If the inspection is attended by the employees of other state agencies conducting control at the state border, their credentials will be included in the “protocol of the inspection of the passenger or/and passenger’s luggage/hand-luggage” confirmed by their signature, who will be provided with the copies of the protocol;

The passenger has the right to agree or refuse to sign and accept the protocol of violation. In such cases special notes are made in the protocol by the customs-officer.

If the violation of the law is revealed (except the violations specified by the criminal law) the customs officer draws up:

- Protocol of the customs violation;
- Protocol of the administrative violation;

The passenger is entitled:

- ▶ To file a complaint about the protocol of violation in the material form or through electronic application in the system of the Ministry of finance – Georgia Revenue Service (address: Tbilisi, V. Gorgasali str. N 16) by the established rule according to the chapter IV of the customs code and section XIV of the tax code, within 30 days from the delivery of the protocol or to appeal to the Tbilisi city court (address: Tbilisi, David Agmashenebeli Alley, 12th kilometer, N 64) according to the established rule of the legislation of Georgia;
- ▶ To file a complaint about the protocol of administrative offence in the material form or through electronic application to the system of the ministry of finance – Georgia Revenue Service (address: Tbilisi, V. Gorgasali str. N 16) by the established rule according to the chapter XXII of the administrative offences code within 10 days from the delivery of the protocol or to appeal to the Tbilisi city court (address: Tbilisi, David Agmashenebeli Alley, 12th kilometer, N 64) according to the established rule of the legislation of Georgia;

The administrative detention of the person is allowed:

- to prevent administrative offence when there are no other effective measures,
- to find out person's identity,
- when drawing up a protocol is necessary, but it is impossible at the place of the offence;
- to study the administrative case in a timely and duly manner and
- to ensure enforcement of the adopted resolution on the case;

During administrative detention the responsible official is obliged to provide a detainee with clear explanation about:

- a) administrative offence committed by him/her and legal basis for the detention;
- b) the right for the attorney service;
- c) the right to request that his/her relatives or administration of his/her employer or studying institution be informed about the detention fact and his/her location;

In case of the detention of juveniles, their parents or other legal representatives must be informed about the detention at the earliest opportunity;

Officer who conducts detention must bring the detainee to the nearest police office or other enforcement agency immediately after the detention.

The term of the administrative detention must be limited to 12 hours.

The person, whose administrative detention coincides with a non-working hours, may be detained and kept in the remand prison before the hearing of the case. In such cases, total term of the detention must not exceed 48 hours.